



## **PUBLIC PLACES AND NUISANCES BYLAW 2021**

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**Date in force: 12 May 2021**

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**Purpose:** The intent of this bylaw is to provide safe spaces and access for people to gather for activities, social engagement and interaction and to ensure public places are safe and used in ways that positively contribute to people's enjoyment.

This bylaw also protects the public from nuisances and dangers to public health and safety.

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**Review date: 12 May 2031**

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1     **Title**

1.1     This bylaw is made pursuant to section 145 of the Local Government Act 2002 and shall be known as the Stratford District Council Public Places and Nuisances Bylaw 2021.

2     **Commencement**

2.1     This bylaw shall come into force on 12 May 2021

3     **Repeal**

3.1     As from the day this Bylaw comes into force, the previous Public Places Bylaw 2008 shall be repealed.

4     **Application of Bylaw**

4.1     This Bylaw shall apply to the Stratford District.

5     **Scope:**

5.1     This bylaw is made pursuant to section 145 of the Local Government Act 2002, which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) Protecting the public from nuisance;
- (b) Protecting, promoting, and maintaining public health and safety;
- (c) Minimising the potential for offensive behaviour in public places.

And any other authority enabling the Council to make bylaws to abate nuisances and regulate activities in Public Places.

6     **Interpretation:**

6.1     In this Bylaw, unless the context otherwise requires:

“**Activities**” means any game, activity, event or entertainment that requires sole use of a public place.

“**Authorised Officer**” - means any person authorised by Council to carry out or exercise any powers, duties or functions under this Bylaw or any part thereof and includes any Police Officer.

“**Busker**” means any person who performs or entertains in a public place whether for money or otherwise. “Busk” and “Busking” means the same.

“**Eaves**” means the part of a roof that meets or overhangs the walls of a building.

“**Footpath**” means as much of any street or public place that is laid out or constructed by the authority of the Council for pedestrian use.

“**Livestock**” means a farm animal kept for recreational use or for profit.

**“Nuisance”** has the same meaning as in Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

**“Person”** includes a natural person, a corporation sole, and a body or persons whether incorporated or not.

**“Public Place”** means a place that is:

- (a) Under the control of the Council; and
- (b) Open to, or being used by, the public whether or not there is a charge for admission; and includes:
  - (i) Any part of a public place; and
  - (ii) Any reserve.
- (c) A road, whether or not the road is under the control of the Council;

**“Wheeled device”** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including but not limited to skate boards, roller skates, in-line skates, scooters, electric scooters, trolleys or similar recreational devices. The definition does not include any wheelchair, mobility scooter, baby stroller or invalid carriage.

*Note: A person must not ride a cycle on a footpath in accordance with section 11.11 of the Land Transport (Road User Rule) 2004*

**“Vermin”** means any small animal or insects, such as, but not limited to, cockroaches, mosquitos, flies, wasp, rats and mice that are destructive or injurious to health.

## 7 **Obstructing public places**

- 7.1 A person must not obstruct, impede, interfere with, or block pedestrian or vehicular traffic access on, to or from a footpath, cycle track, walking track or public place.
- 7.2 Except where otherwise provided in this Bylaw, a person must not place or leave any material or thing, in a public place without written permission of the Council and in accordance with any conditions imposed by Council.
- 7.3 No person may obstruct, remove or damage any culvert, sewer or drain on any public place.

## 8 **Flammables**

- 8.1 No person shall leave any flammable materials or matter on any public place without having first obtained the permission of the Council.

## 9 **Damage**

- 9.1 No person shall:
  - (a) Paint, damage or deface, any building, other structure or any monument, statue, litter bin, footpath, water channel or any other property on any public place, or remove any tree, shrub, or flowerbed.
  - (b) Wilfully damage or break any street lamp, or break or damage any lamp post, or break, damage or remove or interfere with any warning lights, signs, or barricades placed by the Council to warn the public of danger.

10 **Drippings and water flow from building structures**

- 10.1 No person shall allow or permit the drippings or flowing of water from any roof, eaves, veranda or any guttering system of any building or structure onto any public place.

11 **Neglecting to secure foundations**

- 11.1 The foundations of any fence, wall or building abutting or encroaching on a public place must be secure and maintained in good condition so as not to cause damage or any obstruction on a public place.
- 11.2 The owner or occupier of any land upon which a notice is served by the Council to remove or repair foundations, shall comply with the time stated in the notice.

12 **Exposing articles for sale, or suspending from veranda**

The Bylaw will provide some flexibility for shop owners which purpose is to ensure safe pedestrian access on Broadway, especially for those with pushchairs, wheelchairs and electric carts. It is considered good practice to have at least two metres of footpath clear at all times for pedestrian traffic.

- 12.1 The Council will allow goods intended for sale or display by shop owners that may be set out on a footpath, or any public place outside of a shop abutting a public place, no greater than the length of the applicant's shop frontage, subject to the following:
- (a) Goods can be displayed to a maximum depth of one metre along the shops frontage. This can be either a single display up to a metre deep abutting the front of the shop or two displays of up to 0.5 each with one abutting the shop frontage and the other abutting the kerb.
  - (b) A minimum of two metres of footpath space must be clear at all times for pedestrian traffic.
  - (c) One line of tables and chairs may be placed against the shop frontage within an area one metre from the shop frontage.
- 12.2 Permission or the required permit is required from the Council before exposing any articles for sale from any public place under the control of the Council.

13 **Overhanging growth**

- 13.1 No person being the owner or occupier of any land within the urban area shall permit or allow any part of any tree, hedge, shrub or other foliage growing on private land to overhang or encroach on any part of any footpath, street or public place so as to be a nuisance to any person using any footpath, street or public place.
- 13.2 If, in the opinion of Council, any overhanging or encroaching tree, hedge, shrub or foliage is likely to become a nuisance or breach this bylaw, the Council or any person authorised by the Council may, by notice in writing, require the owner or occupier of the land within a time specified in a notice to remove, to the Council's satisfaction, the offending matter.
- 13.3 Any person who fails to comply with a notice within the time specified in the notice, will have the offending matter removed and all expenses incurred will be charged to that person.

14 **Activities in public places**

14.1 Every person must, on the request of an Authorised Officer, immediately cease playing or taking part in any game, activity or event, on or in any Public Place which in the Authorised Officer's opinion:

- (a) Is dangerous;
- (b) Is likely to damage the Public Place or anything in it;
- (c) Is causing a Nuisance

15 **Wheeled devices on footpaths**

15.1 No person shall ride a wheeled device in any area defined in Schedule 1 attached to this Bylaw.

15.2 The Council may from time to time by publicly notified resolution, amend Schedule 1 to add, delete or amend the areas to which the provisions of this Bylaw shall apply.

16 **Impounding of wheeled devices**

- (a) Every person who commits an offence against this part of the bylaw is liable to have the wheeled device impounded by an Authorised Officer.
- (b) Any person claiming a wheeled device, which has been impounded pursuant to this part of the bylaw, shall:
  - (i) Satisfy an Authorised Officer that he is the owner or otherwise entitled to the custody and control of the wheeled device; and
  - (ii) Pay to the Council a fee of such amount as Council may determine by resolution.
- (c) The Council shall provide a secure place for any wheeled device impounded under this part of the bylaw.
- (d) The Council shall keep a register and enter details of every wheeled device impounded and every person claiming a wheeled device under this part of the bylaw.
- (e) Nothing contained in this part of the bylaw shall render the Council or any Authorised Officer liable in damages or otherwise to any person for any wheeled device impounded under the provisions of this part of the bylaw.
- (f) Where any wheeled device impounded has not been claimed and all fees paid within six (6) months of seizure of that wheeled device, the Council may dispose of the wheeled device in such a manner as it sees fit.

17 **Busking in a public place**

17.1 No person shall in any street or public place:

- (a) Sing or play any musical instrument
- (b) Preach
- (c) Read loudly; or
- (d) Lecture;

Without the permission of an Authorised Officer or the required permit from the Council and subject to conditions the Council may impose.

18 **Fireworks**

18.1 No person shall set off any fireworks or explosive material in or on any public place without the permission of the Council.

19 **Street tidies**

19.1 No person shall make use of any street tidy or other public receptacle for the purpose of placing or depositing any offensive matter or any household, shop, office, or trade refuse of any description.

20 **Awnings and blinds**

20.1 No person shall erect any awning over any public place, unless the permission of the Council has been obtained and then subject to such conditions as may be imposed.

21 **Doors and gates to swing inwards**

21.1 No person shall hang any door or gate abutting any public place that opens outwards onto, over or across a public place.

22 **No Building to be erected on public place**

22.1 No person shall -

(a) Build, construct, erect, affix or place anything in, on or over a public place, without the permission of the Council or

(b) Use any vehicle for the purposes of temporary living accommodation on any portion of any public place, except where a public place has been approved by the Council as a Freedom Camping area.

23 **Encroachment to be removed upon notice**

23.1 If any building or other structure has been erected, constructed or placed upon, under, over or across any public place, the Council may, by notice require the building or structure to be removed.

23.2 Any notice issued by Council may require precautions or conditions to be taken for the safety of the public and for the proper securing of a building or structure prior to or after removal.

24 **Projections on public places not permitted**

24.1 No person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gatepost, or other obstruction or projection of any kind in such a position as to interfere with or obstruct in any way the free passage of traffic or pedestrians upon any public place.

25 **Crossings**

25.1 Except with the permission of an Authorised Officer, no person shall construct or reconstruct any crossing across any footway or water channel.

25.2 Any person designing the construction, repair, reconstruction or renewal of any crossing shall make application in writing to the Council.

25.3 The crossing is to be constructed to the appropriate standard as detailed in the Operative Stratford District Plan or such other standard as approved by the Council.

26 **Naming of streets**

26.1 No person shall give any name to or affix, set up, or paint any name on any street, private street, or public place without the prior permission in writing of the Council.

27 **Numbering of houses**

27.1 The owner or occupier of every building shall mark such building with such numbers, being in no case less than 50mm in height, as the Council shall direct or approve, and shall renew the numbers of such building as often as they are obliterated or defaced, or as the Council shall order or direct.

27.2 It is an offence against this Bylaw if the owner or occupier of any building neglects, for one month after notice from the Council, to mark such building with a number as the Council may direct or approve.

27.3 The Council shall have power at any time to alter the number of any building where it may be in the Council's opinion necessary or advisable to do so.

27.4 Every such number shall be placed upon any building in such a position as to render it readily visible from any street fronted by such building; or, if no such position is available, shall be placed upon a post, fence, or gate near or adjacent to, and readily visible from the street.

28 **Defacing names and numbers**

28.1 No person shall wilfully or maliciously destroy, pull down, or deface the name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building, contrary to the provisions of this of this bylaw.

29 **Placards and posters**

29.1 No person shall:

- (a) Place any placard, poster, or other document on, or otherwise disfigure or deface, any surface visible in a public place; or
- (b) Stamp, stain, paint, or print any advertisement or notice upon any public place; except with the prior written permission of the Council.

30 **Miscellaneous offences**

30.1 No person shall -

- (a) Repair any motor vehicle on any public place, except in case of the occurrence of an accident or breakdown when repair on the spot is necessary or
- (b) Drive, lead, ride or allow any livestock along or over any public place including footpaths, verges, and grass plots without the permission of an Authorised Officer or

- (c) Drive or park any motor vehicle, motor bike, caravan or trailer along or over any public place including footpaths, verges and grass plots without the permission of an Authorised Officer.

31 **Obligation not to cause a nuisance**

- 31.1 Every person undertaking an activity on any road or any private property or public place must ensure that they do not cause a nuisance when undertaking the activity.

32 **Vermin**

- 32.1 No person may allow conditions on or in any land or premises which give rise, or are likely to give rise to the breeding of vermin.
- 32.2 Where the Council determines that a breach of clause 32.1 above has occurred, Council may require the owner or occupier of the land or premises to take action to remove those conditions, including but not limited to:
- (a) Disinfecting;
  - (b) Spraying or applying of larvicide, insecticide or pesticide;
  - (c) Cleaning;
  - (d) Screening;
  - (e) Removal or destruction of breeding grounds or places; and
  - (f) Drainage of stagnant water.

33 **Consequences of breach of bylaws**

- 33.1 Council may enter any land or premises except a dwelling house and inspect the land or premises for compliance with these bylaws.
- 33.2 Council may:
- (a) Remove or alter a work or thing that is, or has been, constructed, deposited, stored or accumulated in breach of a bylaw or is otherwise in breach of a bylaw; and
  - (b) Recover the costs of removal, repair or alteration from the person who committed the breach or the property owner or occupier.

34 **Fees**

- (a) Council may, by resolution, fix fees for property inspections under these bylaws.
- (b) The fees may be reviewed from time to time.
- (c) Council may set different fees for different activities, locations or types of nuisance.



**SCHEDULE 1**

Prohibited Areas for wheeled devices

Regan Street -	Between Miranda Street and Juliet Street
Fenton Street –	Between Miranda Street and Juliet Street
Any Part of Prospero Place -	Between Broadway and Miranda Street
Broadway –	Between the roundabouts
Any Part of the Netball Courts -	situated on the western side of Portia Street adjacent to the TET Multi Sports Centre.

And in particular as indicated on the attached map.

**This Bylaw was made by the Stratford District Council on 12 May 2021.**

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

  
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**Mayor**



  
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**Chief Executive**

# Schedule 1 Public Places Bylaw

## Stratford Wheeled Conveyance on Footpaths

**NORTH**

October 2020  
Version 2



**STRATFORD  
DISTRICT COUNCIL**



**LEGEND**

- Prohibited area of Wheeled Conveyance on footpath area
- King Edward Park
- Railway Line

River

**Walkways**

- Carrington Walkway
- Three Bridges Trail