

CHAPTER 2

PUBLIC PLACES

201 **REFUSE REMOVAL**

201.1 No person shall cause to be carried, except between such hours as may be prescribed by the Council by resolution, through, over or upon any public place any pigswill or food refuse, except in a manner approved by the Authorised Officer.

202 **OBSTRUCTING FOOTWAYS OR CYCLE TRACKS**

202.1 No person shall carry or convey any load on his shoulders or otherwise to the danger or obstruction of persons using any footway or cycle track, or ride, or drive or lead any cattle, or drive any motor vehicle or motor cycle along any such footway or cycle track.

203 **PLACING OF ARTICLES ON PUBLIC PLACES**

203.1 No person shall (except as provided in this or any other Part of this bylaw) leave standing or lying upon any public place any truck, wheelbarrow, vehicle, or other similar thing, or any packing case, crate, basket, cask, barrel, package, or any other encumbrance whatsoever so as to constitute an obstruction thereon.

204 **FLAMMABLES**

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

205 **TRAILING TIMBER, AND CAUSING DAMAGE**

205.1 No person shall draw or trail any building or other structure on skids or trolleys or otherwise or any sledge, timber, or other material upon any public place so as to obstruct or cause damage to such public place.

206 **DRIPPINGS FROM EAVES**

206.1 No person shall cause, permit, or suffer the drippings of the eaves or other projections of any house or structure to fall upon any public place.

207 **DISTURBING SURFACE OF STREET**

207.1 No person shall open any drain or sewer on, or disturb or remove the surface of, any public place, or make any cellar door or other opening from such public place without having first obtained the permission of the Council, and except in accordance with such conditions as may be imposed.

208 **PRECAUTIONS AGAINST INJURY**

208.1 No person shall omit when opening up any street to take all such precautions for guarding against injury to the passers along such street as may be necessary or as may be directed by the Council or its authorised officer.

209 **SECURING FOUNDATIONS**

209.1 No person shall omit or neglect to secure and maintain the foundations of any building or any wall or fence, or cause or permit any encroachment by any building, wall, or fence abutting on any public place, whereby such public place is or may be damaged or obstructed.

210 **EXPOSING ARTICLES FOR SALE, OR SUSPENDING FROM VERANDAH**

210.1 Goods intended for sale or display may only be set out on a footpath, or outside of a shop, shop window, or doorway abutting a public place, for no greater than the length of the applicant's shop frontage, subject to the following:

- (a) Goods can only be displayed:
 - within one metre from the shop front, or
 - within 500 mm of the shop front, and
 - within 500 mm of kerbside;
- (b) One line of tables and chairs may be placed against the shop frontage within an area one metre from the shop frontage; and
- (c) Any other conditions that the Council considers appropriate.

The Bylaw will provide some flexibility for retailers and ensure safe pedestrian access on Broadway, especially for those with pushchairs, wheelchairs and electric carts.

211 **OVERHANGING GROWTH**

211.1 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 such 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.

211.2 If, in the option of Council, any such overhanging or encroaching tree, hedge, shrub or foliage is likely to become a nuisance or breach this bylaw, the Council or any person duly authorised in that behalf by the Council may, by notice in writing, require the owner or occupier of the land within a time specified in such notice to remove, to Councils satisfaction, the offending matter.

211.3 Any person to whom notice is given under the proceeding provision of this clause who fails to comply with such notice within the time therein specified shall be guilty of any offence against this part of this bylaw and Council will have the offending matter removed and all expenses incurred will be charged to that person.

212 **LEAVING DEAD ANIMALS OR DEPOSITING OFFENSIVE MATTER**

212.1 No person shall -

- (a) Throw or leave any dead animal or part thereof, or animal remains, or offensive matter of any kind, upon any public place, or into any river, creek, stream, or other water, or on the bank thereof; or
- (b) Fail to dispose of in a proper manner the body or part of the body of any animal belonging to him, or in his charge or keeping, that may have been killed or died whilst straying, or while being driven on any public place.

213 **ACTS OR GAMES TO ANNOYANCE OF PERSONS**

213.1 No person shall carry out any recreational activity in or on any public place to the damage, annoyance, danger, inconvenience or obstruction of any person or property.

214 **WHEELED CONVEYANCE ON FOOTPATHS**

214.1 **AUTHORISED OFFICER** - means any Police Officer or Enforcement Officer appointed by Council to enforce the provisions of the Bylaws.

SKATEBOARD - means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices.

RIDE A SKATEBOARD - means having either one or both feet or any other part of the body of any person, on the skateboard when it is moving.

FOOTPATH - means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

214.2 The use of bicycles, skateboards, scooters, inline and roller skates are prohibited from use on footpaths in the following areas as defined in Schedule 1 attached to the bylaws.

214.3 **Control of Skateboards**

- (a) No person shall ride a skateboard in any area defined in the Schedule 1 attached to the Bylaw.
- (b) The Council may from time to time by resolution publicly notified, amend Schedule 1 to add, delete or amend the areas to which the provisions of this Bylaw shall apply.

214.4 **Impounding of Skateboards**

- (a) Every person who commits an offence against this part of the bylaw is liable to have the skateboard impounded by an Authorised Officer.
- (b) Any person claiming a skateboard, 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 skateboard; 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 skateboard impounded under this part of the bylaw.
- (d) The Council shall keep a register and enter details of every skateboard impounded and every person claiming a skateboard under this part of the bylaw.
- (e) The Council may from time to time by resolution publicly notified, alter the fee payable under Clause 214.4(b) of this part of the bylaw. Different fees may apply where a skateboard has been seized or impounded on more than one occasion.

- (f) 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 skateboard impounded under the provisions of this part of the bylaw.
- (g) Where any skateboard impounded has not been claimed and all fees paid within six (6) months of seizure of that skateboard Council may dispose of the skateboard in such a manner as it sees fit.

215 **SOUNDING OF MUSICAL INSTRUMENTS, USE OF LOUD SPEAKERS AND DISTURBANCE OF NEIGHBOURHOOD**

215.1 No person shall -

- (a) In any street or public place -
 - (1) Sing or play any musical instrument, preach, read aloud, lecture, sell or cry wares or exhibit any object or thing, without the consent of the Council, and then only subject to such condition in every respect as the Council may impose; or
 - (2) Make any noise or any loud sounds, or cause or by conduct invite others to do any of the aforesaid acts whereby the peace and quiet of any persons residing in or using or being in any neighbouring houses or buildings, is disturbed, or whereby the proceedings of any congregation or meeting is disturbed, or annoyance is caused to any such congregation, assemblage or meeting;
- (b) Use any loud speaker or similar device on any street or public place, or on any park or reserve vested in the control of the Council, unless the permission of the Council has first been obtained and then only subject to such terms and conditions as the Council in granting such permission may impose, provided that this section shall not apply to the reproduction in reasonable volume of recorded music or of radio programmes from an authorised broadcasting station; or
- (c) Play or permit or suffer the playing of any musical instrument, or operate or permit or suffer the operation of any loud speaker, megaphone, radio or television set, bell or other similar device -
 - (1) In any street or public place where such playing makes or causes to be made noise which is likely to cause annoyance or nuisance to persons in the street or public place or residing in the vicinity thereof; or
 - (2) In or upon any land or buildings licensed or used for dances, fairs, amusement parks, amusement parlours, skating rinks or other similar entertainment, where such playing or operation makes or causes to be made, noise which is likely to cause annoyance or nuisance to persons in any street or public place or resident in the vicinity of that land or those buildings.

215.2 Without in any way restricting the power of the Council to initiate proceedings for a breach of Clause 215.1 hereof the Council shall upon receipt of a complaint signed by at least 3 residents alleging that any person has caused nuisance to them by a breach of Clause 215.1 hereof, issue a notice to the person complained against requiring that person to show cause why he should not be proceeded against for breach of Clause 215.1 hereof provided that where the Council issues a notice pursuant to this subclause no proceedings shall be initiated against any person for a breach of Clause 215.1 hereof until the expiration of 14 days from the date of service of the notice.

216 **PLACARDS ON BUILDINGS, POSTS**

216.1 No person shall -

- (a) Place any placard, poster, or other document on, or write, paint, print, draw, or stencil on, or otherwise disfigure or deface, any building or any wall, fence, statue, lamp post, verandah post, gate, telegraph or telephone post, or electric light or power post, or any waiting-shed, convenience, rubbish receptacle, fireplug notice plate, or urinal, or upon anything whatsoever erected in or constructed or standing on or abutting any public place;
- (b) Stamp, stain, paint, write, print, or post any advertisement or notice upon any public place or kerbstone, or steps, except with the prior written authority of the Council; or
- (c) Upon or over any carriageway or footpath of any public place display or carry any placard, board, flag, screen, or frame by way of advertisement, unless permission in writing in that behalf shall have been obtained from the Council.

217 **BLASTING WITHOUT AUTHORITY**

217.1 No person shall blast any rock, stone, earth, timber, or other such material in, on, or near any public place, without having first obtained permission of the Council; or fail to comply with any directions or conditions in regard thereto given or imposed by the Council.

218 **FIREWORKS**

218.1 No person shall set off any fireworks or explosive material in or on any public place without the permission of the Council, or so near to any such public place as to endanger, annoy or frighten passers-by along such public place.

219 **DAMAGE TO PROPERTY OF COUNCIL**

219.1 No person shall -

- (a) Wilfully or maliciously damage or destroy, or do, permit, or suffer any act tending to damage or destroy any growing tree, shrub, or other plant of any kind whatsoever belonging to the Council, wherever the same shall be growing; or any building, erection, structure, or other property of any kind or description belonging to the Council; or
- (b) Wilfully or maliciously extinguish or 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.

220 **STREET TIDIES**

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

221 **AWNINGS AND BLINDS**

221.1 No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place, unless the permission of the Council shall have first been obtained and

then subject to such conditions as may be imposed. Any such permission may be revoked at any time by the Council.

222 **DOORS, GATES, TO SWING INWARDS**

222.1 No person shall hang, permit, or suffer to be hung any door or gate abutting on any public place so as to render it capable of being swung over or across such public place.

223 **NO BUILDING TO BE ERECTED ON PUBLIC PLACE**

223.1 No person shall -

- (a) Erect, construct, or place any building or other structure or erection whatsoever, or any part thereof, under, upon, over, or across any public place or any part thereof without the prior written authority of the Council so to do; or
- (b) Use any dwelling or any vehicle for the purposes of temporary living accommodation on any portion of any public place without the written permission of the Council and subject to such conditions as the Council may impose.

224 **ENCROACHMENT TO BE REMOVED UPON NOTICE**

224.1 If any building or other structure or any part thereof shall have been erected, constructed or placed upon, under, over or across any public place, the Council may by notice require the owner of such building or structure to remove the same or such part thereof as shall have been so erected, constructed or placed.

224.2 Any such notice may require such precautions to be taken as the Council shall think fit for the safety of the public and for the proper securing of so much (if any) of such building or structure as is to remain after such removal.

225 **PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**

225.1 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 whatsoever in such a position as to interfere with or obstruct in any way the free passage of traffic upon any public place.

225.2 If any such projection or obstruction as aforesaid placed or made against or in front of any building before the coming into operation of this Part of this bylaw, contrary to any Act or bylaw lawfully in force and otherwise than in accordance with the provision of this Part of this bylaw shall project or encroach into, over, or upon any public place or part thereof, the Council may give notice to the owner or occupier of such building to remove, or in such manner as the Council shall by such notice require, to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or in manner aforesaid respectively alter, such projection or obstruction.

226 **LIGHTING OF OBSTRUCTIONS AND HOLES AND STACKING OF MATERIALS**

226.1 If any person shall place or leave, or permit to be placed or left, on any public place any building material rubbish, or any other thing whatsoever likely to cause any obstruction or danger to any person or vehicle upon such public place (whether the same be done by authority of the Council or not), such person shall cause to be fixed and maintained thereon, or near thereto, from sunset in any day to sunrise in the next

day in such positions as may be necessary sufficient lighted lamps of a type approved by the Council adequately to indicate the existence of the same.

- 226.2 If any person shall make or dig, or cause to be made or dug, in any public place any hole or excavation whatsoever, such person shall cause to be fixed and maintained thereover, or near thereto, from sunset in any day to sunrise in the next day in such positions as may be necessary sufficient lighted lamps adequately to indicate the existence of such hole or excavation.
- 226.3 Every such person shall also cause such material or other things be kept properly stacked or piled, or such hole to be kept sufficiently fenced and enclosed.
- 226.4 No person shall permit or suffer any building material or other thing as mentioned in Clause 227.1 or any hole or excavation placed, left, made or dug on or in any public place (whether with or without the authority of the Council) to remain thereon or therein for a longer period than is reasonably necessary.

227 **REPAIR OF FENCES**

- 227.1 Where any fence abutting on a public place is so out of repair as to be in the opinion of the Authorised Officer dangerous to persons passing, the Council may by notice in writing require the owner or occupier to repair or remove such fence or to remove such fence and erect in lieu thereof a sufficient fence within the meaning of the Fencing Act 1978, or such other type of fence as may be approved in writing by the Council.
- 227.2 The owner or occupier of any land upon whom such notice is served shall comply with the same within the time stated in such notice.

228 **CROSSINGS**

- 228.1 No person shall drive, ride, propel, or wheel any motor vehicle, or lead any cattle (as hereinafter defined), across any footway or water channel in any public place otherwise than upon and by means of a crossing properly constructed under the provisions of this Part of this bylaw or heretofore constructed in accordance with all bylaws of the Council in force at the time of such construction.
- 228.2 Except with the permission of the Authorised Officer no person shall construct or reconstruct any crossing across any footway or water channel.
- 228.3 Any person designing the construction, repair, reconstruction or renewal of any crossing shall make application in writing to the authorised officer who on receipt of such application and the payment of the prescribed inspection fee shall approve the work to be completed by the applicant or his agent.
- 228.4 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 authorised officer.
- 228.5 The applicant shall keep the authorised officer informed on progress with the crossing so that inspections can be undertaken to ensure that the crossing is completed to the appropriate standard.”
- 228.6 If, in his opinion, any crossing is in a bad or unsafe state of repair, the authorised officer may, by notice in writing under this hand, require the owner or occupier of any premises to which such crossing provided access to repair, reconstruct or renew such crossing and pay any inspection fee, and every such owner or occupier who shall fail to comply with any such notice within the period therein specified shall be guilty of an offence against this Part of this bylaw.

229 **TEMPORARY CROSSINGS**

- 229.1 No person shall take or drive a motor vehicle or permit the same to be taken or driven across any footway or water channel in the course of construction or other work on the adjoining property or to deliver or collect building or other materials used in connection therewith except with the prior written permission of the Authorised Officer and subject to such terms and conditions as he may impose, including if required by the Authorised Officer, the provision for a crossing for temporary purposes over the footway or water channel.
- 229.2 Except with the permission of the Authorised Officer, all crossings constructed under this clause shall be lighted between sunset of one day and sunrise of the next day, and the street channels shall be left clear from obstacles.

230 **REINFORCING OF FOOTWAYS**

- 230.1 Where any land or premises is at any time or from time to time so occupied or used that, in the usual course of the business carried on thereat or thereon or in connection therewith, any materials, goods, merchandise, articles, or things whatsoever are dropped or deposited upon or conveyed across any footway, water channel or crossing in such a manner as to be likely to damage such footway, water channel or crossing the Authorised Officer may from time to time, by notice in writing under his hand, require the owner or occupier of such land or premises to provide adequate reinforcement to such footway, channel, or crossing and to pay an inspection fee.
- 230.2 Every such owner or occupier who shall fail to comply with any such notice within the period therein specified shall be guilty of an offence against this Part of this bylaw.

231 **NAMING OF STREETS**

- 231.1 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.

232 **NUMBERING OF HOUSES**

- 232.1 The owner or occupier of every building shall mark such building with such numbers, being in no case less than 50 mm 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.
- 232.2 If the owner or occupier of any building neglects for one month after notice from the Council to mark such building with such number as the Council may direct or approve, or to renew the number thereof as aforesaid, he shall be guilty of an offence against this Part of this bylaw.
- 232.3 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.
- 232.4 Every such number shall be placed upon any building in such a position as to render the same 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, such street.

233 **DEFACING NAMES AND NUMBERS**

- 233.1 Every person shall be guilty of an offence against this Part of this bylaw who wilfully or maliciously destroys, pulls down, obliterated, or defaces the name of any street, or the number of any building, or paints, affixes, or sets up any name of any street, or any number to any building, contrary to the provisions of this Part of this bylaw.

234 **ANIMALS WANDERING**

234.1 Every person being the owner or having the care, custody, or control of any stock shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

235 **MISCELLANEOUS OFFENCES**

235.1 Any person shall be guilty of an offence against this Part of this bylaw who -

- (a) Repairs 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;
- (b) Shall, by ill-usage or negligence in driving any stock along or over any public place, permit any injury or mischief to be done by such stock;
- (c) Shall drive, ride, or propel any motor vehicle or bicycle along any footway on any public place;
- (d) Being the owner, or the person having the custody of any stock, shall ride, lead, or drive the same, or permit or suffer the same to go along any footway or cycle track on any public place; or
- (e) Shall cause, permit, or suffer any motor vehicle or stock to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any public place under the authority of the Council.

236 **WATERCOURSES**

236.1 The owner of any land or premises within the district through, in, or upon which any watercourse, open drain, or ditch flows or exists, shall whenever thereunto required by any order or requisition of the Council, cleanse and keep open such watercourse, open drain or ditch, and prevent the pollution or defiling thereof and stagnant water being or accumulated therein or in any part or parts thereof. If such owner wilfully neglects or refuses to comply with such order or requisition immediately upon service thereof upon him, or otherwise within the time specified in such order or requisition, he shall be deemed guilty of an offence, and the Council may itself take such action or do such works as it shall think fit for abating the nuisance or removing the danger to health or safety created by such watercourse, open drain, or ditch, or such matter, or noisome or stagnant water being or accumulated therein, and the Council may recover the cost and expense of so doing in any Court of competent jurisdiction from such owner, irrespective of any fine or penalty imposed for the aforesaid offence.

236.2 The Council may require the owner of any land or premises within the district, upon which any stagnant water, drainage, or other impure matter collects, by notice in that behalf under the hand of the Authorised Officer, given to such owner, to drain or fill up such land or premises so that matter dangerous to health does not accumulate thereon, and if such notice is not obeyed to the satisfaction of the Council within the time specified in such notice such owner shall be deemed guilty of an offence, and the Council may itself drain or fill up such land or premises and the Council may recover the cost and expense of so doing in any Court of competent jurisdiction from such owner irrespective of any fine or penalty imposed for the aforesaid offence.

236.3 Where any watercourse, gully, or natural depression exists on any land or premises within the district, the owner of such land or premises shall not lay down any pipe drain or construct any culvert intended to carry away or discharge or divert the water of such watercourse, or the surface or stormwater accumulating in such gully or depression, or cover over or fill in the same or any part thereof, without the permission in writing of the Council first obtained. Before any such owner shall commence the work of laying down any such pipe drain, or constructing any such culvert, or any matter connected therewith, or covering over or filling in any such work, he shall submit to and lodge with the Authorised Officer a plan, accompanied with written particulars, specifying the works, materials and things to be executed or provided, the size of discharging capacity of the drain pipes or culvert, the course and gradients thereof, and such other necessary particulars or information as may be reasonably required to guide the Authorised Officer in determining whether such works, materials, and things shall be deemed sufficient, satisfactory or expedient for the purpose intended, having regard to the configuration of the land or premises, as also of the adjoining lands.