



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

WHANGANUI DISTRICT COUNCIL PUBLIC PLACES, PARKS and RESERVES BYLAW 2016

1. TITLE

1.1. This Bylaw shall be known as the “Whanganui District Council Public Places, Parks and Reserves Bylaw 2016” (“this Bylaw”).

2. COMMENCEMENT

2.1. Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002 Council makes this Bylaw.

2.2. This Bylaw should be read in conjunction with the Reserves Act 1977.

2.3. This Bylaw shall come into force and take effect on the 30th day of August 2016.

3. PURPOSE

3.1. The purpose of this Bylaw is to:

3.1.1. Regulate activities that can be carried out in public places, parks and reserves, including roads, to ensure acceptable standards of convenience, safety, visual amenity and civic values are maintained;

3.1.2. Control damage to public places, parks and reserves;

3.1.3. Manage activities within public places, parks and reserves which may have an adverse effect on land, assets or users of these facilities.

3.2. Nothing in this Bylaw detracts from any provision of, or the necessity for compliance with any

3.2.1. Act of Parliament;

3.2.2. Other Council bylaws;

3.2.3. Whanganui District Plan requirements; and

3.2.4. Any additional requirement imposed by the Horizons Regional Council or the Department of Conservation.

4. INTERPRETATION

4.1. In this Bylaw unless the context otherwise requires or where otherwise expressly provided:

Descriptor	Definition
Act	Local Government Act 2002
Animal	Any live member of the animal kingdom that is a mammal, or a bird, or a reptile, or an amphibian or any other member of the animal kingdom which is declared from time to time by the Governor General, by Order in Council, to be an animal for the purposes of the Animal Welfare Act 1999 but does not include a human being.
Approved	Approved by Council or by an authorised Committee or Officer
Bylaw	Whanganui District Council Public Places, Parks and Reserves Bylaw 2016
Council	Whanganui District Council, or a Committee, or an elected Member of Council, or an Officer of Council, or the Wanganui Rural Community Board
District	The area within the territorial boundary of the Whanganui District
Event	Any organised temporary activity including any celebration, commercial event, concert, exhibition, festival, film-shoot, fun run, multi-venue sports event of significant scale, organised gathering, parade, protest, private event in a Public Place, or public meeting
Food	Anything that is used, capable of being used, or represented as being for use, for human consumption (whether raw, prepared, or partly prepared); and includes: <ul style="list-style-type: none">▪ seeds, plants, or plant material intended for human consumption, including seeds that are intended to be sprouted and consumed as sprouts, but not other seeds, plants, or plant material intended for planting;▪ live animals intended for human consumption at the place of purchase;▪ live animals intended for human consumption that are sold in retail premises;▪ any ingredient or other constituent of any food or drink, whether that ingredient or other constituent is consumed or represented for

	<p>consumption on its own by humans, or is used in the preparation of, or mixed with or added to, any food or drink;</p> <ul style="list-style-type: none"> ▪ anything that is or is intended to be mixed with or added to any food or drink; ▪ chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum; ▪ anything that is declared by the Governor-General, by Order in Council made under section 393 of the Food Act 2014, <p>but does not include</p> <ul style="list-style-type: none"> ▪ any tobacco; ▪ any cosmetics; ▪ any substances used only as medicines (within the meaning of the Medicines Act 1981), any controlled drugs (within the meaning of the Misuse of Drugs Act 1975), or any psychoactive substance (within the meaning of the Psychoactive Substances Act 2013); ▪ any inedible food-related accessory; ▪ anything that is declared by the Governor-General, by Order in Council made under s393 of the Food Act 2014.
Motor Vehicle	<p>A vehicle drawn or propelled by mechanical power; and includes a trailer, but does not include:</p> <ul style="list-style-type: none"> ▪ A vehicle running on rails; ▪ A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; ▪ A trailer running on one wheel and designed exclusively as a speed-measuring device or for testing the wear of vehicle tyres; ▪ A vehicle designed for the amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; ▪ A pedestrian-controlled machine; ▪ A vehicle that the Agency has declared under s168A of the Land Transport Act 1998 is not a motor vehicle; ▪ a mobility device
Officer	<p>any person authorised by Council under the Local Government Act 2002 to carry out or exercise any powers or duties under this Bylaw or any part thereof and also includes a Police Officer</p>
Permit	<p>a permit issued under the Bylaw by Council</p>
Person	<p>includes a natural person, a corporation sole, and a body or persons whether incorporated or not</p>
Premises	<p>all land and buildings within a single rating unit</p>
Psychoactive substance	<p>A substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.</p>

Public Place	a place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of Council
Reserve	land vested in or administered by the Council under the provisions of the Reserves Act 1977; or any park, domain or recreational area under the control or ownership of the Council
Road	Includes: <ul style="list-style-type: none"> ▪ a street; ▪ a motorway; ▪ a beach; ▪ a place to which the public have access, whether as of right or not; ▪ all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); ▪ all sites at which vehicles may be weighed for the purposes of the Bylaw or any other enactment
Sign	Any boards, flag signs, placards, hoardings, banners or other similar devices or advertising matter, whether consisting of a specially constructed free standing device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected on to, placed or otherwise fixed to or displayed upon any land, building, wall, fence, rock, tree or other structure or object (including parked vehicles or trailers where such a vehicle or trailer is parked specifically for the purpose of attracting attention), with or without illumination.
Signage Policy	The Signage Policy 2018 or any subsequent corresponding policy adopted by Council resolution.
Sale or Sell	The exchange of goods or services for an amount of money or its equivalent; the act of selling
Vehicle	a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include - <ul style="list-style-type: none"> ▪ A perambulator or pushchair; ▪ A shopping or sporting trundler not propelled by mechanical power; ▪ A wheelbarrow or hand-trolley; ▪ A pedestrian-controlled lawnmower; ▪ Any pedestrian-controlled agricultural machinery not propelled by mechanical power; ▪ Any article of furniture; ▪ A wheelchair not propelled by mechanical power; ▪ Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition: ▪ Any rail vehicle

5. RESTRICTED ACTIVITIES

- 5.1. Unless authorised by a permit issued by the Council, or by written consent issued by an Officer, a person shall not in a public place:
 - 5.1.1. Place or leave any materials or substances likely to be hazardous or injurious to any person;
 - 5.1.2. Use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;
 - 5.1.3. Place or leave any household or trade refuse in a public litter receptacle;
 - 5.1.4. Consume, inject or inhale any psychoactive substance except as prescribed for a medical condition, or offer or sell such substances to any person. For the purposes of this sub-clause, the inhalation of a psychoactive substance includes 'glue sniffing' in its various forms and with its various constituents;
 - 5.1.5. Damage, interfere with, destroy or remove any grass, soil, plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - 5.1.6. Permit or cause wastage of water;
 - 5.1.7. Set fire to any vegetation;
 - 5.1.8. Kill, injure or interfere with or take any animal, bird's nest or bird's egg;
 - 5.1.9. Light any fire except at fire places specially provided, or in an appliance designed for outdoor cooking, subject to any restriction lawfully imposed by the Council on the lighting of fires;
 - 5.1.10. Obstruct or impede lawful access to premises facing on to the public place;
- 5.2. Allow any boundary fence to be in a condition likely to cause injury to persons in a public place;
- 5.3. Create a nuisance through the use or playing of any instrument (musical or otherwise), any type of public address system or any type of amplified sound system, or from making any excessive sound or noise;
- 5.4. Beg, in a manner that may intimidate or cause a nuisance to any person.

6. ACTIVITIES SUBJECT TO A PERMIT

- 6.1. Subject to a permit issued by the Council or written consent issued by an Officer, a person may undertake the following activities in a public place:
 - 6.1.1. Place or leave any material or thing that could obstruct the public right of passage;

- 6.1.2.Solicit any subscription or donation;
- 6.1.3.Erect or allow to remain a structure of any kind including any stall, booth, tent, swing, amusement device;
- 6.1.4.Conduct aircraft operations of any kind, including hot air ballooning, hang gliding, and parachuting;
- 6.1.5.Participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular access to shops or premises facing on to the public place;
- 6.1.6.Allow any gate or door to swing over or across a public place.

7. SIGNS

- 7.1. No person may erect or display a sign in such a position as to be on, or projected over any Public Place, except as authorised by or approved under the Signage Policy.

8. PARKS AND RESERVES

- 8.1. Unless authorised by a permit issued by the Council, or by written consent issued by an Officer, a person shall not on any park or reserve:
 - 8.1.1.Enter or leave the reserve except through the openings, gateways, entrances or exits where provided;
 - 8.1.2.Drive, ride, propel or wheel any vehicle on a park except on places specified by the Council for the driving, riding, propelling or wheeling of vehicles and subject to any controls that the Council specifies;
 - 8.1.3.Park a vehicle in contravention of signs or markings erected or placed by the Council;
 - 8.1.4.Remove, harm or kill any animal or release or lose control of any animal under that person's control;
 - 8.1.5.Ride or control any animal in such a manner to cause damage to the park, nuisance to other persons or in contravention to any signs or controls Council specifies;
- 8.2. The Council may from time to time:
 - 8.2.1.Establish conditions for the use of any reserve or part of any reserve;
 - 8.2.2.Determine the times that any reserve or part of any reserve shall be closed to the public;
 - 8.2.3.At specified times restrict public access to any reserve or part of any reserve for such purpose as the Council shall specify (including for private use or for a private function) by way of resolution of the Council.
- 8.3. No person shall breach the conditions given for the use of a reserve.

9. PERMITS TO OCCUPY

- 9.1. The Council, on application, may grant to any person a permit to occupy any public place or part of a public place, other than land designated as a reserve under the Reserves Act 1977, on such terms and conditions as the Council shall determine.

10. ENFORCEMENT

- 10.1. Every person commits an offence under this Bylaw who intentionally¹:
- 10.1.1. Prevents an enforcement officer from carrying out their statutory functions or duties;
 - 10.1.2. Obstructs or impedes a person from:
 - 10.1.2.1. carrying out the provisions of the Act;
 - 10.1.2.2. exercising or attempting to exercise a power of entry conferred by the Act;
 - 10.1.3. Refuses to give information when directed to do so by an enforcement officer under section 178 of the Act, or knowingly misstates information; or
 - 10.1.4. Incites any other person to do any act referred to in the above clauses.
- 10.2. Council may seize and impound property if it is materially involved in the commission of an Offence.
- 10.3. Council may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- 10.4. The Council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal or alteration of the work or thing in breach of the bylaw. Payment of this cost does not relieve the Person of liability for the breach of this Bylaw.

¹ Section 229 of the Local Government Act 2002

11. APPEAL REVIEW PROCESS

- 11.1. Any person who is dissatisfied with a decision made by an Officer may object in writing against that decision.
- 11.2. The written objection must be submitted to the Chief Executive of the Council within 14 days of receiving written notice of that decision.
- 11.3. On hearing the objection, Council may uphold, rescind, or modify the decision made by the Officer. The decision of Council shall be final.
- 11.4. The right of objection is in addition to any other statutory right made available to that person.

12. PERMITS

- 12.1. Where any activity under this Bylaw requires a permit from Council, the person must:
 - 12.1.1. Complete the required application form,
 - 12.1.2. Pay the required application fee (if any), and
 - 12.1.3. Comply with any conditions of that permit.
- 12.2. A permit is personal to the applicant and is not transferable.
- 12.3. A permit may be revoked by an Officer at any time.
- 12.4. A permit may include, conditions that the Officer considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw, and minimise the risk of nuisance.
- 12.5. Every person relying on a permit must comply with the conditions of the permit.
- 12.6. A permit may be revoked by an Officer for:
 - 12.6.1. a breach of this Bylaw,
 - 12.6.2. a breach of any condition of the permit,
 - 12.6.3. change of circumstances relating to
 - 12.6.3.1. the public place, park or reserve,
 - 12.6.3.2. the permit holder,
 - 12.6.3.3. the permitted activities.

13. FEES

- 13.1. Council may prescribe fees or charges payable for an approval or permit or consent from, or inspection by, the Council in respect of a matter provided for in this bylaw; or under any other enactment, if the relevant provision does not authorise the Council to charge a fee; or provide that the certificate, authority, approval, permit, consent, or inspection is to be given or made free of charge.
- 13.2. Fees provided for in clause 13.1 must be prescribed either in this bylaws or following consultation in a manner that gives effect to the requirements of section 82.
- 13.3. Council may provide for the refund, remission, or waiver of a fee in specified situations or in situations determined by the local authority.

14. COMMENCEMENT

- 14.1. This Bylaw was duly adopted at a meeting of Whanganui District Council on the 23rd day of August 2016.
- 14.2. Amendments to clauses 4, 7 and 10 were adopted at a meeting of the Whanganui District Council on the 12 day of December 2018.

15. REVIEW

- 15.1. This Bylaw must be reviewed before the 30th day of August 2021.