

HOROWHENUA DISTRICT
COUNCIL

PUBLIC PLACES
BYLAW
2006

HOROWHENUA DISTRICT COUNCIL

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Preamble

This is a bylaw of the Horowhenua District Council made in pursuance of the powers contained in the Local Government Act 2002 and any other authority enabling the Council in that behalf.

This bylaw does not pertain to Remote Signage matters which are governed by the Rules of the Horowhenua District Council Operative District Plan, and nothing in this bylaw relates to private places.

In respect of signs, this bylaw does not apply to traffic, direction, information and naming signs erected by or with the approval of the Council, signs indicating hazardous substances used at a hazardous facility, signs erected pursuant to any statute or regulation, or to signs which require a resource consent. This bylaw does not affect any conditions placed on signs by a resource consent.

1. TITLE AND COMMENCEMENT

This bylaw shall be known as 'The Horowhenua District Council Public Places Bylaw 2006 and shall come into effect on the 6th day of July 2006.

2. SCOPE

The primary purpose of this bylaw is to set provisions and requirements pertaining to public place matters on:

- Footpath, Billboard and Sign display
- Trading
- Assembly
- Electioneering Signage
- Busking
- Hawking.

3. INTENT

The intent of this bylaw is to ensure safe access for the public to public places whilst also allowing occupation and use of those public places for trading, entertainment, and other activities, subject to defined conditions being complied with.

4. INTERPRETATION

In the interpretation of this bylaw the following words, unless inconsistent with the context, shall have the meaning hereby assigned to them:

"Busker" means any person(s) performing for voluntary donations in any public place, including an itinerant musician or actor.

"Council" means the Horowhenua District Council.

"Enforcement Officer" means any officer of the Horowhenua District Council warranted to enforce Council Bylaws and Regulations pursuant to sections 172 and 177 of the Local Government Act 2004.

"Footpath" means a path or way designated for pedestrian use and includes the edging kerbing and channelling thereof and any footbridge.

"Hawker(s)" means any person(s) who, in any public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or

request for such goods but does not include any person who operates a vehicle as a mobile shop.

"Mobile Shop" means a vehicle, whether self-propelled or not, from which goods or services are offered or exposed for sale in any public place, or from which goods or services may be ordered (whether or not in pursuance of any invitation to call) but does not include any vehicle used for the purpose of transporting goods pursuant to a prior order placed for the delivery of goods.

"Parking" and "Park" mean:

- (i) In relation to any metered zone the stopping or standing of a vehicle on that metered zone for any period exceeding five minutes;
- (ii) In relation to any other portion of any land or building the stopping or standing of a vehicle on that portion of land or building.

"Person(s)" means not only a natural person but also a corporation sole or a body of persons whether incorporated or not.

"Public Place" means any place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge but does not include any place where any owner or occupier, other than the Horowhenua District Council, is lawfully entitled to control access to and from that place.

"Road" includes every street, service lane, mall and any place to which the public have access whether as of right or not and also includes all bridges, culverts and fords forming part of any such place.

"Sign" means any display or other advertising device intended to attract attention, together with any frame or support thereof, and includes sandwich type board signs placed on the ground.

"Trading Hours" means the hours of 8.30 am to 8.30 pm, 7 days per week.

"Stall" means a table or tables used to display merchandise for sale.

5. BUSKERS

- 5.1 No person shall carry on the activity of a busker at any time without first obtaining a permit from the Council.
- 5.2 Applications for busking are to be submitted to Council on the Council Application Form for this purpose.
- 5.3 The permit is an authorisation for the person or persons named in the permit to perform or entertain for donations within an allocated area designated in the permit, and must be carried at all times.
- 5.4 Buskers are to remain in the allocated areas designated in the permit at all times when performing or entertaining for donations unless asked to move to another location by an Enforcement Officer. In that event, they must do so immediately. Due consideration must be given to the flow of pedestrians to ensure they are not impeded or inconvenienced.
- 5.5 The busker(s) shall not enter any premises unless authorised by a person having control of those premises.

- 5.6 No electronic or manual voice enhancement equipment, including, but not limited to, microphones and loud hailers, are to be used for the purpose of entertaining or performing for donation unless specific permission has been given by the Council and is noted in the permit.
- 5.7 A reasonable volume level is to be controlled at all times having regard to the place and situation if permission for amplification referred to in 5.6 above has been granted.
- 5.8 Failure to comply with any of these conditions may result in a permit being cancelled or varied.

6. HAWKERS

- 6.1 No person shall carry out 'hawking' without first obtaining a permit from the Council.
- 6.2 Applications for 'hawking' are to be submitted to Council on the Council Application Form for this purpose.
- 6.3 The permit is an authorisation for the person or persons named in the permit to solicit sales or orders for sale of goods in a designated area named in the permit, and must be carried at all times whilst hawking.
- 6.4 Permits will not be issued for 'hawking' in the zoned commercial areas of the District.
- 6.5 Hawkers shall not enter premises which display a written notice requesting or requiring that hawkers do not enter the premises.
- 6.6 Failure to comply with any of these conditions will result in a permit being cancelled.

7. PUBLIC ASSEMBLY

- 7.1 No person shall participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place.

8. MOBILE TRADER

- 8.1 Mobile Traders are subject to licensing requirements of the Health Regulations in the first instance before any permit will be issued for trading purposes. The permit is authorisation only for the sale of those goods and/or services described in the permit from the vehicle described in the permit. The permit must be displayed in public view at all times while the vehicle is trading.
- 8.2 The mobile shop shall be operated so that there is no infringement of parking or traffic statute, bylaws, regulations or any other statute, bylaw, regulations or control and so that it does not occupy any metered parking space or any parking space for which a time limit provision applies.
- 8.3 Selling of goods and services from a mobile shop is permitted from the kerbside only, and only from the side of the vehicle nearest the kerb. Signage and goods are to be stipulated in the permit and only that signage and goods so stipulated in the permit are to be carried or displayed, in accordance with the permit conditions.
- 8.4 Every mobile shop shall have the permit holder's name legibly printed thereon in letters no less than 25mm in height in a readily visible place on the exterior of the vehicle.

- 8.5 Trading is permitted only during daylight hours, namely between one half hour before sunrise and one half hour after sunset.
- 8.6 No trading shall occur within a 100 metre radius of a fixed premises selling similar goods. The distance requirement does not apply to siting near supermarket outlets given the diversity of products carried. However, notwithstanding this, every mobile shop shall, upon being requested to do so by an Enforcement Officer, alter their position for sales to any other position as requested and indicated.
- 8.7 The mobile shop keeper or operator shall provide a copy of the permit to an Enforcement Officer upon request.
- 8.8 Failure to comply with any of these conditions may result in a permit being revoked or varied.

9. FOOTPATH STALLS, DISPLAY OF GOODS, SIDEWALK DINING

Footpath Stalls

- 9.1 A retailer may place a stall outside the frontage of their premises at any time during trading hours; however the stall is only to be in place for the display and sale of merchandise related to their retailing activity.
- 9.2 The stall is to be placed as close as practicable to the shop frontage and, in any case, in a position that does not impede or inconvenience the flow of pedestrians, or hinder the use of access ways to premises.
- 9.3 All goods displayed in, on or at a stall are to be free from sharp edges or projections which may cause injury to pedestrians and be free from any form of nuisance and not hazardous to the public at large. All goods must be secure from falls and wind gusts.
- 9.4 Where, in the opinion of an Enforcement Officer, any stall becomes an unacceptable obstruction to the use of a footpath or hinders the flow of pedestrians, the stall holder will be required to remove, or reposition, their stall immediately.

Display of Goods on Footpath

- 9.5 The display of goods for sale or advertising purposes on a footpath is an allowable activity by way of an approved permit from Council.
- 9.6 Goods can only be positioned directly outside the premises they relate to, and placed as close as practicable to the premises' frontage. Goods cannot be displayed on the road edge of any footpath.
- 9.7 Goods are not to be positioned so they impede or inconvenience the flow of pedestrians, or hinder the use of access ways to premises.
- 9.8 Where, in the opinion of an Enforcement Officer, any display of goods becomes an unacceptable obstruction to the use of a footpath or hinders the flow of pedestrians, the permit will be revoked immediately.

Community Group Stalls

- 9.9 The provisions of Clauses 9.1 to 9.8 inclusive also apply to Community Groups operating stalls for either the selling of goods or raffles, or for any other purpose. Community Groups are to obtain the permission of the premises operator where they wish to place their stall in the first instance.

Sidewalk Dining

- 9.10 The activity of sidewalk dining by the placement of tables and chairs outside cafes is an allowable activity by way of an approved permit from Council.
- 9.11 Tables and chairs can only be positioned directly outside the premises they relate to, and placed as close as practicable to the premises' frontage. They cannot be positioned on the road edge of any footpath except where an area has been set aside for this purpose.
- 9.12 Tables and chairs are not to be positioned so they impede or inconvenience the flow of pedestrians, or hinder the use of access ways to premises.
- 9.13 Where, in the opinion of an Enforcement Officer, tables and chairs become an unacceptable obstruction to the use of a footpath or hinders the flow of pedestrians, the permit will be revoked immediately.

Donations

- 9.14 The practice of organisations or groups seeking donations for charitable purposes and the like is a permissible activity. In the event a stall is used for this purpose, the requirements of clause 9.1 to 9.4 inclusive and clause 9.9 shall apply.

Note: The requirements pertaining to Clause 9.11 may be modified from time to time to meet redevelopment needs.

10. SIGNAGE

Footpath Free-standing Signs

- 10.1 The placement of a footpath free-standing sign is an allowable activity to advertise goods and services or the activity of the business operation concerned. Only one sign per business operation is allowed.
- 10.2 Standard conditions applying to the use of these footpath signs are:
- (a) Is to be located as close as practicable to the kerbside to which the sign refers;
 - (b) Is to be no larger than 600mm wide by 1,800mm high;
 - (c) Must not resemble a warning sign or road traffic sign. It must not have sharp edges or moving projections which may be a hazard;
 - (d) Must be constructed or adequately secured so as to be secure against wind gusts;
 - (e) Must be removed during the period the premises are closed;
 - (f) Have no reflective materials or internal or external illumination.
- 10.3 All signs shall be placed so as not to obstruct the view of traffic, and in no case are permitted on roadways, medians, traffic islands or roundabouts, planted areas or grass berms.
- 10.4 For an "open home" or real estate promotion, "Open House" directional signs may be placed at the entrances to the street in which the "open home" promotion is occurring for a period of 30 minutes prior to and after the house is open for general inspection on the day the event is occurring. This clause does not apply to signs outside a home that is being sold by various agents.
- 10.5 The liability for any damage caused to property or persons by a sign is that of the sign owner concerned. There is no liability on Council.
- 10.6 Where, in the opinion of an Enforcement Officer, a sign becomes an unacceptable obstruction to the use of a footpath, or hinders the flow of pedestrians, or there is a breach of

any requirements pertaining to this section, the sign owner will be required to remove or reposition the sign immediately.

11. SIGNAGE ON PARKED VEHICLES

11.1 The display of signage placed on top of a parked vehicle, or trailer, to advertise products or services is not permitted as a matter of right, but on application, approval will not be unreasonably withheld.

12. NATIONAL ELECTIONEERING SIGNAGE

12.1 From time to time, Government will set rules and regulations pertaining to the display of Parliamentary Electioneering signage. This bylaw does not over-ride these rules or regulations.

13.0 LOCAL AUTHORITY ELECTIONEERING SIGNAGE

13.1 Electoral signage may be permitted to be displayed up to two months, prior to an election, and is to be removed by the close of day before polling day.

13.2 If practicable signs are to be displayed at right angles to any road, and no reflective material or illumination of signs is permitted.

13.3 Signs cannot be located within Road Reserve area or unauthorised Council owned property. Details of authorised areas for the display of signs is maintained by Council's Planning Department.

13.4 If in the opinion of Council or Transit New Zealand, a sign is located where it is considered to be a traffic hazard, it is to be moved and relocated at the expense of the person it relates to.

Horowhenua District Council

Public Places Bylaw 2006

ATTESTATION

The foregoing Bylaw entitled the **Horowhenua District Council Public Places Bylaw 2006** was duly made by Special Order at an ordinary meeting of the Horowhenua District Council held in the Council Chambers, 17 Bath Street, Levin, on the 26th day of October 2005 (and meantime having been publicly notified), confirmed at an ordinary meeting of the said Council held on the 5th day of July 2006 and at such meeting last aforesaid ordered to come into force on the 6th day of July 2006.

The Common Seal of the)
HOROWHENUA DISTRICT COUNCIL)
was hereunto affixed pursuant to a)
resolution of the said Council)
in the presence of:)

..... His Worship the Mayor

..... Chief Executive