

WAIKATO DISTRICT COUNCIL PUBLIC PLACES BYLAW 2016

WAIKATO DISTRICT COUNCIL in exercise of its powers under the Local Government Act 2002 and the Land Transport Act 1998 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

PART 1 – INTRODUCTION

1 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This bylaw shall be known as the “Waikato District Council Public Places Bylaw 2016”
- 1.2 This bylaw shall come into force on 26 April 2016.
- 1.3 This bylaw applies to all property owned by, or under the control and management of the Waikato District Council.

This Bylaw contains the following parts:

- Part 1 – Introduction
- Part 2 – Parking
- Part 3 – Activities in Public Places
- Part 4 – Traffic Control
- Part 5 – Trading in a Public Place
- Part 6 - Control of Electoral Signage
- Part 7 – Exemptions, Offences and Penalties

2 REVOCATIONS

- 2.1 The following bylaws are revoked the day this new bylaw come into force:
 - a) The Franklin District Council Public Places Bylaw 2007
 - b) The Franklin District Council Traffic Control Bylaw 2006
 - c) The Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007
 - d) The Franklin District Council Trading in Public Places Bylaw 2008
 - e) The Waikato District Council Trading in Public Places Bylaw 2008
- 2.2 All resolutions of the Council which were in force in respect of the now revoked bylaws shall continue in force.
- 2.3 The revocation of the bylaws specified in 2.1 above shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

3 INTERPRETATION

- 3.1 In this bylaw, unless inconsistent with the context,

Authorised Officer means an employee or a contractor of the Waikato District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw, and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.

Beach means the area of sand between high and low water level.

Bus means a passenger service vehicle with more than nine seating positions (including the driver's seating position), that is being used solely for hire and reward.

Camping vehicle means any wheeled vehicle or device whether self-propelled or not which is used for the purpose of sleeping in or remaining overnight and includes any vehicle commonly described as a campervan, caravan, motor home, house-bus or house-truck.

Chief Executive means the Chief Executive of the Waikato District Council.

Council means the Waikato District Council and includes any person authorised by the Council to act on its behalf.

Courtesy Vehicle means any vehicle provided at no charge for the transportation of patrons of licensed premises.

Cycle/Bicycle means a vehicle that has at least two wheels and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle.

Emergency Vehicle means a vehicle used for attendance at emergencies and operated:

- a) by an enforcement officer
- b) by an ambulance service
- c) as a fire service vehicle
- d) as a coastguard rescue service vehicle
- e) as a civil defence emergency vehicle
- f) as a defence force emergency vehicle.

Election Advertisement has the same meaning as Section 3A of the Electoral Act 1993.

Footpath means a path or way principally designed for and used by pedestrians and includes any footbridge or grass berm.

Goods means any product or service

Goods Vehicle means a motor vehicle that is designed exclusively or principally for the carriage of goods, and used for the collection or delivery of goods in the course of trade.

Grass berm means any area of footpath or road which is laid out in grass.

Heavy Motor Vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward), having a gross laden weight exceeding 3,500 kilograms.

Item includes but is not limited to any vehicle, sign, merchandise, merchandise stand, household furnishings, appliances, fixtures or fittings, building materials, scaffolding, skip bins, and produce.

Lane (in relation to any road) means a longitudinal strip of the roadway intended for the passage of vehicles that is separated from other parts of the roadway by a longitudinal line or lines of paint or raised studs; and includes a lane for the use of vehicular traffic that is at least 2.5m wide and a lane of a two-way road divided by a centre line.

Livestock means all animals that are likely to be kept for commercial purposes.

Loading Zone means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.

Mobility Card or Operation Mobility Concession Card means a card issued by the New Zealand Crippled Children's Society Inc. that is to be displayed in vehicles operated by disabled persons for which certain parking concessions are available.

Mobility Device means a vehicle that is designed and constructed, and not just adapted, for the use of persons suffering from a disability. It must also be powered solely by a motor with a maximum power output not exceeding 1500 watts, or have been declared by the Director of Land Transport to have a maximum power output not exceeding 1500 watts.

Motor Cycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes any vehicle with motor cycle controls declared by the Director of Land Transport to be a motorcycle, but does not include a moped.

Motor Vehicle has the same meaning as that defined in the Land Transport Act 1998.

Ornamental Verge or Plot includes every flowerbed, grass berm or plot, shrubbery or planted area which has been constructed as such and which is separated from the roadway by kerbing or other well-defined edging.

Owner (in relation to a motor vehicle) means the person lawfully entitled to possession thereof, except where:

- a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence – in which case “owner” means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and “owned” and “ownership” have corresponding meanings.

Parking and Park means:

- a) In relation to any portion of a road where parking is for the time being governed by parking restriction signs, placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- b) In relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.
- c) In relation to a parking space within a time limited area, a vehicle including a motor vehicle first parked then manoeuvred within and parked within the same parking space shall be deemed to have continuously parked in that location until it has been entirely moved therefrom.

Parking Area or Parking Place means an area of road, land or building which the Council has declared to be a place which may be used by the public for the parking of vehicles including motor vehicles.

Parking Permit means a written authority issued by the Waikato District Council allowing a specified vehicle(s) to park in a designated Permit Only Parking Area.

Parking Space means a space or section indicated by and lying within markings made by the Council for the accommodation of a vehicle.

Parking Warden means a parking warden appointed under Section 128D of the Land Transport Act 1998.

Passenger Service Vehicle has the same meaning as in the Land Transport Act 1998.

Permit Holder means a person who has applied for and been issued with a permit to park a vehicle in a designated parking space or area.

Permit Only Parking Area means any parking space or parking area which has been designated by the Council for use by permit holders only, and which is clearly marked as such.

Person includes a corporation sole, and also a body of persons, whether incorporated or unincorporated.

Power Assisted Cycle means a cycle attached to one or more auxiliary propulsion motors with a maximum power output of 200W.

Prescribed Sign means regulatory traffic control signs and markings as prescribed in the Land Transport (Road User) Rule 2004.

Public Place means every road, footpath, court, land, access way, mall, thoroughfare and walkway of a public nature, that is open to or used by the public as of right or not and with or without payment of any fee. Every park, reserve, beach, place of public resort or place the public have access with or without the payment of fee.

Reserve includes every reserve under the Reserves Act 1977 and any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment which is now or hereafter may be under the management of the Council.

Road includes

- a) a street, motorway, or service lane
- b) a beach
- c) Council parking areas
- d) any place to which the public have access whether as of right or not
- e) bridges and culverts
- f) ferries and fords forming part of any road or street or motorway, or a place referred to in d) above.

Roadway means that portion of the road devoted particularly to the use of travelling vehicles, including shoulders.

Road Reserve means any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

Scooter means a platform fitted with wheels, steering mechanisms and brakes used to support a person and propelled by a person.

Service delivery vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

Service Lane means any lane laid out or constructed either by the authority of the Council or the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Skateboard means a short narrow board fitted with wheels used for riding on while standing. In terms of the Land Transport Act 1998 a skateboard falls within the definition of a vehicle.

Special Parking Area means any parking space or parking area which has been designated by the Council for use as a bus stop, taxi stand, loading area, disabled park, or as a “permit only” park or parking area, and which is clearly marked for such use.

Taxi has the same meaning as in the Land Transport Act 1989.

Time Limited Parking Area means any parking space or parking area which has been designated by the Council for use as a parking area with time limit restrictions.

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, but does not include a sidecar attached to a motorcycle, or a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

Urban Community means any part of the Waikato District with a speed limit of 70km/h or less.

Vehicle has the same meaning as in the Land Transport Act 1998.

PART 2 – PARKING

4. PROVISION OF PARKING PLACES

4.1 The Council may by resolution and subject to the erection of the prescribed signs:

- a) Declare any piece of land, or any length of road, or any other place owned, controlled, or occupied by Council to be a parking place.
- b) Define the times, manner and conditions for parking of vehicles in any such parking place.
- c) Define the vehicles or classes of vehicles that may be entitled to use any such parking place and the conditions to which such parking place may be used.
- d) Impose conditions and charges payable for the parking of vehicles, whether by permit fee or rental, and including penalty fees.
- e) Fix the charge to be paid by the owner of a vehicle in return for the sole right to park such vehicle in the space allotted, and define the hours during which the owner of a vehicle or their agent shall be entitled to the sole use of the allotted space.
- f) Make provision for the efficient management and control of any such parking place.

4.2 Any such resolution may be amended or rescinded by a further resolution of the Council.

5. TIME LIMITED PARKING AREAS

5.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be a Time Limited Parking Area.
- b) Specify that the designation shall only apply during certain hours of the day and/or certain days of the week.

5.2 Any such resolution shall:

- a) Specify the maximum duration of time a motor vehicle may be parked within the Time Limited Parking Area.
- b) Specify the Time Limited Parking Area by reference to the name of the road or land, the length of the Time Limited Parking Area, and other such details as may be necessary to enable a reasonable person to identify the approximate location of the Time Limited Parking Area.

5.3 No driver of any vehicle shall exceed a parking time limit when parking a vehicle in a Time Limited Parking Area.

- 5.4 No driver of any vehicle shall park a vehicle in a Time Limited Parking Area for a period exceeding that specified on any traffic sign alongside or near or at each end of the Time Limited Parking Area.
- 5.5 If a motor vehicle is moved or driven from their original parking place in a Time Limited Parking Area, but it remains within the boundaries of the same Time Limited Parking Area, the total time the vehicle has been parked will include the time in the previous parking place.

6. NO STOPPING OR PARKING AREAS

6.1 Provision of No Stopping or No Parking Areas

- 6.1.1 The Council may prohibit vehicles from stopping at kerbsides indefinitely or for a specified time, on any Council controlled land or road.
- 6.1.2 Council shall clearly mark areas where kerbside stopping of vehicles is prohibited with a broken yellow line and/or the prescribed signs or markings.

6.2 Offences in Respect of No Stopping Areas

- 6.2.1 A driver of a vehicle shall not stop on any road or land where Council has prohibited kerbside stopping of vehicles at all times.
- 6.2.2 A driver of a vehicle shall not stop on any road or land during the designated time that Council has prohibited the kerbside stopping of vehicles.
- 6.2.3 A driver of a vehicle shall not stop on any road or land or part thereof that has a broken yellow line marked. If no kerb exists parallel to such broken yellow line then it shall not be an offence if the vehicle is stopped or parked so that no part of the vehicle is closer to the centre of the roadway than the broken yellow line, and the vehicle is not parked on a footpath or berm, lawn or garden.

7. SPECIAL AND PERMIT ONLY PARKING AREAS

7.1 Special Parking Areas - including Bus Stops, Taxi Stands, Emergency Vehicles, Loading Zones, Cars and Trailers, and Disabled Parking Areas

- 7.1.1 The Council may by resolution:
 - a) Declare a designated parking space, parking place or parking area to be for the sole use as a bus stop, taxi stand or loading zone, or reserved for disabled persons displaying a mobility card, or other specified persons, type of use, or type of vehicle.
- 7.1.2 Any resolution shall specify each special parking area or space, by reference to the name of the road or land, and any other details that may be necessary to enable a reasonable person to identify the approximate location of the special parking area.

- 7.1.3 Any person stopped or parked in a designated disabled persons parking space, must clearly display a relevant Mobility Card or Operation Mobility Concession Card inside the vehicle.

8. Permit Only Parking Areas

- 8.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be for the sole use of a permit holder or permit holders;
- b) Define the person(s) or vehicles that may be entitled to use any such parking place or area and the conditions upon and subject to which such parking place may be used;
- c) Set the terms and conditions, including whether a permit fee or rental is applicable, for the sole right to park in the designated space or area.

- 8.2 The Council may grant a parking permit on the terms and conditions set for the use of the parking space, parking area or any specified lot or lots, and in return may require the payment of a permit fee or rental. Such permit fee or rental will be specified on the Council's Schedule of Fees and Charges.

- 8.3 Where the Council has granted a permit to use a parking place or area:

- a) The parking permit must be displayed inside the vehicle in the permit holder's exclusive parking area. The parking permit must be displayed so it is readable by an Authorised Officer standing outside the vehicle;
- b) The Parking permit shall identify the person or vehicle for who it has been issued to. The permit shall apply only to the person or vehicle described in the permit;
- d) The parking permit shall be valid and effective only during the times specified on the permit and in the park, street or area specified on the permit.
- e) The Council may revoke or cancel the permit at any time.

9 PARKING RESTRICTIONS PRESCRIBED IN SCHEDULE I AND/OR IDENTIFIED ON TRAFFIC MAPS

No person shall stop, stand, or park, or cause to be stopped, stood, or parked, any vehicle, or specified class or description of vehicle, in contravention of the restrictions, limitations and prohibitions identified on the Traffic Maps and/or described in Schedule I appended to this bylaw.

10. UNLAWFUL PARKING IN PARKING SPACES

- 10.1 No person shall:

- a) cause, allow, permit any vehicle to be stopped or parked in any parking space or parking area except in accordance with the provisions of this Bylaw and of any resolutions, schedules, or traffic maps made pursuant to this bylaw;
- b) place, stand, stop, park, leave or keep any cycle on any parking space that prevents or interfere with the use of that space for the parking of a motor vehicle;
- c) park any trailer not attached to its towing vehicle in any parking space on any road or land under the control of the Council except in accordance with the provisions of this bylaw and after payment of the prescribed fee if any.

11 Signs And Markings

- 11.1 Council shall identify the stopping, standing or parking of any vehicle, or specified class or description of vehicle, whether attended or unattended, is prohibited, limited or restricted by prescribed signs, markings, notices or devices erected or placed in a conspicuous location in or on any road or other area controlled by it.
- 11.2 Council may erect portable parking restriction signs to temporarily prohibit parking in any particular location.

12.0 PARKING RESTRICTIONS AND PROHIBITIONS ON ROADS AND PUBLIC PLACES

12.1 Displaying Vehicles and Advertising

- 12.1.1 No person shall keep, place or park any vehicle on any road or public place where it is used or may reasonably be assumed to be used for the principal purpose of selling that vehicle or storing that vehicle pending its sale.
- 12.1.2 No person shall park or leave any vehicle on a road or public place where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to the same, without the written permission of the Council.
- 12.1.3 Provided that clauses 12.1.1 and 12.1.2 above shall not apply to the parking of any trade vehicle on any road in the normal course of business.
- 12.1.4 No person operating any business shall use any road or part of any road for the purpose of storing any vehicle or any goods without the consent of the Council and only in compliance with any conditions specified in that consent.

12.2 Immobilised / Immobile Vehicles

- 12.2.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any motor vehicle, with or without wheels, which is mechanically immobilised, without the written consent from the Council.

12.2.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place that is nominated by an Authorised Officer.

12.2.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

12.3 Working on Vehicles

12.3.1 No person shall park any vehicle on any road or public place to carry out any repairs unless:

- a) Those repairs are of an urgent or minor nature; or
- b) It is impracticable to carry out those repairs elsewhere;

and in either case the owner or person in charge of the vehicle shall take all reasonable care to prevent the occurrence of any accident, mishap, collision or damage or any injury to or interference with any person, animal or property arising from the placement of the vehicle.

12.4 Cranes, Concrete Trucks, Excavators or Drill Rigs

No person shall operate any crane, mobile crane, concrete truck, excavator or drill rig, parked on a road, without the prior consent of an Authorised Officer. Conditions may be imposed in granting such consent.

12.5 Waste Bins or Skips

12.5.1 Waste bins, skips and similar receptacles may be placed on the road provided that the bin or receptacle is :

- a) contained within a parking space, or within an unmarked parking area that has been temporarily fenced off;
- b) positioned as far as practicable to the left of the road to ensure the safe passage of vehicles and pedestrians;
- c) flagged at its ends with a clearly visibly clean white, or fluorescent red, orange or yellow marker;
- d) not left on the road overnight unless it has been hurdled off and prominently reflectorised so that it is easily visible to oncoming traffic.

12.5.2 Upon the removal of any waste bin or skip from the road, the road should be left clean and free of debris. Any damage to the road may be charged to the bin or skip owner or the property owner for whom the skip has been provided.

12.5.3 Where any waste bin or similar receptacle is placed on the road and the above conditions have not been complied with, such bin or receptacle may be removed by the

Council and the cost of removal and damage shall be charged to the owner of the bin or receptacle.

12.6 Shipping Containers

- 12.6.1 No person shall place, or allow to be placed, a shipping container on any road or public place without the prior written consent of Council. Conditions may be imposed in respect of such written consent.

13 EFFECT OF THIS BYLAW ON OTHER LAWS

Nothing in this Bylaw shall relieve any person from any obligation to observe or comply with any law, bylaw or regulation prohibiting or regulating the stopping, standing or parking of vehicles.

14. REMOVAL OF ILLEGALLY PARKED VEHICLES

- 14.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by the Council, if that vehicle or thing is parked or present in breach of this Bylaw, or any resolution made under this Bylaw.
- 14.2 The Council may recover from any person responsible for committing the breach or offence all expenses incurred by the Council in connection with the removal of the vehicle or thing.
- 14.3 The Council shall use reasonable care in the removal and storage of any vehicle or other thing removed under this clause but shall not be liable for any loss or damage arising directly or indirectly from the removal or storage of any vehicle.
- 14.4 If the vehicle or other thing is not claimed within 14 days of its removal, the Council may deal with that vehicle in accordance with Section 356 of the Local Government Act 1974 as if it were an abandoned vehicle.
- 14.5 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

PART 3 –ACTIVITIES IN PUBLIC PLACES

15 Nuisance

- 15.1 Except with the prior permission of the Chief Executive or an authorised officer, no person shall on any public place:
- a) Deposit in or around a public litter receptacle any household or trade refuse;
 - b) Interfere with any refuse which is awaiting collection by an authorised collector;
 - c) Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
 - d) Cause or allow any material or thing to be deposited onto a public place or road (excluding domestic refuse and recycling bins as collected on a regular basis);
 - e) Create and/or leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
 - f) Fly from or land any glider or powered aircraft (including model aeroplanes), hot air balloon, hang glider, parachute or similar except in the case of emergency, or attendance at an emergency;
 - g) Play any game or use any object including recreational devices, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
 - h) Erect or place any structure on, over or under the public place except in compliance with any other Bylaw.
- 15.2 A person must not use a public place to consume, inject or inhale or distribute or offer for sale any mind-altering substance (excluding alcohol).
- 15.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which, in the opinion of an authorised officer, could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land adjacent to the public place safe.
- 15.4 No person shall permit vegetation to encroach onto or over any public place that may obstruct or interfere with the free movement of persons using that public place.
- 15.5 Notwithstanding any other clause of this Bylaw, no person shall in any public place:
- a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires.

16 Obstructing Public Places

No person shall:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, without the written permission of an authorised officer and then only in accordance with such conditions as may be imposed;
- (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;

17. Damage to Public Places

- 17.1 Except with the permission of the Chief Executive or an authorised officer, no person shall in any public place:

- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or otherwise interfere with any ornament, statue, building, structure, facilities, or display boards;
- c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- d) Damage or interfere with any natural feature, animal or plant;
- e) Use any vehicle so that it damages any part of a public place;
- f) Allow any animal under their control to damage any part of a public place
- g) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- h) Remove any sand, soil or other naturally occurring material found in a public place;
- i) Open any drain or sewer on, or disturb or remove the surface of, any public place;
- j) Cause or permit the dripping or flowing of water from the roof, eaves or guttering system of any building or structure onto any public place.

17.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.

18. VEHICLES

18.1 No person shall stop, stand, or park a motor vehicle on any footpath, grass berm, flowerbed, shrubbery, median strip, traffic island or any ornamental verge or plot laid out on any street, road or public place, except :

- a) On a specified parking berm or public place as may be identified in Schedule I; or
- b) on a verge that is not separated from the roadway by kerb and channel, if the vehicle is parked to ensure that the driver's side wheels remain on the roadway and a clear pedestrian passage no less than 1.2m wide is retained between the vehicle and any fence, shrub or other obstruction and the vehicle is not parked on any footpath or contrary to the provision of Clause 10 of this bylaw.
- c) with the prior written consent of the Council; or
- d) in compliance with a public notification by the Council.

19. HORSES

19.1 No person shall ride, drive, lead, or take any horse across or along any footpath or berm within the Huntly, Ngaruawahia, Pokeno, Raglan or Tuakau urban areas, except:

- a) at an authorised vehicle crossing; or
- b) with the prior written consent of Council

20. Placing of Articles on Public Places

20.1 No person shall place, leave or permit to be placed or left any material or thing, scaffolding, hoardings, signage, amusement devices, items for sale or hire, on any footpath, grass berm or public place unless:

- (a) Such action has first been approved by the Chief Executive or an authorised officer, and then only in accordance with any conditions attached to that approval.
- (b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Bylaw.

21. Approved use of footpaths, berms

21.1 Merchandise, Merchandise Stands or Advertising Signs

Notwithstanding the provisions of Clause 20.1, items in the form of merchandise, or advertising signs may be displayed on footpaths or public places fronting the merchandise or sign owner's retail or service establishment, provided that:

- a) At least 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians and mobility devices at all times; and
- b) Merchandise stands and/or advertising signs are not permanently fixed to the footpath space; and
- c) The merchandise, stands and/or footpath signs are removed from the footpath whenever the retail or service establishment is closed for business; and
- d) The advertising signs are presented and maintained to a professional standard at all times; and
- e) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

21.2 Advertising Signs - Provisions for Huntly

In addition to the provisions of Clauses 20 and 21.1 above, the following special provisions shall apply to Main Street, Huntly:

- a) Only two advertising signs per operating business entranceway are permitted; and
- b) The maximum size of any advertising sign shall be 600mm wide x 750mm high; and
- c) The signs are to be placed against the building and not placed on the kerb side of the footpath.

21.3 Dining Tables on Footpaths

Notwithstanding the provisions of Clause 20.1, small dining tables and chairs may be set up on footpaths fronting the food outlet's establishment provided that:

- a) No less than 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians at all times; and
- b) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- c) The tables and chairs are not permanently fixed to the footpath space; and

- d) The tables and chairs are removed from the footpath whenever the retail or service establishment is closed for business; and
- e) The tables and the footpath area frontage are presented and maintained to a clean and tidy standard at all times; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

22. SKATEBOARDS, ROLLER SKATES, INLINE SKATES AND WHEELED RECREATIONAL DEVICES

- 22.1 No person shall ride or use any skateboard, roller skates, inline skates or wheeled recreational device on any road or footpath, on any footbridge, or in any public place within the prohibited areas specified in Schedule 4 attached.
- 22.2 The Council may by resolution add to or amend to Schedule 4.
- 22.3 Nothing in this clause shall restrict or prevent the use of any wheelchair, pushchair, pram, trolley, cart or invalid carriage or other similar device constructed for and used for the purpose of the transportation of disabled persons, young persons or personal effects, on any such footpath.
- 22.4 A Police Officer, or an Authorised Officer may impound at the offices of the Council or at any Police Station, any skateboard used in breach of this bylaw by a person who has been personally requested to refrain from using the skateboard in breach of the bylaw, and has been advised of this power to impound the skateboard.
- 22.5 A skateboard impounded in accordance with Clause 22.4 may be recovered after the expiry of five days after the day of impounding upon payment of any costs associated with the impounding, but not exceeding \$100.00.

23. LIVESTOCK IN PUBLIC PLACES

- 23.1 Any person being the owner or having the care, custody or control of any livestock, shall keep and prevent the livestock from wandering, or being at large in any public place without proper guidance and control.
- 23.2 No person shall tether livestock in any public place other than on the grass area directly adjacent to their property except with prior written permission from the Council and subject to such conditions as are considered necessary by the Council.

PART 4 – TRAFFIC CONTROL

24. ONE-WAY STREETS

- 24.1 Council may by resolution designate any road or part of any road for travel in one specified direction only. Such roads shall be recorded on Schedule 2 to this bylaw.
- 24.2 Council shall on making such a resolution erect the appropriate signs to indicate such specified direction.
- 24.3 No person shall drive a vehicle on any road or part thereof designated by the Council for one way travel, in a direction other than the specified direction.

25. ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

Council may designate any road as a road on which any specified class of traffic (including heavy vehicles) shall be prohibited or restricted because of its size or the nature of the goods carried. Any such restrictions shall be detailed in Schedule 3 to this bylaw.

26. ENGINE BRAKING RESTRICTIONS

- 26.1 No person shall, within any urban community of the Waikato District, use engine braking.

PART 5 – TRADING IN PUBLIC PLACES

27 Licence Required

- 27.1 Unless exempted by clause 34 of this Bylaw, no person, in any public place, shall engage in the sale of goods of any description whatsoever without first having obtained a licence from Council.

28. Restricted Trading Activities

- 28.1 No person shall wash or clean the windows of any vehicle for payment or donation within 100 metres of any road intersection.

29. Application for Licence

- 29.1 Every person who wishes to sell goods in a public place shall make written application to Council to obtain a licence. The information to be supplied by the applicant shall include but not be limited to any of the following:

- (a) name and address of the applicant;
- (b) name and address of the person(s) selling the goods;
- (c) the location of where the goods will be sold;
- (d) the telephone number of the applicant;
- (e) the type of goods for sale;
- (f) the time sought for selling;
- (g) the type of vehicle(s) and registration numbers if applicable;
- (h) evidence of good character.

30. Licence Details

- 30.1 Council, in granting any licence, may impose conditions on that licence. The conditions imposed may include, but not be limited to, any of the following:

- (a) time and place of where goods will be sold;
- (b) duration of the licence;
- (c) location;
- (d) types of goods for sale;
- (e) area available for sale;
- (f) persons entitled to sell;
- (g) safety and hygiene requirements;
- (h) use of signage;
- (i) use of music or other audible devices for attracting customers;
- (j) litter, cleanliness, management;
- (k) name and address of licence holder to be conspicuously displayed;
- (l) site rental.

31. Licence Fees

- 31.1 Licence fees are contained in the Fees and Charges section of the Waikato District Council Long Term Plan. Changes to these fees may be made by resolution of Council. Fees may differ for any class of licence as prescribed.
- 31.2 The Chief Executive has the discretion to waive payment of the licence fee for any applicant applying for a licence solely for fundraising purposes.

32. Production of Licence

- 32.1 Every licence holder when engaged in the sale of goods shall at all times carry a licence and show the licence to any authorised officer when requested.
- 32.2 Every licence holder shall, notwithstanding the conditions of the licence, comply with any request or requirement of an authorised officer.

33. Licence Not Transferable

- 33.1 No licence issued under this Bylaw shall be transferable to any other person.

34. Exemptions

- 34.1 The exemptions allowed under Part 5 of the Bylaw are as follows:
- (a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
 - (b) Service delivery vehicles including milk vendors;
 - (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
 - (d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
 - (d) Any motor vehicle advertising any business or service;
 - (e) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

PART 6 CONTROL OF ELECTORAL SIGNAGE

35 Restrictions applying to Electoral advertising

- 35.1 No signs advertising candidates for an election or referendum shall exceed 3m² in area.
- 35.2 No sign for an election or referendum shall be placed on any reserve or public place except those specially approved by the Council.
- 35.3 No temporary sign for an election or a referendum shall be erected earlier than 2 months before polling day and shall be removed the day before polling day.
- 35.4 No sign shall be placed or be allowed to remain where in the opinion of an authorised officer (or New Zealand Land Transport Authority) that sign would:
- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - b) Distract unduly or be likely to distract unduly the attention of road users;
 - c) Resemble or likely to be confused with any traffic sign or signal;
 - d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective material that may interfere with a road users vision;
 - e) Constitute or be likely to constitute in any way a danger to road users.
- 35.5 Nothing in this bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing an election or referendum.

PART 7 – EXEMPTIONS, OFFENCES AND PENALTIES

36. EXEMPTIONS TO THIS BYLAW

- 36.1 The driver or person in charge of an “emergency vehicle” attending an emergency or other call-out, or of a vehicle being used for the emergency repair of any public or network utility, shall be exempt from the provisions of this bylaw.
- 36.2 The Chief Executive may on application from any person or organisation grant that person or organisation an exemption from such of the provisions of the bylaw as the Chief Executive deems fit. Any such exemption shall be in writing, signed by the Chief Executive and shall specify:
- a) the provisions of the Bylaw in respect of which an exemption has been granted; and
 - b) name of the person or organisation in whose favour the exemption has been granted; and
 - c) road or land or portion thereof to which the exemption applies; and
 - d) the dates on which the exemption will apply.

37. NOTICES

- 37.1 Any notice, order or document issued under this bylaw by the Council may be delivered to the recipient either personally or by sending the same, by messenger, post, fax or e-mail, to the recipient at their last-known place of residence or business.
- 37.2 If such person is absent from New Zealand the order or notice may be sent to their agent in any manner mentioned in clause 37.1 of this bylaw.
- 37.3 If the recipient is not known or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land may be served on the person in occupation thereof, or left with some inmate of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

38. OFFENCES

- 38.1 Every person commits an offence against this bylaw who:
- a) does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or allows any circumstances to exist contrary to any provision contained in this Bylaw ;
 - b) does anything or causes any circumstances to exist for which a licence or approval from the Council is required under this bylaw, without first obtaining that licence or approval; or
 - c) fails to comply with any conditions imposed in respect of a licence or approval under this bylaw; or
 - d) fails to comply with any notice or direction given under this bylaw.

39. OBSTRUCTION OF AUTHORISED OFFICER

39.1 No person shall obstruct any Authorised Officer in the course of his or her duties.

40. PENALTIES

40.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000).

40.2 Where damage occurs to any road, footpath, berm, reserve or public place as a result of a breach of the provisions of this Bylaw, the cost of repairing the road, footpath, berm, reserve or public place may be recovered from the owner or person in charge of the vehicle, horse or item causing the damage.

41. POWER TO AMEND SCHEDULES BY RESOLUTION

41.1 Council may from time to time by resolution substitute, or make additions or alterations to any Schedule or Traffic Map of this bylaw.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 11 April 2016.

THE COMMON SEAL of WAIKATO
DISTRICT COUNCIL was hereto affixed in the presence of:


Mayor


Chief Executive



Schedule I

Waikato District Parking Restrictions

Pursuant to the Land Transport Act 1998 **Council Hereby Declares** the following parking, standing, and stopping restrictions, limitations, and prohibitions apply to any vehicle or specified class or description of vehicle on any road, or portion of a road, or other area, controlled by the Council, and specified as follows:

Unless otherwise stated, time limits specified in this schedule shall apply between the hours of 8:00am and 6:00pm – daily except public holidays.

TIME LIMITED PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
MAXIMUM PARKING TIME LIMIT 120 MINUTES		
No person shall allow any vehicle to stop, stand or park for a longer period than one hundred and twenty minutes, on any of the following roads or portions of road	All vehicles.	Huntly Community (as identified on Map 1) i) Any part of Shand Lane ii) Any part of Station Place iii) Any part of Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Any part of Galileo Street ii) Any part of Martin Street iii) Any part of Newcastle Street
		Raglan Community The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street (as identified on Map 3) ii) Any part of Wallis Street (as identified on Map 3) iv) Any part of Wallis Street - Raglan Wharf (as identified on Map 4) v) Any part of Bankart Street (as identified on Map 3)

MAXIMUM PARKING TIME LIMIT 60 MINUTES	All vehicles	Huntly Community (as identified on Map 1) i) Any part of Venna Fry Lane iii) Any part of Shand Lane iv) Any part of Mine Square (BNZ Carpark) v) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than sixty minutes, on any of the following roads or portions of road		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
MAXIMUM PARKING TIME LIMIT 60 MINUTES (contd)	All vehicles	Raglan Community (as identified on Map 3) The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street ii) Any part of Wainui Road iii) Any part of Wi Neera Street iv) Any part of Wallis Street
MAXIMUM PARKING TIME LIMIT 30 MINUTES	All vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than thirty minutes, on any of the following roads or portions of road		Raglan Community (as identified on Map 3) The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street ii) Any part of Wainui Road
MAXIMUM PARKING TIME LIMIT 15 MINUTES	All Vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than fifteen minutes, on any of the following roads or portions of roads.		Ngaruawahia Community i) Any part of Great South Road

		<i>Raglan Community</i> The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street (as identified on Map 3) ii) Any part of Raglan Wharf (as identified on Map 4)
MAXIMUM PARKING TIME LIMIT 5 MINUTES	All vehicles	<i>Ngaruawahia Community</i> (as identified on Map 2) i) Any part of Great South Road
No person shall allow any vehicle to stop, stand or park for a longer period than five minutes, on any of the following roads or portions of road		

SPECIAL PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PERMIT ONLY PARKING AREAS		
The following portions of roads are hereby constituted as reserved or permit-only parking areas and no person except those who have been issued with a relevant permit shall allow any vehicle to stop, stand or park in these parking spaces or areas.	All Vehicles except those displaying relevant parking permits.	Huntly Community (as identified on Map 1) i) Any part of Venna Fry Lane and the carpark between the railway overbridge and No. 178 Main Street ii) Any part of Shand Lane iii) Any part of Mine Square (BNZ Carpark) iv) Any part of Station Place
		Raglan Community (as identified on Map 3) i) Bow Street - any part of the carpark located on the eastern side of the Town Hall
DISABLED PARKING AREAS		
The following portion of roads are hereby constituted as disabled parking areas for the exclusive use of any disabled person. No person, except those holding and displaying an Operation Mobility Concession Card on the inside of their vehicle, shall stop, stand or park any vehicle in these parking spaces or areas.	All Vehicles except those clearly displaying Operation Mobility Concession Card.	Huntly Community (as identified on Map 1) i) Any part of Main Street ii) Any part of Venna Fry Lane or the carparks accessed from Venna Fry Lane iii) Any part of Shand Lane iv) Any part of Mine Square (BNZ Carpark)
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street ii) Any part of Galileo Street iii) Any part of Newcastle Street
		Raglan Community (as identified on Map 3) i) Any part of Bow Street ii) Any part of Wainui Road iii) Any part of Wallis Street iiii) Any part of Wi Neera Street

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
EMERGENCY VEHICLE PARKING AREAS		
The following portions of roads are hereby constituted as reserved for emergency service vehicles only and no person shall allow any vehicle other than an emergency service vehicle to stop, stand or park on any of the following roads or portions of roads 24 hours a day.	All Vehicles except emergency vehicles.	Raglan Community i) Any part of Raglan Wharf as indicated on Map 4
TAXI STANDS		
The following portions of roads are hereby constituted as a taxi stand and no person shall allow any vehicle other than a clearly identified taxi to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except taxis	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
BUS STOPS		
The following portions of roads are hereby constituted bus stops and restricted to use for stopping, standing or parking by Large Passenger Vehicles and no person shall allow any other vehicle to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except Buses	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Great South Rd (SH1)
		Raglan Community (as identified on Map 3) i) Any part of Bow Street

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
LOADING ZONES		
The following portion of road is hereby constituted as a loading zone and no person shall allow any vehicle, except a Goods Vehicle, to stop, stand or park on any of the following roads or portions of roads.	All Vehicles – Except Goods Vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street ii) Any part of Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
		Raglan Community (as identified on Map 3) i) Any part of Bow Street
CAR AND TRAILER PARKING AREAS 48 HOURS		
The following portions of roads are hereby constituted as reserved for the parking of cars with boat trailers only and no person shall allow any vehicle other than a car and boat trailer to stand or park, on any of the following roads or portions of roads. A car and trailer is only permitted to park in these areas for a maximum of forty eight hours (2 days).		Raglan Community i) Raglan Wharf (as identified on Map 4)

PARKING PLACES

Type of Restriction	Applicable to: (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PARKING PLACES OR PARKING AREAS		
The following portions of road or land are hereby constituted as parking places or parking areas.	All Vehicles	Huntly Community (as identified on Map 1) i) Main Street ii) Shand Lane iii) Station Place iv) Mine Square (BNZ Carpark) v) Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Jesmond Street ii) Galileo Street iii) Market Street iv) Newcastle Street v) Newcastle Street Carpark vi) Martin Street vii) Great South Road
		Raglan Community (as identified on Maps 3 and 4) i) Bow Street ii) Wainui Road iii) Wi Neera Street iv) Bankart Street v) Wallis Street (western end) vi) Wallis Street (eastern end) vii) Raglan Wharf

NO STOPPING RESTRICTIONS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
NO STOPPING OR PARKING AT ALL TIMES		
The following portions of roads are hereby constituted as no stopping areas and no person shall allow any vehicle to stop, stand or be parked whether attended or unattended in any of the following 'No Parking' areas where a traffic sign is erected or marked on the road (in accordance with the provisions of the Land Transport Rule "Traffic Control Devices 2004"), except in conformity with the terms of any prohibition, limitation or restriction applying to that zone. This restriction shall apply 24 hours a day unless otherwise stated.	All Vehicles	Huntly Community (as identified on Map 1) i) Any part of Venna Fry Lane ii) Any part of Civic Place iii) Any part of Main Street iv) Any part of Station Place v) Any part of Shand Lane vi) Any part of Mine Square (BNZ Plaza)
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street ii) Any part of Market Street iii) Any part of Lower Waikato Esplanade iv) Any part of Galileo Street v) Any part of Great South Road vi) Any part of Martin Street
		Raglan Community (as identified on Map 3) i) Any part of Bow Street ii) Any part of Wi Neera Street iii) Any part of Cliff Street iv) Any part of Wallis Street vi) Any part of Wainui Road (including Helipad Area) vii) Any part of Bankart Street vi) Any part of Wallis Street/Raglan Wharf (as identified on Map 4)







Legend

Bus Stop

Car and Boat Trailer

Disabled

Emergency

Loading Zone

No Limit

No Parking

P15

P30

P60

P120

Reserved

Taxi



Legend

Bus Stop

Car and Boat Trailer (P48hrs)

Disabled

Emergency

Loading Zone

Motorcycle

No Limit

No Parking

P15

P30

P60

P120

Reserved

Taxi

Schedule 2

One-Way Street Restrictions

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following streets to be one-way streets, in that any vehicle may only travel in the specified direction for that street.

Type of Restriction

The following portions of roads are hereby constituted one-way streets and no person may travel upon them in a direction other than that indicated by traffic signs and Maps.

Applicable to

All vehicles

Specified Area/Road

Huntly	Shand Lane, in a northerly direction from Station Place to the northern end of the Permit Only parking area shown on Map I.
	Shand Lane in a northerly direction from the northern side of Mine Square (BNZ Plaza) its intersection with Main Street.
	Venna Fry Lane in a northerly direction from Garden Place to Main Street.

Schedule 3

Roads Restricted to Specific Classes of Vehicles

Pursuant to the Land Transport Act 1998, Local Government Act 2002 and Heavy Motor Vehicles Regulation 1974 **Council Hereby Declares** the following roads, or portion of a road, or other area controlled by the Council, to be restricted to specified types of vehicles :

Type of Restriction

The following portions of roads are hereby constituted restricted and no person may drive a prohibited type of vehicle on them except with the written consent of the Council.

Applicable to (specified type of prohibited vehicle)

Nil.

Specified Area/Road

Nil.

Schedule 4

Areas where skateboards are prohibited

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following areas to be no riding areas at all times.

The following portions of roads are hereby constituted restricted and no person may ride or use any Skateboard, Scooter or Roller Blades in the following areas except with the written consent of the Council:

Te Kauwhata Main Road on both sides from its intersection with Baird Avenue to its intersection with Saleyards Road.

Huntly Main Street on both sides including Garden Place and carpark or open spaces connected to Main Street from its intersection with State Highway One in the North to the Railway Overbridge in the South.

The access to Venna Fry Lane from Main Street between the Civic Centre and the Waikato District Library.

The Riverside carpark.

On the Railway footbridge across the Waikato River connecting Main Street with Bridge Street, Huntly West.

Bridge Street, Huntly West on both sides from its intersection with Harris Street to the Railway footbridge.

Ngaruawahia State Highway One on the eastern side from its intersection with Martin Street to its intersection with Market Street.

Jesmond Street on its northern side from its intersection with Market Street to its intersection with State Highway One.

Jesmond Street on its southern side from its intersection with Waikato Esplanade to its intersection with State Highway One.

Galileo Street on both sides from its intersection with Martin Street to its intersection with Jesmond Street.

Raglan Bow Street on its northern side from its intersection with James Street to its intersection with Wallis Street.

Bow Street on its southern side from its intersection with Bankart Street to its intersection with Wi Neera Street.

Wainui Road on both sides from its intersection with Bow Street to its intersection with Stewart Street.

The Footpath connecting Bow Street with the footbridge over the Oporu Inlet and on the footbridge over the Oporu Inlet.

Tuakau That part of George Street between Liverpool Street and Henderson Avenue.