

PUBLIC PLACES BYLAW 2018

This bylaw is made under sections 145 and 146 of the Local Government Act 2002.

1. SHORT TITLE

(1) This bylaw is the Christchurch City Council Public Places Bylaw 2018.

2. COMMENCEMENT

(1) This bylaw comes into force on 1 December 2018.

3. PURPOSE

(1) This bylaw enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.

4. INTERPRETATION

(1) In this Bylaw, unless the context requires otherwise –

ACT	means the Local Government Act 2002
AUTHORISED OFFICER	means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.
COMMERCIAL ACTIVITY	includes: <ul style="list-style-type: none">• trading, which includes selling, hiring, or displaying for sale any goods or services;• advertising goods, services or events;• street performing;• other activities undertaken for payment or reward.
CORRIDOR ACCESS REQUEST (CAR)	means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm, prior to performing the work or activity.
COUNCIL	means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.
DISTRICT PLAN	means the Christchurch District Plan
EVENT	means an organised temporary activity with set start and end dates, which is set-up in a public place. It may be free or ticketed, conducted for the purpose of attracting revenue, support, awareness, and/or for

entertainment, community connection or competition. An event may include the erection of structures, setting up of equipment, and other activities that could require exclusive use or prevent access or use by others of the public place.

PUBLIC PLACE

means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.

Explanatory Note: Privately-owned public places, such as lanes or squares, will only fall within the above definition if they are also managed, maintained or controlled by the Council. The Council will consider on a case-by-case basis in discussion with the land-owner whether any privately-owned public places should come under Council's management, maintenance or control for the purposes of this Bylaw. Similarly, the Council may enter into an arrangement with the Crown to manage, maintain or control its land by mutual agreement, usually where the land is adjacent to Council-owned land.

RURAL AREA

means any area of the district where farming is commonly undertaken and where fencing is required for such purposes, e.g. to enclose livestock.

SIGN/SIGNAGE

means an advertisement, message or notice conveyed using any visual medium, which advertises or promotes a product, business, service, or event or acts to inform or warn any person, and includes:

- (i) the frame, supporting device and any associated ancillary equipment whose principal function is to support the advertisement, message or notice;
- (ii) advertisements, messages or notices placed on, or affixed to, or painted or stencilled onto a window, a fence, a hoarding, street furniture, utility infrastructure, footpath, road or building;
- (iii) murals, banners, flags, posters, balloons, blimps, sandwich board signs, rotating signs, projections of lights or electronic displays.

STREET PERFORMANCE

Includes busking and means a person or group of persons who is/are actively providing a performance to entertain in exchange for a donation. A street performance may include sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, statue acts, dancing or other entertainment, or doing any of those things concurrently.

TRAFFIC MANAGEMENT PLAN

means a document describing the design, implementation, management, and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This

includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act, unless the context plainly requires a different meaning.
- (3) Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory Note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5. PERMISSIONS UNDER THIS BYLAW

- (1) A permission under this bylaw may relate to –
 - (a) An activity or event or series of activities or events, as the case may be;
 - (b) One or more clauses under this bylaw as is appropriate in the circumstances.
- (2) Where this bylaw requires written permission, that permission may be given by:
 - (a) A permit or licence issued by an authorised officer; or
 - (b) The terms of a leasing, licensing or other agreement between the Council and another party; or
 - (c) The terms and conditions of a policy or code of conduct adopted by the Council under clause 7 of this bylaw; or
 - (d) The provisions in a park or reserve management or master plan; or
 - (e) A sign installed by the Council on or at the public place.
- (3) The Council may, in its discretion, at any time, review, withdraw or alter any permission given under this bylaw.
- (4) Any breach of the conditions of a permission given by any of the means in clause 5(2) of this bylaw -
 - (a) may result in the permission being suspended or revoked (in accordance with the Council's General Bylaw 2008); and
 - (b) is a breach of this bylaw.

Explanatory Note: There may be instances where certain activities are in breach of a number of clauses in this bylaw, for example, signage may also be an obstruction.

6. APPLICATION FOR PERMISSION UNDER CLAUSE 5(2)

- (1) The Council may set application and other fees for permissions under this bylaw.

- (2) Where an application for permission must be in writing, it must contain all information necessary for the authorised officer to consider issuing a permit, be accompanied by the relevant application fee (if any), and be submitted in accordance with any applicable Council policy.
- (3) An authorised officer considering an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, Corridor Access Request, food control plan, alcohol licence or any other regulatory document appropriate to the consideration.
- (4) Any permission under this bylaw may be subject to such reasonable terms and conditions as the Council or authorised officer giving the permission determines. Terms and conditions specified in a permit may include, without limitation, such matters as:
 - (a) the name of the permit holder;
 - (b) the duration of the permit;
 - (c) the location to which the permit applies;
 - (d) any ongoing fees and charges that must be paid;
 - (e) the type of activity, event, or obstruction covered by the permit;
 - (f) details of arrangements to manage the effects of the activity, event, or obstruction;
 - (g) if the permit must be displayed.

Explanatory Note: Permission to carry out some activities may be given in a policy or other Council document and a permit/licence does not need to be obtained. However, the conditions of the policy or other document may include requirements to obtain other consents or permissions. For example, a resource consent, food control plan, alcohol licence, etc. that must be obtained prior to undertaking the activity.

7. POLICIES AND CODES OF CONDUCT

- (1) The Council may adopt policies and codes of conduct related to matters regulated by this bylaw.
- (2) Policies and codes of conduct must be adopted by Council resolution.
- (3) Policies and codes of conduct may set out, without limitation, such matters as:
 - (a) terms and conditions;
 - (b) guidance information;
 - (c) application procedures;
 - (d) administrative arrangements;
 - (e) definitions.

Explanatory Note: Policies and codes of conduct will be made available on the Council website.

8. COMMERCIAL ACTIVITIES IN PUBLIC PLACES

- (1) No person may undertake a commercial activity in a public place without written permission under clause 5(2) of this bylaw.

Explanatory Note: This clause primarily covers trading activities in public places. Permit forms can be found on the Council website. Advertising of commercial goods and services is also covered by the signage clause 9, and clause 10 if the signage is deemed to be an obstruction. Clause 9 may also be relevant to street performance activities.

9. EVENTS IN PUBLIC PLACES

- (1) No person may hold an event in a public place, unless the person has the written permission of an authorised officer.
- (2) Signage associated with an event must be approved as part of an event permit, and approved signs must be removed from public places within seven working days after the end of the event.

Explanatory note: Organisers of all events held in a public place need to apply to Council for an event permit and supply all necessary information to support an event permit application, except where approved by an authorised officer under the Parks and Reserves Bylaw. The event permit application form can be found on the Council's website.

10. SIGNAGE FOR COMMERCIAL ACTIVITIES, EVENTS OR OTHER PURPOSES

- (1) No person may install or display signage for commercial activities, events or other purposes in, on or affixed to a public place without written permission under clause 5(2) of this bylaw.
- (2) This clause does not apply to signwriting on vehicles being used for commercial purposes, or signage on private property that is managed by the District Plan.
- (3) Unauthorised signage in, on or affixed to a public place may be removed at the discretion of an authorised officer.

Explanatory Note: This clause is intended to avoid unnecessary proliferation, and coordination can occur, where appropriate, while maintaining the safety and amenity of the area. The Council's Signboards in Public Places Policy outlines the requirements for signs such as sandwich boards, this policy is due for review in 2019.

The Council may use a range of enforcement powers under Subpart 2 of Part 8 of the Local Government Act 2002 to remove any unauthorised signage. A similar clause is contained within the Council's Parks and Reserves Bylaw and Marine, Lake and River Facilities Bylaw.

11. OBSTRUCTIONS IN PUBLIC PLACES

- (1) No person may build, construct, erect, affix or place any thing in, on or over a public place, and allow it to remain there in circumstances where it causes or is likely to cause danger or inconvenience to others using the public place, without written permission under clause 5(2) of this bylaw.

- (2) No person may allow vegetation to encroach over a public place in a manner that may cause a nuisance to any person or an obstruction to pedestrian or vehicular traffic.

Explanatory Note: The Council also has powers under section 355 of the Local Government Act 1974 to require the removal of overhanging trees etc., which may be exercised instead of this bylaw clause, as appropriate in any situation.

- (3) If any thing is causing an obstruction or limiting visibility for vehicular traffic in a public place without permission under clause 5(2), or does not comply with the conditions of the permission, then the Council may:
 - (a) Request that the owner removes the obstruction and repairs damage (if any) to the Council's satisfaction within 24 hours, or any other timeframe set by an authorised offer; or
 - (b) Arrange the removal of the obstruction and repair damage (if any), and recover the costs from the owner;
 - (c) If the owner or person who caused the obstruction cannot be located, the Council may remove the obstruction;
 - (d) Place adjacent to, or affix to, the obstruction, any safety or warning devices, and charge the person who has caused the obstruction for the costs of the safety or warning device.
- (4) The Council may use a range of enforcement powers to remove any obstructions. If the owner does not remove the obstruction when asked by an authorised officer, the Council may remove it and recover the costs of removing the obstruction from the owner under sections 164-168 of the Local Government Act 2002.

Explanatory Note: Access to a public place must not be unnecessarily prevented or blocked.. Footpaths should be kept clear to ensure pedestrians, including mobility impaired persons, can easily pass. Moveable signs, bikes, and rubbish being placed next to a rubbish bin are examples of common obstructions on footpaths. Cafes and restaurants with a licence for tables and seating in public places must ensure the furniture stays in the area agreed in the licence.

Dangerous or inconsiderate parking may also result in instant fines under parking-related legislation, such as the Land Transport Road User Rule or the Council's Traffic and Parking Bylaw 2017.

12. DISPLAY OF PROPERTY NUMBERS AND ROAD NAMES

- (1) Where the Council has allocated a street number to a building or buildings or land, the owner or occupier must display the allocated number, regardless of any other identification or names for the land or building(s).
- (2) The number displayed must be:
 - (a) at least 50mm in height; and
 - (b) of a colour that contrasts with its background; and
 - (c) maintained by the owner in a way that easily identifies the property at all times; and
 - (d) be easily visible from the road to which the building or group of buildings has frontage.

Explanatory Note: Rural properties are advised to use Rural Address Property Identification (RAPID) numbers and to display the RAPID number prominently at the road entrance to their property. RAPID numbers are normally white reflective numbers on a blue reflective background and are displayed on a dedicated post.

- (3) Numbers must be displayed on a permanent fixture adjacent to the road and close to the principal entrance of the land or building (as appropriate to the type of building) or above or close to the principal entrance doorway, in the case of any unit or building within a group of buildings.
- (4) If the Council gives notice to the owner or occupier of any land or building that a number needs to be displayed or changed on their land or building, the owner or occupier must display the number or changed number within 21 working days of the date of the Council's notice.
- (5) Where it is not reasonably practicable for the Council to display the name of a road or private road or way to a post or pole in the road, the Council may, after discussing the location of the road name on the building with the owner of the building, paint or affix on a building, the name of the road or private road or way to which the building has frontage.

13. SPECIAL USE AREAS

- (1) The Council may, by resolution, and on any conditions the Council thinks fit, including those set out in any relevant policy or code of conduct, declare that any public place or any specified part of a public place:
 - (a) has been set aside for a lawful special use or activity; or
 - (b) cannot be used for a particular use or activity.
- (2) Any breach of the conditions of a Special Use Area is a breach of this bylaw.
- (3) The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

Explanatory note: A register of special use areas is available on the Council's website.

14. BARBED, RAZOR OR ELECTRIFIED WIRE

- (1) Barbed wire, razor wire or electrified wire may not be used within one metre of any property boundary adjoining any public place, unless the wire is at a height 2.5 metres or more above ground level, or the public place is in a rural area.

Explanatory note: the restrictions in the clause are to ensure public safety, and maintain amenity. The definition of rural area in this bylaw is areas where farming is commonly undertaken and fencing is required for such purposes, e.g. to enclose livestock.

15. PENALTIES

- (1) Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Act.

16. EXCLUSIONS

- (1) This bylaw does not apply to any person who carries out an act that is done –
 - (a) By a member of the emergency services in the course of carrying out his or her duties; or
 - (b) In accordance with a valid contract for services with the Council.

17. REVOCATIONS AND SAVINGS

- (1) The following bylaw is revoked:
 - The Christchurch City Council Public Places Bylaw 2008
- (2) Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in subclause (1) that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.
- (3) The resolutions of the Council made or continued under the bylaw revoked under subclause (1) continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.
- (4) The revocation of the bylaw under subclause (1) does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.

18. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 12 July 2018 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 22 November 2018.