

# CHRISTCHURCH CITY COUNCIL PUBLIC PLACES BYLAW 2008

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

## 1. SHORT TITLE AND COMMENCEMENT

This bylaw is the Christchurch City Council Public Places Bylaw 2008. This bylaw comes into force on 1 July 2008.

## 2. OBJECT OF BYLAW

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.

## 3. INTERPRETATION

In this Bylaw, unless the context requires otherwise -

'Business vehicle'	means any vehicle that is used in supplying goods and services.
'Commercial activities'	includes: <ul style="list-style-type: none"><li>• trading, which includes selling, hiring, or displaying for sale any goods or services;</li><li>• advertising goods, services or events;</li><li>• busking and street performing;</li><li>• other activities undertaken for payment or reward.</li></ul>
'Council'	means the Christchurch City Council.
'Passenger service vehicle'	has the same meaning as in section 2 of the Land Transport Act 1998.
'Public place'	means an area that is open to or used by the public, which is under the control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, reserves, parks, beaches, and recreational grounds.
'Rural area'	means any area of the district where farming is commonly undertaken and where fencing is required for such purposes, eg to enclose livestock.

## 4. DELEGATION

In this bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.

## **5. EXCLUSIONS**

- (1) Clause 6 of this bylaw does not apply to:
  - (a) passenger service vehicles:
  - (b) any advertising on any business vehicle.
- (2) Clauses 6 and 7 of this bylaw do not apply to:
  - (a) any person who has permission under any other bylaw, act, regulation, district plan or resource consent to carry out such activities in a public place.

## **6. COMMERCIAL ACTIVITIES IN PUBLIC PLACES**

- (1) No person may undertake commercial activities in a public place, without the written permission of the Council.
- (2) A permit issued under this clause is subject to such terms and conditions that the Council thinks fit.
- (3) 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) the type of commercial activity covered by the permit
  - (e) the hours of trade allowed by the permit.
- (4) An application for a permit must be made in writing, and on the appropriate form provided by the Council (if any).

## **7. OBSTRUCTIONS IN PUBLIC PLACES**

- (1) No person may erect 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 those using the public place, without the written permission of the Council.
- (2) A permit issued under this clause is subject to such terms and conditions the Council thinks fit.
- (3) 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) the type of obstruction covered by the permit
  - (e) details of arrangements to manage the effect of the obstruction.

- (4) An application for a permit must be made in writing, and on the appropriate form provided by the Council (if any).

## **8. OPERATIONAL POLICIES**

- (1) The Council may, from time to time, as the Council sees fit, adopt operational policies related to matters regulated by this bylaw.
- (2) Operational policies must be adopted by Council resolution, and are listed in the Operational Policy Register in the Explanatory Note to this bylaw.
- (3) Operational policies may set out, without limitation, such matters as:
  - (a) guidance information
  - (b) application procedures
  - (c) administrative arrangements
  - (d) terms and conditions
  - (e) definitions.

## **9. DISPLAY OF PERMIT**

Any person with a permit issued under clause 6 or 7 must display a copy of that permit prominently for the view of members of the public, if the permit indicates that it must be displayed, or have it available to be inspected by any Council officer or Police officer on request.

## **10. PERMIT NOT TRANSFERABLE**

A permit under clause 6 or 7 is not transferable to any other person.

## **11. PERMIT MAY BE ALTERED, SUSPENDED OR CANCELLED**

- (1) The Council, on giving reasonable notice to the permit holder, may alter the terms and conditions of the permit in the event of a change to any circumstances of the permit holder, or the public place.
- (2) The Council may suspend or cancel any permit given under clause 6 or 7 in the following cases:
  - (a) without notice if:
    - (i) urgent action is required to protect the public from unhygienic, unsafe or hazardous conditions in the public place where the permit applies;
    - (ii) urgent works are required in the public place where the permit applies;
    - (iii) any terms and conditions of the permit are breached, where the period covered by the permit is 3 days or less.

- (b) on the giving of 48 hours notice to the person who holds the permit if:
  - (i) the activity will interfere with intended road works or a special event;
  - (ii) any terms or conditions of the permit are breached where the period covered by the permit is more than 3 days.

## **12. FEES**

- (1) The Council may from time to time, and in accordance with section 150 of the Local Government Act 2002, prescribe fees payable for permits issued under this Bylaw.
- (2) Fees may differ for any class of permit as prescribed.
- (3) A voluntary organisation, school or community group, where the profits from any trading are retained wholly for charitable or community purposes may be exempt from the payment of fees, at the Council's discretion.

## **13. SPECIAL USE AREAS**

- (1) The Council may declare from time to time by resolution publicly notified, and on any conditions the Council thinks fit, that any public place or any specified part of a public place:
  - (a) has been set aside for a special use or activity; or
  - (b) cannot be used for a particular use or activity.
- (2) The Council may from time to time by resolution publicly notified alter a special use area, or declare that an area is no longer a special use area.
- (3) Any special use areas declared under previous bylaws will continue in force.

## **14. BARBED, RAZOR OR ELECTRIFIED WIRE**

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.

## **15. OFFENCE AND PENALTY**

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 Local Government Act 2002.

## **16. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW**

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.

## 17. REVOCATIONS AND SAVINGS

- (1) The following bylaws are revoked:
- the Christchurch City Public Places and Signs Bylaw 2003;
  - the Banks Peninsula District Council Mobile or Travelling Shops and Hawkers and Itinerant Traders Bylaw 1972 (adopted in 1996); and
  - part 3 of the Banks Peninsula District Council Public Places and Signs Bylaw 2004, together with clauses 4.2, 4.3, 4.4, 4.10, 4.11 and 4.12 of part 4 of that Bylaw.
- (2) Any approval, permit or other act of authority which originated under these revoked bylaws 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 clause in this Bylaw.

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The initial resolution to make this bylaw was passed by the Christchurch City Council at an Ordinary Meeting of the Council held on 28 February 2008 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent Ordinary Meeting of the Council on 19 June 2008.

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## EXPLANATORY NOTE

The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect.

This Bylaw controls activities within public places that may have an adverse effect on other users of these facilities, or the facilities themselves, unless subject to some controls.

### Existing Council Operational Policies for the use of Public Places

Both the commercial activities clause and the obstructions clause in the bylaw require the Council to give written permission. The process for obtaining written permission, including any forms to be filled out, as well as the principal conditions that must be complied with under any permit, are contained in operational policies. Operational policies may be adopted by resolution by the Council. The relevant operational policies, at the time of printing, are:

Operational Policy Register	
Name of operational policy	Date adopted by the Council
Footpath extensions to expand cafés onto the roadway	25 March 1998
Public streets enclosures policy and fees charged	31 August 2006
Signboards in public places	22 July 1998
Structures on roads 2010	25 March 2008, amended July & December 2014
Trading and events in public places	24 September 2010

A further tool to manage obstructions in public places is the Transit New Zealand requirement for a Temporary Traffic Management Plan. See the Transit document *Code of Practice for Temporary Traffic Management (CoPTTM)*. Christchurch City Council administers the Temporary Traffic Management Plans process for roads under its care and control.

The current version of these and other operational policies can be found on the Council's website at <http://www.ccc.govt.nz/Policy>. These operational policies will be updated from time to time.

### Special Use Areas

Special use areas declared under previous bylaws that remain in force at the time of printing include:

- Speakers' Corner
  - Speakers' Corner was an area in Cathedral Square set aside for the purpose of public speaking, and is located on the eastern side of the Godley Statue (declared at a Council meeting on 23 November 2000). A new public speakers' corner opened in June 2013 and is now sited on privately owned land on the corner of Fitzgerald Avenue and Ferry Road.

- Busker areas
  - The Council resolved under the provisions of the Christchurch City Public Places Bylaw 2008 that areas of Cathedral Square, parts of City Mall (now ReStart Mall), and parts of Worcester Boulevard do not require a permit for the purposes of busking, provided that the busking conditions are complied with.