

**FAR NORTH DISTRICT COUNCIL  
BYLAWS**

**CONTROL OF THE USE OF PUBLIC PLACES**

**To come into force:** 1 April 2010

**For the purpose of:** The purposes of this Bylaw is to regulate the use of public places, including the road reserve, but not in relation to parking and traffic control, and reserves, in the Far North District, to safeguard with health, safety and protection of the public.

## INDEX

Clause	
3201	Introduction
3202	Interpretation
<b>PART 1</b>	<b>CONTROL OF ADVERTISING</b>
3203	Exempt Signs
3204	Application and Fees
3205	General requirements for sitting of signs
3206	Signs on or over Roads, Footpath and Public Place
3207	Real Estate
3208	Signs Affecting Traffic Safety
3209	General Requirements for Construction and Maintenance of Signs
3210	Lighting of Signs
3211	Signs on Parked Vehicles
3212	Removal or Repair of Signs
3213	Temporary Signs
<b>PART 2</b>	<b>CONTROL OF PUBLIC PLACES</b>
3214	Obstruction of a Public Place
3215	Damage to a Public Place
3216	Public Safety and Nuisance
3217	Awnings and Blinds
3218	Projections on Public Places not Permitted
3219	Restriction on Use of Barbed Wire of Electrified Fences
3220	Assembly and Busking in a Public Place
3221	Road and Building Identification

	<b>3222</b>	<b>Al fresco Dining</b>
<b>PART 3</b>		<b>LIVESTOCK AND ANIMALS</b>
	<b>3223</b>	<b>Wandering, Tethering and Droving</b>
<b>PART 4</b>		<b>OFFENCES</b>
	<b>3224</b>	<b>Offences and Penalties</b>
<b>PART 5</b>		<b>REPEAL OF BYLAWS</b>
	<b>3225</b>	<b>Repeal of Bylaws</b>

## 3201 INTRODUCTION

3201.1 The purpose of this Bylaw is to regulate the use of Public Places in relation to Trading, placing of advertising signs and general use of footpaths, berms or road verge and reserves *Bylaw to regulate use of Public Places*

3201.2 The Bylaw relates to use of Public Places for trading of all kinds, display of advertising signs and general use and nuisance in a Public Place *Scope of Bylaw*

The Far North District Council makes this Bylaw pursuant to the powers contained in the Local Government Act 2002, for the making and review of bylaws *Making of Bylaw*

## 3202 INTERPRETATION

**“Advertising signs”** means any notice, handbill, sign, drawing or other material that, in the opinion of the Council, is designed to promote sales of a product or service.

**“Authorised Officer or Officer”** means any officer of the Council to whom any powers or authorities are delegated and includes any Police Officer and any Enforcement Officer.

**“Busking”** means any performer in the street or other public place, for voluntary donations

**“Council”** means the Far North District Council and any Officer authorised to exercise the authority of the Council.

**“District Plan”** means the Far North District Plan made pursuant to the Resource Management Act 1991.

**“Enforcement Officer”** means any person appointed as an Enforcement Officer under section 177 of the Local Government Act 2002.

**“Fence”** means a fence as defined in section 2 of the Fencing Act 1978.

**“Footpath”** means so much of any road as is laid out or constructed by authority of the Council primarily for pedestrians and includes any footbridge.

**“Goods”** means any product or service.

**“Handbill”** means any advertising material designed for distribution by hand or freely available, and includes pamphlet, leaflets or flyers.

**“Material and Things”** means any material of whatever kind and includes jumbo bins and other containers of waste materials, but excludes vehicles.

**“Mind Altering Substances”** means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed;
- (b) substances purchased from a pharmacy without a medical prescription;
- (c) Nicotine;
- (d) Alcohol as defined in the Sale of Liquor Act 1989.

**“Motor Vehicle or vehicle”** shall have the same meaning as in the Transport Act 1998, and any subsequent legislation.

**“Offence”** means an offence against the bylaw and shall include the failure to comply with any part of this bylaw.

**“Public Place”** includes every road, street, public highway, footpath, court, alley, lane, accessway and thoroughfare of a public nature or open to or used by the public as of right, and every place of public resort or place to which the public have access so open or used.

**“Road”** shall have the same meaning as in section 2 (1) of the Land Transport Act 1998.

**“Sign”** means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes, but is not limited to, any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of the Part of the bylaw.

**“Temporary Sign”** means a sign advertising :

- (a) A parliamentary or local government election, or candidates for any such election; or
- (b) Construction or development works on a building site or demolition site; or
- (c) An auction or the intention to sell or lease any land or premises; or
- (d) Any exhibition or entertainment event, including galas, fetes or festivals.

“**Stock**” includes any horse, cattle, sheep, deer, goat, ass, pig, llama, alpaca, ostrich, or any other farmed animal.

“**Structure**” means any building, sculpture, monument or purpose built object, frame or similar thing.

“**Veranda**” includes any portico, balcony, awning or roofed structure over any street or public place

## **PART 1 CONTROL OF ADVERTISING**

### **3203 EXEMPT SIGNS**

- 3203.1 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 the sign by a resource consent. *Signs exempt from bylaw*
- 3203.2 Where a sign lawfully existed prior to the coming into force of this bylaw, it may remain in place and be repaired, altered or maintained, providing that such work does not increase its physical size or the extent of non compliance with this bylaw. *Existing signs*
- 3203.3 A sign that does not comply with the requirements of this Part of the bylaw and is not a sign referred to in 3203.2 shall be removed or otherwise made to comply within 6 months of the adoption of this bylaw. *Non-compliant signs*
- 3203.4 Where the Council or an authorised officer is satisfied that compliance with any requirement of this Part of the bylaw would be unreasonable or impracticable, having regard to the circumstances of the case, a dispensation may be granted in whole or in part, with such modifications or conditions considered appropriate in the circumstances. *Dispensation to compliance*

### **3204 APPLICATION AND FEES**

- 3204.1 Except as otherwise provided by the bylaw, no person shall place any sign in such a position as to be on or projected over any road, private street or public place unless prior permission of the Council or an authorized officer (or New Zealand Transport Authority in the case of State Highways) has been obtained. *Council approval for signs*
- 3204.2 Any sign requiring the approval of the Council will be subject to an application and payment of appropriate fees, as prescribed in the Council Fees and Charges Schedule *Application and fee to pay*

## **3205 GENERAL REQUIREMENT FOR SITING OF SIGNS**

- 3205.1 No person shall *Displaying of signs*
- (a) Display or erect any sign visible from a public place which does not comply with this Part of this bylaw or with any provision set out in the Far North District Plan, under the Resource Management Act 1991, except where:
    - (i) A resource consent has been granted for that sign, or
    - (ii) An exemption to the requirements of the Part of this bylaw has been granted by the Council or an authorised officer, or
    - (iii) The sign is exempted by 3203.1 of this Part of this Bylaw
  - (b) Place any poster on any building or structure without the permission of the owner or occupiers of that building or structure unless it is a designated poster board;
  - (c) Erect any sign identified in the Part of this bylaw as requiring a building consent before that building consent has been issued;
  - (d) Place or allow to remain in place any sign which explicitly or implicitly;
    - (i) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
    - (ii) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
    - (iii) Is offensive, threatening or insulting; or
    - (iv) Incites or counsels any person to commit any offence

## **3206 SIGNS ON OR OVER ROADS, ON FOOTPATHS AND PUBLIC PLACES**

- 3206.1 All signs located on verandas over roads or public places shall be for commercial/industrial or business purposes only, and shall be : *Location, size and number of permitted signs*
- (a) No closer than 2.4 m to the footpath beneath the sign;
  - (b) Set back at least 600mm from the road kerb edge;
  - (c) If located on the veranda fascia, be not more than 900mm in depth, or protrude more than 200mm from the fascia;
  - (d) If located under the veranda, at right angles to the fascia line, and limited to one per site;
  - (e) If located on top of the veranda, be more than 1.2m high, not more than 1.8m<sup>2</sup> in area and limited to one per site; and
  - (f) Advertise only the services and products of the business located on that site.
  - (g) Only one sign for each business on a site is permitted on footpaths or public places, which shall

be placed outside of the business to which it relates.

- (h) Each footpath or public place permitted sign shall be of the following maximum sizes:

Maximum height	1.5 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres
Minimum clearance from footpath	0.3 metres to base of sign

- 3206.2 No person shall write or draw art or place advertising material onto the footpath or any other public place, except where approval has been granted by Council, and then chalk is the only material applied to an approved area. *Pavement advertising*

### **3207 REAL ESTATE**

- 3207.1 The following rules shall apply to the advertising of property for sale: *Criteria for Real Estate signs*
- (a) Any flag or sign should only be displayed immediately outside the property that is the subject of sale, and should relate to that property only.
  - (b) Only one sign for each real estate agency involved in the sale of the property, with a maximum area of 1 m<sup>2</sup> per sign.
  - (c) The flag or sign must not exceed 2.0 metres by 0.9 metres and, if a flag, is flown from a safe and stable flagpole structure not exceeding 2.4 metres in height. The base of the flagpole is not positioned more than 0.6 metres from the kerb edge.
  - (d) The flag or sign is not placed on a road or carriageway.
  - (e) An "Open Home" flag or sign must not remain in place for more than 6 hours on any one day. "For Sale", "Auction", and "For Tender" signs may remain in place until the property is sold.

### **3208 SIGNS AFFECTING TRAFFIC SAFETY**

- 3208.1 No sign shall be placed, or allowed to remain where, in the opinion of the Council or an authorised officer (or New Zealand Transport Authority in the case of State Highways), that sign would: *Placing signs to ensure traffic safety*
- (a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals;
  - (b) Distract unduly or be likely to distract unduly the attention of a road user;
  - (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 materials that may interfere with a road users vision;



- (e) Invite drivers to turn so close to a turning point that there is no time to signal or turn safely; and
- (f) Constitute or be likely to constitute in any way a danger to road users.

**3209 GENERAL REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE OF SIGNS**

3209.1 All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed. *Signs as hazards*

3209.2 The following signs and their supporting structures may require a building consent prior to their erection: *Signs requiring Building Consent*

- (a) Free standing signs where the maximum height is 3m or more above the ground level, or where the area exceeds 2m<sup>2</sup>;
- (b) Signs suspended clear of any building where the total weight of the sign and supports exceeds 50 kg or where the sign area exceeds 2m<sup>2</sup>;
- (c) Signs attached to the face of any building where the total weight of the sign and supports exceeds 50 kg;
- (d) Veranda signs where the total weight of the sign and supports exceed 50kg but is less than 250kg, or is supported at four locations;
- (e) All banners with a surface area exceeding 12m<sup>2</sup>;
- (f) All flags with a surface area exceeding 4.5m<sup>2</sup>.

**3210 LIGHTING OF SIGNS**

3210.1 Subject to 3210.2 and 3210.3 below, no illuminated sign shall produce more than 1000 cds/m<sup>2</sup> and not more than 800 cds/m<sup>2</sup> for areas equal to or greater than 10m<sup>2</sup> (cds/m<sup>2</sup> = candelas per square metre) *Illumination criteria*

3210.2 No illuminated sign located in a rural environment shall produce more than 600 cds/m<sup>2</sup>, and 400 cds/m<sup>2</sup> for signage areas equal to or greater than 10m<sup>2</sup>. *Illuminated signs in rural areas*

3210.3 Any sign with a face at a 90 degree axis to the road or within 20m of a road and 20 degrees of either side of a driver's line of sight or at road intersections shall conform to the lower luminance level as required for rural areas. *Roadside illuminated signs*

3210.4 With the exception of neon signs, the lighting filament used to light any sign shall not be visible from the ground level except where approved by the Council or an authorized officer. *Lighting filaments*

### **3211 SIGNS ON PARKED VEHICLES**

- 3211.1 No person shall leave a vehicle on a road or public place, in circumstances where the vehicle is used or may reasonably be assumed to be used solely for the purposes of carrying, supporting or displaying any advertising signs, notice or placard. *Advertising from vehicles*

### **3212 REMOVAL OR REPAIR OF SIGNS**

- 3212.1 Where any sign, whether approved or not, fails to conform to all the provisions of this Bylaw, it shall be the duty of the owner or lessee of the premises to which the signs applies, after being served with a written notice from the Council, giving a reasonable period of time in which the work is to be completed, to repair, take down, or remove such signs that do not conform to this bylaw. *Notice to remedy non-conforming signs*
- 3212.2 If the person on whom such written notice has been served fails to comply with the terms of such notice, the Council may have that sign repaired, taken down or removed and the cost incurred shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed. *Council to remedy signs and charge owner*
- 3212.3 Any sign removed by the Council shall be released to the owner upon payment of the costs incurred in its removal and storage *Cost recovery*
- 3212.4 Any sign that is unclaimed for a period exceeding one month, or is not released for a period exceeding one month, may be sold or otherwise disposed of by the Council. Where such sign is sold the proceeds of sale shall be applied first towards the payment of the costs referred to in 3212.3 and any balance shall be paid to the owner on application. *Unclaimed sign disposal*
- 3212.5 The Council may pull down, alter or remove any posters that have been placed on any:  
(a) building or structure without the permission of the owner of that building or structure;  
(b) surface, building or structure in a public place not being a designated poster site;  
and recover the costs of removal from the persons placing the poster. *Council removing posters*

### **3213 TEMPORARY SIGNS**

- 3213.1 Temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to a maximum size of 3m<sup>2</sup> and the number and location of such signs shall be by written agreement with the Council. *Event signs*
- 3213.2 Election signs shall be placed in accordance with Far North District Council Policy # 2112 Election Hoardings. *Election signs*

- 3213.3 Except with the permission of the Council or an authorized officer, temporary signs shall not be placed on Parks or Reserves, and any pole, fence, street furniture or other public utilities on any public place. *Placing of temporary signs*
- 3213.4 No person shall, on any land or premises, commence or continue to display, fix, erect, re-erect or alter the construction of : *Temporary signs display periods*
- (a) Any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier; or
  - (b) Any temporary sign for a period of greater than 4 months in any 12 month period; or
  - (c) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following the completion of the event to which the sign relates; or
  - (d) More than one temporary sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises

The Council or an authorized officer may grant an extension to the limits specified in 3213.4

## **PART 2 CONTROL OF PUBLIC PLACES**

### **3214 OBSTRUCTION OF A PUBLIC PLACE**

- 3214.1 No person shall : *Signs Obstructing a Public Places*
- (a) Obstruct the entrances or exits of a public place;
  - (b) Place or leave any materials or thing, including signage, on a public place, that could obstruct the public right of passage without the permission of the Council or an authorised officer, and then only in accordance with such condition imposed under that approval;
  - (c) Allow any gate or door on property abutting a public place to swing over or across the public place or any part thereof;
  - (d) Carry out any work on any motor vehicle, boat or other means of transport in a public place, except in the case of any accident or emergency, when repairs are necessary to allow the vehicle to be removed; and
  - (e) Place any equipment in relation to maintenance work on any building, fence or similar structures that may be adjacent to a

public place without prior permission of the Council.

### **3215 DAMAGE TO PUBLIC PLACES**

- 3215.1 Except with the written permission of the Council or an authorised officer, a person shall not, in any public place; *Signs not to cause damage to a 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 interfere with any ornament, statue, building, structure or facilities;
  - (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 or be in control of an animal in any manner so that it damages any part of a public place;
  - (f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
  - (g) Remove any sand, soil or other naturally occurring materials found in a public place; and
  - (h) Open any drain or sewer on, or disturb or remove the surface of any public place.

Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purposes of allowing posters to be displayed announcing forthcoming functions or events.

- 3215.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by the Council. *Unauthorised work in a public place*

- 3215.3 Any person wishing to gain access to a public beach shall only use a designated access. *Access to public beaches*

### **3216 PUBLIC SAFETY AND NUISANCES**

- 3216.1 Except with the prior written permission of the Council or an authorized officer, a person shall not, on any public place; *Safeguarding the public from nuisance, etc.*
- (a) Place or leave litter or any materials or thing or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;
  - (b) Deposit in or around a public litter receptacle any household or trade refuse;
  - (c) Interfere with any refuse which is awaiting collection by an authorized collector;

- (d) Cause or allow any materials or thing to be deposited onto a public place;
- (e) Fly from or land any aeroplane, including model aeroplanes, a hot air balloon or hang glider, parachute or similar, except in an emergency;
- (f) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (g) Play any game or use any object including skateboards, rollerblades, roller skates, bicycles or motorised scooter, recklessly or in a manner which may intimidate, 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 compliances with any other part of this bylaw.

3216.2 Where any fence, 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 or wall, or make the land safe. *Fences, walls and land not to hazardous to the public*

3216.3 Where a notice has been issued under clause 3216.2, the owner or occupier of the land must comply with that notice within the time prescribed in the notice. *Owner or occupier to comply with notice*

3216.4 Where there is no fence or wall adjacent to a public place, an authorised office may give notice to require the owner or occupier of the land to erect a suitable fence or wall, if such a fence or wall is necessary to prevent damage, nuisance or injury to any person or property. Such notice shall require the owner or occupier of the land to comply within then prescribed time detailed in that notice. *Owner or occupier to provide a fence or wall*

3216.5 Notwithstanding the requirements of any other clause of this Part of the bylaw a person shall not 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 lighting of fires; *Fires and Camping not permitted*

### **3217 AWNINGS AND BLINDS**

3217.1 No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the written permission of an authorised officer, who may set *Criteria for erecting awning or blind*

conditions deemed appropriate to that permission. Any such permission may be revoked at any time by an authorised officer

**3218 PROJECTIONS ON PUBLIC PLACE NOT PERMITTED**

3218.1 Except where permitted by any other Part of this bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, door post, cellar door, lamp post, signboard, window shutter, gate, post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

*Council approval to erect on or over a public place*

This restriction shall not apply to any veranda or awning erected pursuant to a requirement of a District Plan

3218.2 If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into force of this bylaw and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

*Notice to remove illegal building, projection or obstruction*

3218.3 No person shall stand on any veranda erected over a public place except for the purposes of inspection, maintenance or egress in the case of fire.

*Standing on veranda*

3218.4 No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free movement of persons using that public place

*Vegetation encroaching a public place*

**3219 RESTRICTION ON USE OF BARBED WIRE AND ELECTRIFIED FENCES**

3219.1 Except with the written permission of an authorised officer, no person shall erect or permit to be erected any electrified fences, barbed or razor wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side.

*Barbed wire, Electrified fences adjacent to public place*

This is provided that this sub-clause shall not prohibit the placing of such barbed or razor wire at a height of not less than 2 metres, or electrified fencing not less than 3 metres from the level of the ground of any such public place.

3219.2 Sub-clause 3219.1 shall not apply within an area which has a predominantly rural character under the District Plan prepared by the Council, providing that the

*Rules in Rural locations*

Council may from time to time by resolution, specify conditions that will apply to temporary electric fences.

### **3220 ASSEMBLY AND BUSKING IN A PUBLIC PLACE**

- 3220.1 A person shall not:
- Making noise, entertaining or performing in a public place*
- (a) Participate in any assembly or associate with other persons in a public place in such a way as to impede pedestrians or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
  - (b) Organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place in such a way as to impede pedestrians or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
  - (c) Perform, sing, play musical instruments, preach, lecture or exhibit in a public place with the use of any amplification device or in such a way as to impede pedestrians or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
  - (d) Without the prior consent of an authorised officer, use any loud speaker, megaphone, radio, television set, stereo, compact disc player or similar device; and
  - (e) Use any profane, indecent or obscene language, either in song or verbal speaking, on any public place, or within hearing of any person in such public place.

### **3221 ROAD AND BUILDING IDENTIFICATION**

- 3221.1 The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of a building, the name of the road, private road or public place to which it has frontage *Road name on buildings*
- 3221.2 Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such buildings or complex with numbers no less than 50 mm in height for residential buildings and not less than 150 mm in height for all other buildings. Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage. *Criteria of Numbering of buildings*
- 3221.3 Numbers required by 3221.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times. *Maintaining numbering*
- 3221.4 Council shall have power at any time to alter the number of any building where in the Council's opinion it *Altering building numbers*

may be necessary or advisable to do so.

### **3222 AL FRESCO DINING**

- 3222.1 No person or business shall place tables, chairs, umbrellas or any other type of furniture for the purposes of serving food or beverages in a public place without the prior approval of the Council, by applying for, and being granted a licence under the Council's Al fresco Dining Policy, and in compliance with any conditions or requirements of that licence, and the payment of any appropriate fees *Al fresco Dining in a Public Place*

## **PART 3 LIVESTOCK AND ANIMALS**

### **3223 WANDERING, TETHERING AND DROVING**

- 3223.1 No person shall take or allow any animal under their care or control onto any public place if the Council has by resolution or public notice, prohibited entry of that type of animal to that public place. *Livestock restrictions in Public Place*
- 3223.2 Any person having control of stock on any public place shall ensure that the stock are kept under proper control, with consideration for other persons using the public place. *Stock on public place to be under control*
- 3223.3 No person shall drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road. *Hours for driving stock*
- 3223.4 No person shall:
- (a) permit stock to be driven across or along any public place unless an alternative route is not reasonably available;
  - (b) Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorised officer;
  - (c) Graze stock in any public place except in accordance with the written approval of the Council.
- Stock on Reserves, beaches or grazing on public places*
- 3223.5 Any person having control of stock in any public place shall ensure that the stock are driven in a such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place. *Control of stock and damage to public places*
- 3223.6 Council may from time to time by resolution publicly notified declare certain roads to be stock routes and prohibit or restrict the use of any other roads, public *Council declare roads as stock routes*



places or urban areas for the driving of stock. Any such declaration, prohibition or restrictions may from time to time in like manner be altered or revoked. This requirement shall not apply to any person who rides or leads a horse under proper control on a road.

3223.7 Any person having control of stock being driven on any public place shall ensure that materials deposited upon the public place from such stock movement is removed within a reasonable period of time and is disposed of in an appropriate manner. *Removal of deposits from a public place*

3223.8 Subject to the requirements of sub-clause 3222.1 to 3222.7, every person being the owner or having care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place. *Stock or animals wandering*

## **PART OFFENCES**

### **4**

#### **3224 OFFENCES AND PENALTIES**

3224.1 Any breach of this Bylaw is liable on summary conviction for a fine not exceeding \$20,000.00 *Breach and fines for offences*

## **PART REPEAL OF BYLAWS**

### **5**

#### **3225 REPEAL OF BYLAWS**

3225.1 As of the date this bylaw comes into force the following General bylaws are hereby repealed :-  
Chapter Two – Public Places  
Chapter Eight – Control of Advertising Signs  
Chapter Nine – Scaffolding and Deposit of Building Materials *Bylaws to repeal*

3225.2 All approvals, permits and other acts of authority which originated under those bylaws identified in clause 3224.1, and all applications shall, for the purposes of this bylaw, continue as if they had originated under this bylaw. *All approvals, permit or authorities shall continue to apply*

3225.3 The revocation of those bylaws identified in clause 3224.1 shall not prevent any legal proceedings, criminal or civil, being taken to enforce these bylaws, and such proceedings shall continue to be dealt with and completed as if the bylaw had not been revoked. *Legal action may still be taken*