



# Public Places

## Bylaw 2020

Adopted: 2 July 2020

Commences: 2 July 2020

Amendments commenced: 11 March 2022  
and 22 September 2022

Review Date: 2 July 2025

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## **1 Preliminary Provisions**

- 1.1 This Bylaw is the Public Places Bylaw 2020.
- 1.2 This Bylaw is made under the Local Government Act 2002 (the “Act”), the Prostitution Reform Act 2003 and every other power vested in the Council to make Bylaws and regulate activities in Public Places.
- 1.3 Nothing in this Bylaw derogates from any duty, power or responsibility arising from any other Act, regulations, Bylaw or rule.

*Explanatory note: the Council also has powers under the Sale and Supply of Alcohol Act 2012, Prostitution Reform Act 2003, Reserves Act 1977, Land Transport Act 1998, Health Act 1956, Litter Act 1979, and other legislation concerning activities in Public Places. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.*

## **2 Purpose**

- 2.1 The purpose of this Bylaw is:
- (a) To protect, maintain and promote public health and safety, maintain amenity standards and to protect the general public from Nuisances.
  - (b) To ensure that Public Places are used in a manner that will not cause any obstruction, Nuisance or damage, or endanger public health and safety.
  - (c) To minimise the potential for offensive behaviour in Public Places.
  - (d) To manage, regulate against, or protect from, damage, misuse, or loss or for preventing the use of, the land, Structures, or infrastructure associated with Reserves, recreation grounds or other land under the control of the Council.
  - (e) To reduce the potential for public Nuisance, offensive behaviour, and potential for damage to public and private property caused by excessive or inappropriate consumption of Alcohol in a Public Place, by regulating or otherwise controlling:
    - (i) The consumption of Alcohol in a Public Place;
    - (ii) The bringing of Alcohol into a Public Place; and
    - (iii) The possession of Alcohol in a Public Place.
  - (f) To regulate, control or prohibit Signs in Public Places, or signs that are visible from a public place, including Signs advertising Commercial Sexual Services.
  - (g) To regulate the activities (including the sale of goods and services) of Street Users in Public Places.

## **3 Commencement**

- 3.1 This Bylaw came into force on 2 July 2020
- 3.2 This Bylaw was amended on 3 March 2022, and those amendments came into effect on 11 March 2022.

*Explanatory note: The amendments referred to in clause 3.2 include changes to the definitions of Feilding CBD and Public Place (clause 4 and Schedule 2), Street User Activities (clause 10 and Schedule 3), Alcohol Control provisions (clauses 19-21 and Schedule 5), and Offences and Breaches (clause 26).*

## 4 Interpretation and Definitions

4.1 The provisions of the Manawātū District Explanatory Bylaw 2022 and its amendments are implied into and form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

**Act** means the Local Government Act 2002 and any subsequent amendments.

**Alcohol** has the same meaning as under the Sale and Supply of Alcohol Act 2012.

**Alcohol Control Area** means a public place specified in Schedule 5 of this Bylaw, and any other area that the Council resolves to designate as an Alcohol Control Area in accordance with clause 21.1, and in respect of which the prohibitions and controls in this Bylaw will apply at any period but does not include:

- (a) Any part of an area or Premises for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012;
- (b) Any part of an area or Premises for which a special licence has been granted pursuant to Section 227 of the Sale and Supply of Alcohol Act 2012.

**Busker** means any person(s) who plays, acts, sings, dances or otherwise performs or entertains in a Public Place for free or for reward or other and “Busking” has a corresponding meaning.

**Commercial Sexual Services** has the same meaning as set out in section 4 of the Prostitution Reform Act 2003.

**Commercial Sexual Premises** means any Premises used for the purposes of providing Commercial Sexual Services.

**Cycle** means a Vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children’s cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

**Discriminating** or **Discrimination** refers to one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993.

**Feilding CBD** means the area identified on the map in Schedule 2 of this Bylaw.

**Food Control Plan** means a plan designed for a particular food business (in accordance with Section 36 of the Food Act 2014) to identify, control, manage, and eliminate or minimise food hazards or other relevant factors for the purpose of achieving safe and suitable food, taking into account –

- (a) each type of food that the food business trades in; and
- (b) each type of process or operation that is applied to the food; and
- (c) each place in which the food business trades in food.

**Hawker** means any person who sells goods or services or displays or offers goods or services for sale in a Public Place, or who carries or talks about goods from door to door.

**Horse** includes any ass or mule.

**Keeper** in relation to any Mobile Shop, or Street Stall means the person by whom or on whose behalf business is carried on by means of that Mobile Shop or Street Stall.

**Mobile Shop** means a Vehicle from which goods or services are sold or offered for sale in a Public Place.

**Mobility Device** has the same meaning as under the Land Transport Act 1998.

**Organised Game, Activity or Event** means any game, activity or event that requires sole use of a Public Place, including any Event as defined in the Solid Waste Bylaw 2019.

**Park** includes any open space, plantation, garden or ground set apart for public recreation or enjoyment that is under Council management or control.

**Property Number** means any number assigned by Council under AS/NZS 4819:2011 Rural and Urban Addressing.

**Public Place:**

- (a) in the definition of “Alcohol Control Area” and clauses 19 to 22 of the Bylaw, has the same meaning as under section 147(1) of the Act; and
- (b) in all other instances includes every Road, Beach, Reserve, Footpath, accessway or thoroughfare open to or used by the public as of right; and every place to which the public has access.

**Reserve** includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment that is under Council control.

**Road** or **Roadway** means every Road, street or public highway under Council’s control, including the road reserve from property boundary to property boundary.

**Sand Dune Area** means the area above the last high tide, except on any defined Vehicle beach access-way or any area which is set aside by Council for that purpose.

**Sign** and **Signage** means any display or device whether or not placed on land, affixed to a building, stationary Vehicle or object, in the air, or a projection of light to create a word or pictorial image, intended to attract attention for the purposes of directing, identifying, informing or advertising and which is visible from a Public Place. This includes all parts, portions, units and materials composing the same, together with the frame, background, Structure and support anchorage (including sandwich board type Signs placed on the ground). A bunting that has symbols or messages on it shall also be considered a Sign for the purposes of this part of the Bylaw.

**Skating Device** means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades, in-line skates, and wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages.

**Street Stall** includes any Structure, stand or table capable of being moved on or from which goods and services are sold, or goods and services are displayed for sale.

**Street Use** and **Street User** means:

- (a) the use of any Street Stall or Mobile Shop;
- (b) engaging in any Hawking, street appeal, solicitation of donations, or parade; or
- (c) acting as a Busker, pamphlet distributor or undertaking any other similar activity in a Public Place.

**Unmanned Aerial Vehicle (UAV)** means an aircraft that is remotely controlled or can fly autonomously through software-controlled flight plans in their embedded systems working in conjunction with GPS.

- 4.3 Reference should be made to clause 2 of the Manawātū District Explanatory Bylaw 2022 for any other definitions not included in clause 4.2.
- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.5 In addition, this Bylaw should be read in conjunction with, but not in replacement of, other Bylaws or Council policies that may be applicable, including the Dog Control Bylaw 2019, the Animal Bylaw 2019 and the Dog Control Policy 2019.

## **5 Obstruction of or Damage to Public Places**

- 5.1 A person must not cause damage or deface or interfere with any Council property in a Public Place.
- 5.2 A person must not, without prior consent from the Council, or as expressly allowed by this Bylaw:
  - (a) Place or leave any Vehicle, container, package, Sign, or any other encumbrance that obstructs any Public Place;
  - (b) Carry out any activity where a Sign indicates that the activity is prohibited or is otherwise regulated;
  - (c) Erect any stall, tent or Structure of any kind on any Road, accessway or thoroughfare in any Public Place;
  - (d) Do anything, on or adjacent to any Public Place, which may cause people to congregate in a manner which may impede traffic, cause an obstruction or impede or annoy passers-by;
  - (e) Operate any Vehicle or Cycle in any Public Place without due care and attention, or without due consideration for the safety of other people;
  - (f) Allow any Animal, excluding dogs, in their custody to wander or be at large without proper control in any Public Place;

*Explanatory Note: Wandering dogs are managed under Council's Dog Control Policy 2019 and the Impounding Act 1955*

- (g) Allow any Animal, excluding dogs, in their custody to cause a Nuisance, inconvenience or danger;

*Explanatory Note: controls over dogs in public places are contained in the Dog Control Bylaw 2019.*

- (h) Discharge any effluent containing human waste or Animal waste, or waste of any kind, from any stationary Vehicle in a Public Place;
- (i) Deposit, discharge or leave any offensive, inflammable, hazardous or dangerous substance (including fireworks) in or about a Public Place.

*Explanatory Note: Wandering dogs are managed under Council's Dog Control Policy 2019 and the Impounding Act 1955.*

- 5.3 The Council may, from time-to-time, by resolution, designate a specific Road or part of a Road or Public Place where all activities or any specified category of activity are prohibited to ensure public safety, prevent Nuisance and minimise obstructions or misuse of a Public Place.

## **6 Control of Cycles, Skating Devices and Mobility Devices**

- 6.1 A person must not use or ride a Cycle, Skating Device or Mobility Device in any Public Place in a manner as to be, in the opinion of an Enforcement Officer:
- (a) Intimidating; or
  - (b) Dangerous; or
  - (c) A Nuisance; or
  - (d) Likely to cause damage to property.

*Explanatory Notes: Part 11 of the Land Transport (Road User) Rule 2004 sets out the requirements for pedestrians, riders of Mobility Devices, and wheeled recreational devices (including Skating Devices). Compliance with the Road Rules is enforced by the New Zealand Police.*

*Any Enforcement Officer may impound any property being used in breach of this Bylaw.*

*Prior to seizing and impounding property, the Enforcement Officer will:*

- (i) *Direct (orally or in writing) the person committing the offence to stop committing the offence; and*
  - (ii) *Advise (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the Enforcement Officer has power to seize and impound the property; and*
  - (iii) *Provide the person with a reasonable opportunity to stop committing the offence.*
- 6.2 Any impounded property may be reclaimed from Council's offices upon payment of the fee prescribed in Council's Schedule of Fees and Charges.

## **7 Activities in Public Places**

- 7.1 A person must only undertake any Organised Game, Activity or Event, operate any Vehicle or drive, ride, or lead any Animal in any Public Place:
- (a) On areas set aside especially for those purposes; or
  - (b) With an approved activity and event on Council land/roads application from Council.

*Explanatory Note: Refer to the Manawātū District Council's Animal Bylaw 2019, Dog Control Bylaw 2019 and Reserve Management Plans for rules relating to dogs and other animals in Public Places, including Parks and Reserves.*

- 7.2 Every person must, on the request of an Enforcement Officer, immediately cease playing or taking part in any Organised Game, Activity or Event, or any other game or activity on or in any Public Place which in the Enforcement Officer's opinion:

- (a) Is dangerous;
- (b) Is likely to damage the Public Place or anything in it;
- (c) Is causing a Nuisance.

## **8 Booking Applications for an Organised Game, Activity or Event in a Public Place**

- 8.1 The organiser of an Organised Game, Activity or Event must lodge a booking application for an activity or event on Council land/roads with Council at least one calendar month prior to undertaking any Organised Game, Activity or Event in a Public Place, including any Park or Reserve.

*Explanatory Note: Additional permits, consents, Approvals or authorisations from Council may be required in addition to the booking application for an activity or event on Council land/roads. These applications will be subject to separate statutory timeframes which should be taken into consideration by the organiser when lodging their booking application.*

*A separate permit is required under clause 9.3 of this Bylaw for the operation of a UAV in association with an Organised Game, Activity or Event.*

- 8.2 Any booking application for an activity or event on Council land/roads must be made in writing on the form prescribed by Council from time to time and accompanied by the fee prescribed in Council's Schedule of Fees and Charges.

*Explanatory Note: If the venue is not available Council will refund the application fee.*

- 8.3 Within 5 Working Days the Council must acknowledge receipt of the booking application for an activity or event on Council land/roads and confirm venue availability.

- 8.4 Within 20 Working Days of receiving a booking application for an activity or event on Council land/roads, Council will either:

- (a) Approve the booking application for an activity or event on Council land/roads; or
- (b) Refuse the booking application for an activity or event on Council land/roads and give reasons to the organiser for the refusal.

- 8.5 The organiser must undertake the Organised Game, Activity or Event as submitted under clause 8.2 in accordance with any terms and conditions specified by the Council.

- 8.6 The Council may at any time, by notice in writing delivered to the organiser, revoke or amend an approved activity and event on Council land/roads application, having regard to the purpose and terms of this Bylaw.

*Explanatory Note: The Solid Waste Bylaw 2019 contains requirements relating to the submission of a Litter and Recycling Plan by the organiser of an Event.*

## **9 Operating an Unmanned Aerial Vehicle (UAV)**

- 9.1 A person must not fly a UAV in a Prohibited UAV Flying Zone listed in Schedule 1.
- 9.2 A permit is not required to fly a UAV over Council owned land or facilities, outside of the Prohibited UAV Flying Zones listed in Schedule 1, providing the following conditions are met:

- (a) The operator of a UAV must be considerate of other Park or Reserve users;

- (b) A UAV must not be operated over a sports field if it is in use;
- (c) Any person operating a UAV must cease operation if requested by a Council Officer or emergency services.

*Explanatory notes:*

*Any UAV operation must be carried out in accordance with the Civil Aviation Authority (CAA) Part 101 rules and regulations for UAVs in New Zealand (<https://www.aviation.govt.nz/drones/>). The CAA rules and regulations include, but are not limited to, a requirement that those operating UAVs obtain consent from anyone they want to fly above, and from the property Owner or person in charge of the area they want to fly above.*

*Operators who cannot comply with Part 101 of the CAA rules and regulations require an aircraft operator certificate under Part 102. For example, owing to the additional risk to public safety, certification under Part 102 is required to fly a UAV above or in proximity to people at sporting events or other events involving large or dense crowds of people.*

*The Manawātū District Council is only able to issue a permit for the operation of a UAV above Council-owned land, Parks or facilities. All flights within controlled airspace require permission from air traffic control.*

*Part of the Manawātū District sits within controlled Airspace. Clearance from the aerodrome operator is required prior to operating within 4km of all airports and helipads. Air traffic control clearance from Airways is required prior to operating a UAV in controlled Air Space. Permission is required from the administering authority prior to operating a UAV in special use airspace (e.g. military operating areas). Clearance and permission from the relevant authorities can be sought at the time flights are logged through AirShare (<https://www.airshare.co.nz/>).*

- 9.3 A permit is required to operate a UAV in association with any Organised Game, Activity or Event, or for any UAV operation that does not meet the conditions of clause 9.2.
- 9.4 Prior to lodging any permit application under clause 9.3, clearance or a shielded operation exemption must be obtained from air traffic control.
- 9.5 Any permit application under clause 9.3 must be made by the UAV operator or the organiser of the Organised Game, Activity or Event who must be at least 16 years of age and must be received by Council at least 14 days prior to the date on which the UAV is to be operated.

*Explanatory Note: Someone 16 years or over may also apply for a permit on the basis that they will be supervising someone under the age of 16 operating a UAV.*

- 9.6 Any permit application under clause 9.3 must be in the form prescribed by Council from time to time and accompanied by the fee prescribed in Council's Schedule of Fees and Charges.
- 9.7 On receipt of all necessary information, the Council Officer must either:
  - (a) Approve the permit and impose any terms and conditions deemed necessary when having regard to the purpose and terms of this Bylaw, including, but not limited to:

- (i) Compliance with the Civil Aviation Authority (CAA) rules when operating or supervising the operation of the UAV;
- (ii) The time, date and approximate flight area;
- (iii) Proximity of the flight area to moving Vehicles, people and public events including organised sports;
- (iv) Potential for wildlife conflict; and
- (v) Whether Council has already granted Approval for the same space to another person.

Or

- (b) Refuse the permit application and give reasons to the organiser for the refusal.

*Explanatory Note: Flight paths that fly over people are deemed to be high risk by the CAA and require certification under Part 102 of the CAA rules and regulations.*

- 9.8 The permit holder must comply with any conditions of the permit imposed by Council under clause 9.7.
- 9.9 A permit is personal to the permit holder and is not transferable.
- 9.10 The Council may at any time, by notice in writing delivered to the permit holder, revoke or amend a permit issued under clause 9.7, if an Enforcement Officer considers the UAV is being operated in a way that breaches one or more conditions of the permit, or any other terms and conditions of the Bylaw, or any other Act or regulation.

## **10 Street User Activities**

- 10.1 A person must obtain a permit from Council prior to carrying out any Street Use activity, and must carry out any Street Use activity in accordance with the terms and conditions of that permit.
- 10.2 Within the Feilding CBD, permits for Hawkers, Mobile Shops or Street Stalls will be granted only for the locations specified in Schedule 3 of this Bylaw. For each of these locations, permits cannot be issued if it would result in more than two Street Users using the location at any one time. Permits will be issued on a first-come-first-served basis.
- 10.3 Despite Clauses 10.1 and 10.2, Hawkers, Mobile Shops and Street Stalls may operate anywhere within the District, including within the Feilding CBD, without a permit when taking part in an Organised Game, Activity, or Event in a Public Place that has been approved by the Council under clause 8.4(a) of this Bylaw.
- 10.4 Any application under clause 10.1 must be made at least 14 days prior to the date on which it is desired to commence the Street Use. The application must be in the form prescribed by the Council from time to time and be accompanied by any fee prescribed in-Council's Schedule of Fees and Charges.

*Explanatory note: This clause should be read in conjunction with clause 5 of the Manawātū District Explanatory Bylaw 2022.*

- 10.5 In deciding whether to grant a permit for a Street Use under clause 10.1 the Council will consider, without limitation:
  - (a) the nature of the Street Use including the location and duration of the Street Use;

- (b) The degree to which public use of the street or Public Place will be maintained;
  - (c) whether any Vehicle to be used in connection with selling or storing food is suitable for the purpose; has registered a Food Control Plan with Council, if required by the Food Act 2014; or is registered with the Ministry of Primary Industries under a national programme;
  - (d) whether any Mobile Shop or Street Stall selling or supplying Alcohol has the appropriate licence under the Sale and Supply of Alcohol Act 2012;
  - (e) whether a Nuisance is likely to be created; and
  - (f) if the granting of the permit is consistent with the aims and purposes of this Bylaw.
- 10.6 On receipt of all necessary information, the Council Officer will either:
- (a) Approve the permit application and impose any terms and conditions deemed necessary by Council when having regard to the purpose and terms of this Bylaw, including the days and hours of operation; or
  - (b) Refuse the permit application and give reasons to the applicant for the refusal.
- 10.7 Street User Permits for Hawkers, Mobile Shops or Street Stalls will be issued under Clause 10.8(a) for a period of up to two weeks, unless otherwise agreed by Council in writing.
- 10.8 A permit is personal to the applicant and is not transferable.
- 10.9 A permit holder must provide a copy of their permit when requested by an Enforcement Officer.
- 10.10 If, in the opinion of an Enforcement Officer, a permit holder is operating in breach of any terms or conditions of their permit, or this Bylaw, they may at any time, by notice in writing delivered to the permit holder, revoke or amend the permit and require the Street Use to cease immediately.

## **11 General Provisions for Street Use**

- 11.1 Every Street User must ensure that their activity does not endanger the health and safety of the public which are in, at, or around the Street Use activity.
- 11.2 No Street Use may be situated on:
- (a) A Grass Verge where damage to the Grass Verge may result;
  - (b) sites where insufficient hardstanding is available for customers to Park clear of the Road; or
  - (c) sites that may lead to an adverse impact on traffic or public safety.
- 11.3 Every Vehicle used in conjunction with a Street Use must display a current warrant and licence.
- 11.4 Every Street User must maintain the immediate area around their operation, and every Vehicle or container used in connection with the Street Use, in a clean and sanitary condition both during operation and prior to leaving that area.

## **12 Opening and Closing Parks and Reserves**

- 12.1 The Council may prescribe opening times for any Park or Reserve, and no person may enter or be in such Park or Reserve at any other time without prior consent from the Council.

- 12.2 The Council may at any time, by Public Notice or by notice displayed on the entrances to any Park or Reserve, declare that Park or Reserve to be closed.

### **13 Beaches**

- 13.1 Any person wishing to gain access to a Beach must use the designated access routes (where available).
- 13.2 A person must not drive any Vehicle on any Beach except on any area which is set aside by Council for that purpose by resolution from time-to-time as stated in clause 13.4.
- 13.3 A person must not, without prior consent from the Council:
- (a) Allow any Horse to be within the Horse control area as shown in schedule 4 to this Bylaw, except that a Horse may be ridden or otherwise led in a direct route through the Horse control area to a part of the foreshore outside of the control area; or
  - (b) Walk through, drive or ride any Vehicle, Horse, or other Animals within any Sand Dune Area, except on any defined vehicle beach accessway or any area which is set aside by Council for that purpose.
- 13.4 The Council may from time-to-time by resolution amend or revoke the areas set aside by Council for the purpose of driving a Vehicle on the beach, or the areas shown in Schedule 4 of this Bylaw.

### **14 Fences**

- 14.1 A person must not erect or permit to be erected any barbed wire or electrified wire along, or within one (1) metre of, any boundary which adjoins any Public Place, unless such wire:
- (a) is at least two (2) metres above the ground level of the Public Place; and
  - (b) forms part of an existing fence.
- 14.2 Any electrified wire on a fence must be identified as such by appropriate signage.
- 14.3 Clauses 14.1 and 14.2 do not apply within any area Zoned "Rural" or "Flood Channel" or "Rural Lifestyle" under the Manawātū District Plan except when the fence adjoins a Footpath.

*Explanatory Note: Any fence must also comply with all applicable requirements of the Manawātū District Plan.*

### **15 Property Addressing**

- 15.1 Every Owner or Occupier of an occupied site must at all times display a Property Number allocated to that site by Council. This applies to all urban, rural, commercial, Central Business District and industrial sites.
- 15.2 The Owner or Occupier of an occupied site must display their allocated Property Number in accordance with Council's Property Addressing Policy 2020.

### **16 Repairing Vehicles**

- 16.1 A person must not repair any Vehicle in any Public Place, except in the case of an accident or breakdown and where repairs are necessary to allow the Vehicle to be removed.

- 16.2 Repairs permitted by clause 16.1 must be completed within 24 hours of the accident or breakdown occurring.
- 16.3 A person must not allow any discharge or spillage of any contaminant into a Public Place from any Vehicle undergoing repairs permitted under clause 16.1.
- 16.4 Where any discharge or spillage has occurred in contravention of clause 16.3 a Council Officer may require that the owner of a Vehicle or person using a Vehicle take steps to remove the discharge or spillage.

## **17 Leaving Vehicles in Public Places**

- 17.1 A person must not, without prior consent of the Council, leave a vehicle, caravan, horse float or trailer in any Public Place for a period exceeding seven days.

## **18 Under-Veranda Lighting in Public Places**

- 18.1 Building Owners of Premises within the Business Zone that require veranda lighting in accordance with the Manawatū District Plan and the Feilding Town Centre Guidelines, Appendix 10a, Section 04 facades are responsible for maintaining the lighting in working order at all times and operating under the Hours of Darkness.

## **19 Control of Alcohol in the Alcohol Control Areas**

- 19.1 A person must not, within the Manawatū District:
- (a) Bring Alcohol into any Alcohol Control Area;
  - (b) Consume Alcohol in any Alcohol Control Area or in a Vehicle within an Alcohol Control Area; or
  - (c) Possess Alcohol in any Alcohol Control Area, including without limitation;
    - (i) Alcohol in a container such as a bag, parcel or package; or
    - (ii) Alcohol in or on a Vehicle.

Unless an exception applies.

- 19.2 The Feilding CBD Alcohol Control Area identified in Schedule 5 of this Bylaw, will be an Alcohol Control Area, for the purposes of Clause 19.1, at all times on all seven days of the week.
- 19.3 The Timona Park Alcohol Control Area, Kōwhai Park Alcohol Control Area and Highfield Hill Lookout Alcohol Control Area identified in Schedule 5 of this Bylaw will each be an Alcohol Control Area, for the purposes of Clause 19.1, between the hours of 9pm and 6am the following day on all seven days of the week.
- 19.4 Any other area that the Council resolves to designate as an Alcohol Control Area in accordance with clause 21.1 of the Bylaw will be an Alcohol Control Area for the purpose of Clause 19.1, between the hours specified by Council in the resolution.

## **20 Exceptions to Restrictions**

- 20.1 This Bylaw does not prohibit, regulate, or control, in the case of Alcohol in an unopened container:
- (a) The transport of the Alcohol from licensed Premises next to a Public Place, if—
    - (i) It was lawfully bought on those Premises for consumption off those Premises; and
    - (ii) It is promptly removed from the Public Place; or
  - (b) The transport of the Alcohol from outside a Public Place for delivery to licensed Premises next to the Public Place; or
  - (c) The transport of the Alcohol from outside a Public Place to Premises next to a Public Place by, or for delivery to, a resident of the Premises or his or her bona fide visitors; or
  - (d) The transport of the Alcohol from Premises next to a Public Place to a place outside the Public Place if—
    - (i) The transport is undertaken by a resident of those Premises; and
    - (ii) The Alcohol is promptly removed from the Public Place.
- 20.2 Clause 19.1 does not apply to the possession or consumption of Alcohol at any Premises or Public Place within an Alcohol Control Area operating in compliance with a licence issued under the Sale and Supply of Alcohol Act 2012, including Footpath areas that are licensed as part of those Premises and are clearly defined by the placement of tables and chairs outside those Premises.

## **21 Designation of new Alcohol Control Areas**

- 21.1 For the purpose of this Bylaw, additional areas may be designated by the Council from time to time as an Alcohol Control Area with either:
- (a) A general prohibition on the possession or consumption of Alcohol; or
  - (b) A prohibition on the possession or consumption of Alcohol for specified events or specified times of the year.
- 21.2 In designating any such additional areas under Clause 21.1, Council may provide that the prohibition applies at all times, or only during certain days and times.
- 21.3 Council will declare any such additional areas by resolution as provided for in Section 151(2) of the Act.

## **22 Powers of Police**

- 22.1 As provided in Section 169 of the Act, a police constable is empowered to enforce this Bylaw, and is authorised to:
- (a) Search a container in the possession of a person who is in, or entering, an Alcohol Control Area for the purpose of ascertaining whether Alcohol is present
  - (b) Search a Vehicle that is in, or is entering, any Alcohol Control Area for the purpose of ascertaining whether Alcohol is present;

- (c) Seize and remove any Alcohol and its container if the Alcohol is in any Alcohol Control Area in breach of the Bylaw;
- (d) Arrest any person whom the police constable finds committing an offence; or
- (e) Arrest any person who has been asked and refused to either leave the Alcohol Control Area or to surrender to a police constable any Alcohol that is in that person's possession in breach of the Bylaw.

*Explanatory note: No warrant is required for the Police to conduct a search to ascertain whether Alcohol is present in a container or Vehicle that is in or entering the Public Place.*

*In addition to their general powers under Sections 169 and 170 of the Local Government Act 2002, any member of the New Zealand Police may exercise the power under Section 170(2) of that Act (to search a container or Vehicle without further notice) in an Alcohol Control Area on such specified dates as may be notified by the Council from time to time. Further such powers are prescribed in Sections 95-97 of the Sale and Supply of Alcohol Act 2012.*

## **23 Control of Objectionable Signs**

- 23.1 A person must not display, erect, place or allow to remain in place, any Sign which is visible from a Public Place or neighbouring property, and which, in the opinion of an Enforcement Officer, explicitly or implicitly:
- (a) Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
  - (b) is offensive, threatening or insulting;
  - (c) is Discriminating or advocates Discrimination;
  - (d) incites or consents any person to commit any offence; or
  - (e) otherwise fails to comply with this Bylaw, except where an exemption to this clause has been granted by the Council.
- 23.2 Where any of the grounds in clause 23.1 are met, an Enforcement Officer may issue a notice to the Owner or Occupier of the land, specifying:
- (a) the action to be taken by the Owner or Occupier to remedy the situation including to alter, repair or remove the Sign in question; and
  - (b) when the action required by the notice must be complied with.

- 23.3 An Owner or Occupier must comply with any notice served on him or her under clause 23.2.

*Explanatory Note: Any sign must also comply with the requirements of the Manawātū District Plan.*

## **24 Commercial Sexual Premises**

- 24.1 A person must not display or permit or allow the display of a Sign for any Commercial Sexual Services in any part of the District:
- (a) On the Premises in which the Commercial Sexual Services are provided, within any Business Zone as defined in the Manawātū District Plan; and
  - (b) which are not visible from land outside of the Business Zone.

*Explanatory Note: Any Sign must also comply with the requirements of the Manawātū District Plan.*

## **25 Exemptions to Clauses 23 and 24**

- 25.1 An exemption from the requirements of clauses 23 and 24 of this Bylaw may be granted if the Council is satisfied that compliance with this Bylaw would be unreasonable or impracticable, having regard to the circumstances of the case.
- 25.2 An application for exemption under clause 25.1 must be made in writing to the Council and be accompanied by any fee prescribed in Council's Schedule of Fees and Charges.
- 25.3 Any exemption may be granted in whole or in part, and may include such conditions as the Council deems appropriate in the circumstances. The holder of an exemption must comply with any conditions imposed by the Council under this clause.

## **26 Offences and Breaches**

- 26.1 Every person who commits a breach of this Bylaw, or any terms and conditions on any permit issued under this Bylaw, commits an offence and is liable to pay:
- (a) The maximum fine set out in the Act;
  - (b) The maximum fine set out in the Land Transport Act 1956, the Health Act 1956 and the Litter Act 1979; and
  - (c) Any other penalty specified in another Act for the breach of the Bylaw.
  - (d) In the event of breach of this Bylaw, the Council may take enforcement action as provided for under legislation, including the Act, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, and/or the Reserves Act 1977.
- 26.2 Every person who breaches this Bylaw (other than Clause 19) must, upon the request of a Council Officer, immediately stop the activity and leave the Public Place concerned if so requested by the Council officer to do so.

*Explanatory Note: This clause should be read in conjunction with clauses 9 and 10 of the Manawātū District Explanatory Bylaw 2022.*

## **27 Repeals, Savings and Transitional Provisions**

- 27.1 The following bylaws are revoked at the commencement date of this Bylaw:
- (a) The Manawātū District Council Objectionable Signs Bylaw 2014
  - (b) The Manawātū District Council Street Users Bylaw 2014
  - (c) The Manawātū District Council Public Places Bylaw 2015.
- 27.2 The revocation of the bylaws under clause 27.1 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.
- 27.3 Any consent, permit or exemption granted under the Manawātū District Council Objectionable Signs Bylaw 2014, the Manawātū District Council Street Users Bylaw 2014 or the Manawātū District Council Public Places Bylaw 2015 that was in force immediately



before the commencement of this Bylaw, continues in force as if it is a consent, permit, or exemption of that kind issued under this Bylaw, but:

- (a) Expires on the date specified in such consent, permit or exemption; or
- (b) Where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) May be renewed only by application made and considered in accordance with this Bylaw.

- 27.4 Any resolution or other decision made under the Public Places Bylaw 2015, the Objectionable Signs Bylaw 2014 or Street Users Bylaw 2014 remains in force in the area to which it applied, as if they were resolutions made under this Bylaw, until revoked or replaced by an equivalent resolution or decision made by the Council under this Bylaw.

Sealed with the Common Seal  
of the MANAWATU DISTRICT COUNCIL  
in the presence of:



  
Mayor  
  
Chief Executive

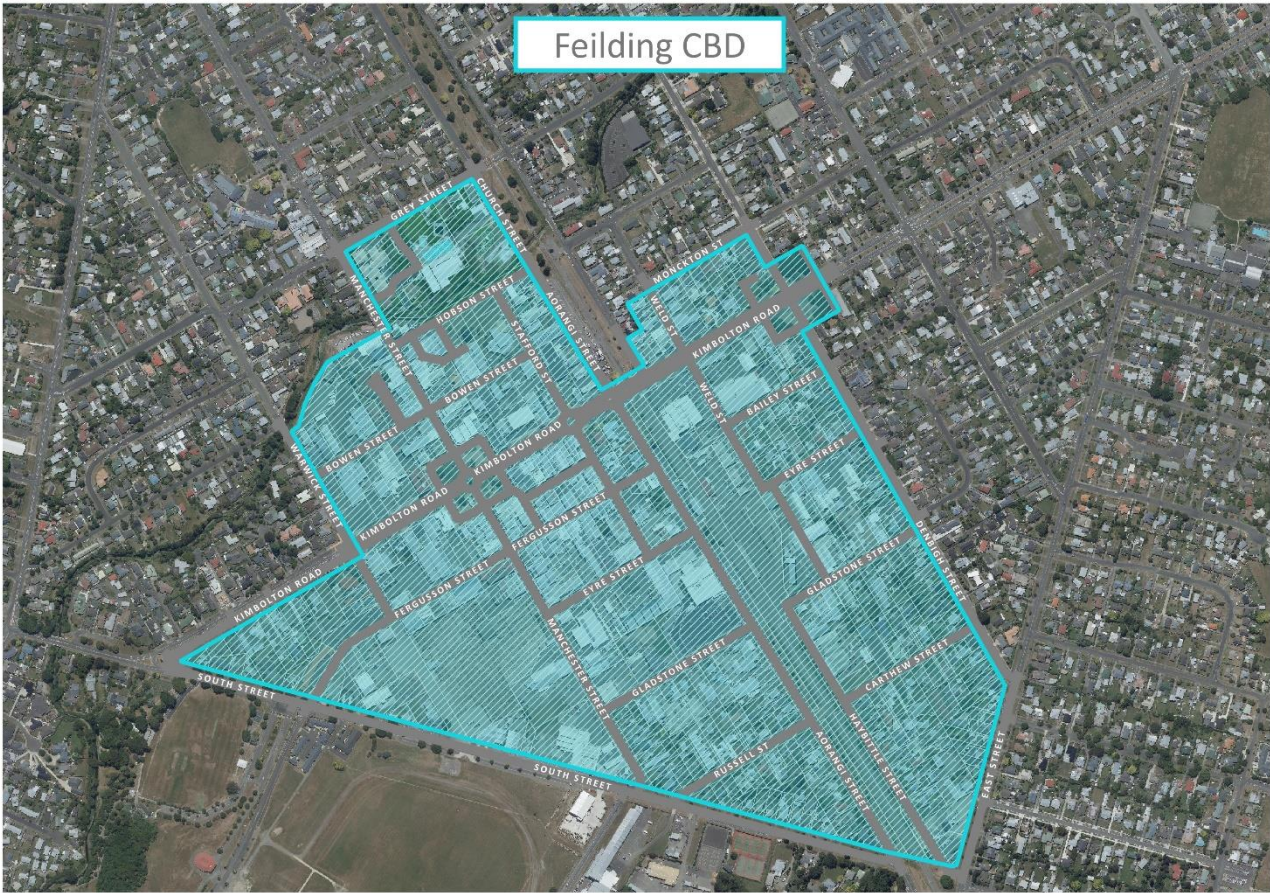
## **Schedule 1 – Prohibited UAV Flying Zones**

Council Approval will not be given to operate a UAV in the following Prohibited UAV Flying Zones:

- Council Offices, Libraries and Swimming Pools
- Council's Water Treatment Plants
- Council's Wastewater Treatment Plants
- Council's Resource Recovery Centre
- Council's Dog Pound
- Council Cemeteries
- Within the Road corridor
- Any Council land or property that is leased to another party

This Schedule does not apply to any UAV being operated on behalf of the Manawātū District Council, emergency services, or Network Utility Operators.

Schedule 2 – Feilding CBD



Schedule 3 – Street User Areas in Feilding





# Schedule 4 – Horse Control Areas

## Himatangi Beach



Tangimoana Beach



Schedule 5 – Alcohol Control Areas



Feilding CBD Alcohol Control Area



Timona Park Alcohol Control Area



Kōwhai Park Alcohol Control Area



Highfield Hill Lookout Alcohol Control Area