

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

Scope

This chapter of the by-law regulates a diverse range of activities. It seeks to maintain standards of public health and safety, protect the public from nuisances, minimise the potential for offensive behaviour and to manage land associated with or under the control of the Council for the well-being and enjoyment of the public in Public Places. This chapter of the by-law applies to state highways in the following circumstances:

- where signs are located on state highways within the 50km/hr speed zone; *and*
- on state highways in speed zones greater than 50km/hr in circumstances where specifically stated in the by-law.

201 Obstructing Footpaths or cycle tracks

201.1 No Person shall carry or convey any article to the danger or obstruction of Persons using any Footpath or cycle track, or ride, or drive or lead any Stock, or drive any Motor Vehicle or motor cycle along any such Footpath or cycle track.

202 Packing or unpacking articles

202.1 No Person shall without the prior consent of Council pack or unpack any articles upon any Public Place so as to cause an obstruction to the public.

203 Placing of articles on Public Places

203.1 No Person shall (except as provided in this or any other chapter of the by-law) leave standing or lying upon any Public Place any structure, appliance, machine, Vehicle, or other similar thing, or any packing case, crate, package, or any other encumbrance whatsoever so as to constitute an obstruction thereon or danger to any Person.

204 Drippings from eaves

204.1 No Person shall allow surplus water to fall from any building upon any Public Place.

205 Disturbing surface of street

205.1 No Person shall open, or disturb or remove, the surface of any Public Place, or make any opening from or to the surface of any Public Place without first having obtained the permission of Council. In granting any Consent Council may impose conditions including conditions which require the applicant to seek the approval of any supply authority or the appropriate Road controlling authority.

205.2 Nothing in this chapter of the by-law shall prohibit the relevant Road controlling authorities from disturbing the street while carrying out their legislative functions.

206 Precautions against injury

206.1 No Person shall omit when opening up any street to take all such precautions for guarding against injury to the passers along such street as may be necessary or as may be directed by Council.

Any street opening shall be in accordance with the Council's Code of Practice for temporary traffic management.

206.2 No Person shall cause or allow any building or any fence adjacent to any Public Place to be or to remain in such condition as to present a danger to the public.

207 Securing foundations

207.1 No Person shall omit or neglect to secure and maintain the foundations of any building or any wall or fence, or cause or permit any encroachment by any building, wall, or fence abutting on any Public Place in such a manner that any Public Place is or may be damaged or obstructed.

This clause shall not apply if a licence to occupy or another Council approval has been obtained.

208 Exposing articles for sale

208.1 No Person shall expose for sale any article whatsoever on any Footpath, or outside of any shop, shop window, or doorway abutting on any Public Place, so as to encroach on or over that Public Place, without the prior permission of Council, and then only in accordance with such conditions as Council may think fit to impose. Refer to First Schedule of this chapter of the by-law.

209 Leaving dead Animals or depositing offensive matter

209.1 No Person shall:

- (a) Throw or leave any dead Animal or part thereof, or Animal remains, or offensive matter of any kind, upon any Public Place, or into any river, creek, stream, or other water, or on the bank thereof; or
- (b) Fail to dispose of in a proper manner the body or part of the body of any Animal belonging to him/her, or in their charge or keeping, that may have been killed or died whilst straying, or while being driven on any Public Place.

210 Acts or games to annoyance of Persons

210.1 No Person shall propel, push, pull or ride any trolley or other similar contrivance, fly a kite, use any projectile, cast, throw or project any stone or other missile, by hand, or play any game on any street, to the damage, annoyance, danger, inconvenience, or obstruction of any Person or property.

211 Buskers, preaching, collections and appeals

211.1 No Person shall in any street or Public Place:

Sing or play any musical instrument, preach, read aloud, lecture, exhibit any object or thing, solicit any subscription, collection or donation without the consent of Council, or in accordance with a Council policy, and then only subject to such condition in every respect as Council may impose. Refer to Second Schedule of this chapter of the by-law.

212 Creation of noise nuisance

212.1 No Person shall play or permit the playing of any musical instrument, or operate or permit the operation of any loud speaker, megaphone, radio or television set, bell or other similar device:

- (a) In any Public Place where such playing makes or causes to be made noise which is likely to cause annoyance or nuisance to Persons in a Public Place or residing in the vicinity thereof; or
- (b) In or upon any land or buildings where such playing or operation makes or causes to be made, noise which is likely to cause annoyance or nuisance to Persons in the vicinity of that land or those buildings.

213 Placards on buildings, posts and pavements and markings on Footpaths

213.1 No Person shall:

- (a) Place any poster, or other document on, or write, or otherwise disfigure or deface, any building or any wall, fence, statue, lamp post, verandah post, gate, telegraph or telephone post, or electric light or power post, or any waiting-shed, convenience, rubbish receptacle, fireplug notice plate, or urinal, or upon anything whatsoever erected in or constructed or standing on or abutting any Public Place, excepting where pillars have been erected specifically for the display of posters or advertising; *or*
- (b) Stamp, stain, paint, write, print, or post any advertisement or notice upon any Public Place or kerbstone, Footpaths or steps, except with the prior written authority of Council and then only in conformity with the terms of any permit that may be granted; *or*
- (c) Upon or over any Footpath or any Road, private street or Public Place erect, display or carry any placard, board, flag, screen, or frame by way of advertisement, unless permission in writing shall have been obtained from Council. Provided that Council may by resolution from time to time specify conditions with regard to the control of such advertising signs. Refer to Third Schedule of this chapter of the by-law.

213.2 Where any building, wall, fence, statue, lamp post, verandah post, gate, telegraph or telephone post, or electric light or power post, or any waiting-shed, convenience, rubbish receptacle, fire plug notice plate, or urinal, or anything whatsoever erected in or constructed or standing on or abutting any Public Place has been defaced by a poster or other document the Council Reserves the right to remove or cancel the material and seek recovery of costs associated with that removal.

213.3 Where a sign is in the opinion of Council dangerous or creating hazardous conditions for traffic or pedestrians notice may be given requiring the sign to be removed. If the Person on whom such notice has been served fails to comply with the terms of the notice within the time stated therein they will commit an offence under this chapter of the by-law. Council may remove any illegal or dangerous sign. In exercising rights under clause 213 Council shall have rights of entry onto lands or buildings specified in clause 105.3 of this by-law.

214 Blasting without authority

214.1 No Person shall blast any rock, stone, earth, timber, or other such material in, on or near any Public Place, without having first obtained permission of Council and to comply with any conditions imposed by

Council and any other control authority and then only in accordance with such conditions as may be imposed.

215 Fireworks

215.1 No Person shall set off any fireworks or explosive material in or on any Public Place, Park or Reserve without the permission of Council, or so near to any such Public Place as to endanger, annoy or frighten passers-by along such Public Place.

216 Damage to property of local authority

216.1 No Person shall without the written approval of Council:

- (a) Wilfully damage or destroy, or allow any act tending to damage or destroy any Vegetation or structure belonging to Council;
- (b) Wilfully damage or break any street lamp, or lamp post, remove or interfere with any warning lights, signs, or barricades placed to warn the public of danger.

217 Generally obstructing

217.1 No Person shall obstruct a Public Place in any manner not previously described.

218 Congregating so as to cause inconvenience/obstruction

218.1 No Person shall undertake any activity or conduct any business on any Public Place or on land adjacent thereto, that causes Persons to collect or congregate on any Public Place so as to impede or cause an obstruction to Persons passing.

219 Processions and public meetings

219.1 No Person shall, except with the prior written authority of Council and then only in conformity with the terms of any permit that may be granted:

- (a) Organise, hold, or conduct or attempt to hold or conduct any procession, or any public meeting, gathering or demonstration, or make any public address or attempt to collect a crowd in, along or upon any Public Place or on land adjacent thereto where that crowd may encroach onto any Public Place; or
- (b) Take part in any unauthorised meeting or assembly or congregate or so conduct himself/herself on any Public Place as to in any way impede traffic or cause an obstruction, inconvenience any Person passing thereon, or take part in any unauthorised procession in, along or upon any Public Place.

220 Litter receptacles

220.1 No Person shall make use of any public litter receptacle for the purpose of depositing therein any offensive matter or any household or trade refuse of any description.

221 Awnings and blinds

221.1 No Person shall erect or maintain, or cause to be erected or maintained, any awning over any Public Place, or hang any awning or blind on any Public Place unless the permission of Council has first been obtained and then subject to such conditions as may be imposed. Any such permission may be revoked at any time by Council.

222 Doors, gates, to swing inwards

222.1 No Person shall hang, permit, or allow to be hung any door or gate abutting any Public Place so as to render it capable of being swung over or across such Public Place unless such encroachment has been authorised by Council.

223 Encroachment to be removed upon notice

223.1 If any building or other structure or any part thereof has been erected, constructed or placed upon, under, over or across any Public Place, Council may by notice require the Owner of such building or structure to remove the same or such part thereof as has been so erected, constructed or placed.

223.2 Any such notice may require such precautions to be taken as Council considers fit for the safety of the public and for the proper securing of such building or structure as is to remain after such removal.

224 Projections on Public Places not permitted

224.1 No Person shall put any projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gatepost, or other obstruction or projection of any kind whatsoever in such a position as to interfere with or obstruct in any way the free passage of traffic upon any Public Place.

224.2 If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this by-law and which is contrary to any by-law 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.

225 Lighting of obstructions and holes and stacking of materials

- 225.1 If any Person places or leaves, on any Public Place any building material rubbish, or any other thing whatsoever likely to cause any obstruction or danger to any Person or Vehicle upon such Public Place such Person shall cause to be fixed and maintained from sunset in any day to sunrise in the next day in such positions as may be necessary sufficient lighted lamps of a type that is in accordance with the relevant Code of Practice for temporary traffic management and approved by Council to adequately indicate the existence of the obstruction.
- 225.2 If any Person makes or digs, in any Public Place any hole or excavation, such Person shall cause to be fixed from sunset in any day to sunrise in the next day sufficient lighting that is in accordance with the relevant Code of Practice for temporary traffic management to adequately indicate the existence of such hole or excavation.
- 225.3 No Person shall permit any building material or other thing as mentioned in clause 225.1 or any hole or excavation placed, left, made or dug on or in any Public Place (whether with or without the authority of Council) to remain for a longer period than is reasonably necessary.

226 Restrictions on use of barbed wire and electric fences

- 226.1 No Person shall erect or permit to be erected any electrified fencing or barbed 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. Council may in special circumstances grant a dispensation from this clause where the location, design or construction of the fence is such as to effectively remove any danger to a passing pedestrian.
- Provided that this sub clause shall not prohibit the placing of such wire at a height of not less than 2 metres from the level of the ground of any such Public Place.
- 226.2 No Person shall renew or repair or join, in whole or in part, any existing or future fence, along, or within 1 metre of, any such boundary line as aforesaid, with barbed wire, or electrified wire.
- 226.3 Every Person who executes any work or thing contrary to any of the foregoing provisions of this clause and who, after service upon them of a notice in writing from Council, fails to pull down and remove or modify within the time stated in such notice, or carry out such work as aforesaid, shall be guilty of an offence against this chapter of the by-law.

226.4 These sub clauses shall not apply within any area zoned “rural” under the District Plan prepared by Council, except when the fence abuts or adjoins a Footpath. Provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences. Refer to the Fourth Schedule of this chapter of the by-law.

227 Repair of structures adjoining Public Places

227.1 Where any fence, gate, building or other structure abutting on a Public Place is so out of repair as to be in the opinion of Council dangerous to Persons passing, Council may by notice in writing require the Owner or Occupier to repair or remove such danger.

227.2 The Owner or Occupier of any land upon whom such notice is served shall comply with the same within the time stated in such notice.

228 Crossings

228.1 No Person shall drive, ride, propel, or wheel any Vehicle across any Footpath or water channel in any Public Place otherwise than upon a crossing properly constructed under the provisions of this chapter of the by-law.

228.2 Except with the permission of Council no Person shall after the coming into force of this chapter of the by-law construct any crossing across any Footpath or water channel or repair, reconstruct, renew, or do any work whatsoever in connection with any existing crossing.

228.3 No Person shall construct, repair, reconstruct, renew or extend any such crossing unless they obtain the prior permission in writing of Council. Council may charge an appropriate fee and impose conditions.

228.4 If in the opinion of Council any crossing is in a bad or unsafe state of repair, Council may forthwith remove such crossing and may by notice in writing require the Owner or Occupier of any Premises to which such crossing provides access to pay such sum of money as shall be necessary in the opinion of Council to repair, reconstruct, or renew such crossing, and every such Owner or Occupier who fails to comply with any such notice within the period therein specified shall be guilty of an offence against this chapter of the by-law.

229 Temporary crossings

229.1 No Person shall take or drive or operate a Vehicle or permit the same to be taken or driven across any Footpath or water channel in the course of construction or other work on the adjoining property or to deliver or collect building or other materials used in connection therewith otherwise than subject to such terms and conditions as

Council may impose, including the provision for crossing for temporary purposes over the Footpath or water channel.

230 Reinforcing of Footpaths

230.1 Where any land or Premises is at any time occupied or used that, in the usual course of the business, any materials, goods, merchandise, articles, or things whatsoever are dropped or deposited upon or conveyed across any Footpath, water channel or crossing in such a manner as to be likely to damage such Footpath, water channel or crossing, Council may, by notice in writing require the Owner or Occupier of such land or Premises to provide adequate reinforcement to such Footpath, channel or crossing.

230.2 Every such Owner or Occupier who fails to comply with any such notice within the period specified shall be guilty of an offence against this chapter of the by-law.

231 Naming of streets

231.1 No Person shall give any name to or affix, set up, or paint any name on any street, private street, or Public Place.

232 Numbering of Premises

232.1 The Owner or Occupier of every building shall mark such building (subject to clause 232.4 hereof) with such numbers, being in no case less than 50 millimetres in height, as Council shall direct or approve, and shall renew the numbers of such building as often as they are obliterated or defaced.

Kerb numbering in an approved form will be an acceptable alternative.

232.2 If the Owner or Occupier of any building neglects for one month after notice from Council to mark such building with such number as Council may direct or approve, or to renew the number thereof as aforesaid, they shall commit an offence against this chapter of the by-law.

232.3 Council shall have power at any time to alter the number of any building where it may be in Council's opinion necessary or advisable to do so.

232.4 Every such number shall be placed upon any building in such a position as to render the same readily visible from any street fronted by such building; or, if no such position is available, shall be placed upon a post, fence, or gate near or adjacent to, and readily visible from, such street.

233 Defacing names and numbers

233.1 Every Person shall commit an offence against this chapter of the by-law who wilfully destroys, or defaces the name of any street, or the number of any building, or paints, affixes, or sets up any name of any street, or any number to any building, contrary to the provisions of this chapter of the by-law.

234 Animals wandering

234.1 Every Person being the Owner or having the 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.

234.2 No Person shall allow any Animal to loiter in any Public Place and every Person having the control of any Animal whilst the same are being driven on any Public Place shall continuously drive them towards a definite destination without deviation from the most direct route, or the route directed by Council and at reasonable speed.

235 Driving Stock

235.1 Except as may be provided pursuant to sub clause 235.2 of this clause, no Person shall drive any Stock not in harness on any Public Place, except with the prior permission in writing of Council and then only in accordance in all respects with conditions which may be imposed.

“DRIVING” for the purposes of this clause of this chapter of the by-law means moving Stock on the hoof.

235.2 Notwithstanding the provisions of sub clause 235.1 hereof, Stock may be driven in rural areas:

- (a) At all times on Roads without Council's written permission provided the following conditions are complied with:
 - (i) The number of Animals in any one mob shall not exceed 600 head of cattle or 3000 head of sheep and shall have one drover at the front and one at the rear of the mob;
 - (ii) The drover shall keep the Animals moving at all times so as to make progress towards the destination at a reasonable rate;
 - (iii) Devices to give adequate warning of the presence of the Stock to the public are required;
 - (iv) Any Person having control of Stock on any Road shall ensure that the Stock are not driven carelessly nor

without reasonable consideration for other Persons using the Road.

Provided always that this sub clause shall not authorise any Person to drive or take any bull on any Public Place otherwise than by leading the same by a sufficient rope or other sufficient means of control, unless it is accompanied by cows.

235.3 Council may from time to time publicly notify certain Roads to be Stock routes and prohibit or restrict the use of any other Roads for the driving of Stock. Any such declaration, prohibition or restriction may from time to time in like manner be altered or revoked.

235.4 **Driving Animals at night**

No Person shall drive any Animals on any Road during the period between half an hour after sunset and half an hour before sunrise or in cases of poor visibility 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.

236 Dairy Cattle on Roads

236.1 For the purposes of this clause "Dairy Cattle" refers only to those Dairy Cattle being moved to and from dairy sheds for milking.

236.2 Any Person who is responsible for Dairy Cattle being on District Roads shall ensure that routes of travel and points of crossing are registered with the Council.

236.3 Any Person may move Dairy Cattle across or along Roads to and from a dairy shed and grazing paddocks subject to the following:

- (a) All Road routes of travel and Road crossings must be registered with the District Council and have been approved by Council; and
- (b) Any Person who owns, uses, or grazes Dairy Cattle on land shall use that land for movement of Dairy Cattle and shall not be permitted to use the Road separating the land for the movement of Dairy Cattle except where a direct crossing pursuant to clause 236.5 hereof is to be made;
- (c) Dairy Cattle shall, when travelling along a Road, be confined to the Road verge and not be permitted to use the Road carriageway;

(d) All Road use and Road crossings shall comply with conditions specified in the Sixth Schedule to this chapter of the by-law.

236.4 Any Road verge approved by Council as a route of travel for Dairy Cattle shall have a lane designed, constructed and fenced to standards approved by the Council.

236.5 Any Person responsible for cattle crossing a Road shall ensure that those cattle cross the Road in the shortest practicable route.

236.6 That Person granted approval by Council to allow use of a Road by Dairy Cattle shall ensure that the cattle movements are at all times adequately supervised.

236.7 Any Person having control of Dairy Cattle on any Road shall ensure that the cattle are not driven carelessly nor without reasonable consideration for other Persons using the Road.

236.8 Where in the opinion of an officer of the Council the movement of Dairy Cattle across or along any Road has resulted in excessive fouling of the Road surface Council may require the Person responsible for those dairy cows to cause the Road to be cleaned as far as is practicable.

236.9 Provided always that the movement of dairy cattle across any state highway shall not be authorised without the approval of the appropriate Road controlling authority.

237 Gin traps

237.1 No Person shall without the prior permission of Council set, lay or fix any gin trap or spring jawed Animal trap in any place except those designated rural in the District Plan.

238 Overhanging Vegetation - liable to obstruct

238.1 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. Provided that Council will from time to time prepare a policy as regards allowable overhanging Vegetation. Refer to the Fifth Schedule of this chapter of the by-law.

239 Shingle and debris on Footpaths, Roads, and Public Places

2391 No Person shall permit, allow or cause any shingle, earth, building rubble, or any other material to spill onto so as to cause a nuisance or danger or remain on any Footpath Road or other Public Place.

240 Horses fouling public areas

240.1 No Person being the Owner of or having control of any horse shall, in an urban area permit that horse to foul any Public Place with droppings. Provided that no offence shall be deemed to have been committed against this chapter of the by-law where the Owner or Person having control of the horse removes the droppings as soon as practicable.

241 Miscellaneous offences

241.1 Any Person shall commit an offence against this part of this chapter of the by-law who:

- (a) Repairs or dismantles any motor Vehicle on any Public Place, except in case of the occurrence of an accident or breakdown when repair on the spot is necessary;
- (b) Shall, by ill-usage or negligence in driving any Animal along or over any Public Place, permit any injury or damage to be done by such Animal;
- (c) Shall drive, ride, or propel any Vehicle or bicycle along any Footpath on any Public Place provided that Persons on bicycles taking due care may be permitted to use a Footpath for delivery purposes of newspapers, mail or printed material and further this clause shall not apply to Persons using motorised mobility aid devices for bona fide reasons, on to public Footpaths intended for dual use by pedestrians and cyclists;
- (d) Being the Owner, or the Person having the custody of any Stock, shall ride, lead, or drive the Stock, or permit them to go along any Footpath or cycle track on any Public Place; or
- (e) Shall permit, any Vehicle or Animal to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any Public Place under the authority of Council.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

FIRST SCHEDULE BY-LAW POLICY -

Articles displayed outside shops

SUBJECT:

Clause 208 - Exposing Articles for Sale.

PURPOSE:

The reason for this policy is to allow retailers and business Premises to display articles without in each individual case having to seek the permission in writing of Council.

The policy also details the manner in which Council staff shall address the problem of articles that are displayed in contravention of the policy.

POLICY:

- (a) That general exemption be granted for the displaying of articles up to 600 millimetres from commercial property holders' boundaries;
- (b) That articles may only be displayed outside the Premises to which they belong;
- (c) That articles must be removed at the close of each days trading;
- (d) That Officers be authorised to give written notice for the removal of articles which do not comply with Council policy and such notice may require the removal of articles within 24 hours or such lesser time as is deemed appropriate, failing which the articles are to be impounded and released on payment of an appropriate fee;
- (e) Should any Person repeatedly display articles without Council's consent or in contravention of this policy, that Person shall receive only one warning, thereafter it shall not be required that Officers serve written notice prior to the articles being impounded;
- (f) Council may dispense with the requirements of this policy where there is no obvious benefit to the community in strict enforcement. A record of dispensations shall be kept at the Council Offices;
- (g) Neither clause 208 of this chapter of the by-law nor this policy shall apply to suburban shops with the exception of Ashbury Shopping Centre, Evans Street, Timaru. Officers shall in cases where clause 208 does not apply, use the general obstruction provisions of clause 203.

It should be noted that the main shopping areas of Temuka, Geraldine and Pleasant Point are included in this policy.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

SECOND SCHEDULE BY-LAW POLICY -

Collectors, Buskers, Street Preachers

SUBJECT:

Clause 211 - Buskers

PURPOSE:

This policy allows buskers to operate throughout the District without obtaining specific permission provided that certain conditions are observed.

POLICY: BUSKERS

That general approval be given to allow buskers to operate throughout the District subject to the following conditions:

- (a) The activity is at the pleasure of Council and may be discontinued by Council at any time if justified complaints are received;
- (b) Buskers who are performing as individuals may operate in any area provided that:
 - (i) They do not block off entrances to any Premises;
 - (ii) They do not obstruct pedestrians;
 - (iii) There is no amplification of music.
- (c) Groups may also operate in any area subject to the above conditions provided that an Officer may require groups to operate in more "open" areas;
- (d) Groups or individuals may busk on the Reserve at the corner of Strathallan and Stafford Streets and the Piazza only with the approval of the Council Asset Manager and in accordance with any conditions that maybe imposed.

SUBJECT:

Clause 211 - Street Preachers, Street Collections and Appeals

PURPOSE:

This policy is to differentiate the activities of Persons carrying out “street preaching and street collections” from the activities of a busker.

POLICY: STREET PREACHING

- (a) Any Person who wishes to preach in a public area must make application in writing to the Council;
- (b) Approval may be granted by Council provided that any approval granted may be subject to conditions;
- (c) Any approval granted is at “the pleasure of Council” and may be discontinued by Council at any time if justified complainants are received.

POLICY: STREET COLLECTIONS AND APPEALS

- (a) Any Person who wishes to collect or solicit donations in a Public Place must make application in writing to Council;
- (b) Approval may be granted by Council provided that any approval granted may be subject to conditions;
- (c) Any approval granted is at “the pleasure of Council” and may be discontinued by Council at any time if justified complaints are received.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

THIRD SCHEDULE BY-LAW POLICY -

Advertising Signs

SUBJECT:

Clause 213 – Placards on Buildings, Posts and Footpaths

Signs in, on or over a Public Place must comply with the performance standards of this policy.

This policy is in two parts. Part 1 addresses portable advertising signs outside shops. Part 2 addresses signs which protrude into or hang over a Public Place/space.

PURPOSE:

Part 1 – The reason for this policy is to allow retailers and business Premises to advertise their business by means of portable display boards without in each individual case having to seek the permission in writing of Council.

The policy also details the manner in which Council staff shall address the problem of signs that are displayed in contravention of the policy.

Part 2 – This policy provides information and performance requirements for other advertising signs which hang or are located in a position where there is potential for the sign to obstruct, obscure or cause injury to users of the Public Place.

No sign which by its location or construction presents a danger, or which may cause injury to the public, is authorised or permitted by this chapter of the by-law or policy.

POLICY:

Part 1 – Portable advertising signs outside shops or places of businesses

- (a) That general exemption be granted to allow portable display board type signs to be displayed up to 600 millimetres from commercial property holders' boundaries;
- (b) That signs may only be displayed outside the Premises to which they apply;
- (c) That Officers be authorised to give written notice for the removal of signs which do not comply with this Council policy. Such notice may require the removal of signs within 24 hours or such lesser time as is deemed

appropriate, failing which the signs are to be impounded and released on payment of an appropriate fee;

- (d) That should any Person repeatedly display signs without Council's consent, or in contravention of this policy that Person shall receive only one 24 hour warning or such lesser time as is deemed appropriate, thereafter it shall not be required that Officers serve written notice prior to the sign being impounded;
- (e) Council may dispense with the requirements of this policy where there is no obvious benefit to the community in strict enforcement. A record of dispensations shall be kept at the Council Offices;
- (f) Neither clause 213.1(c) nor this policy shall apply to suburban shops with the exception of Ashbury Shopping Centre, Evans Street, Timaru. Officers shall in cases where clause 213.1(c) does not apply, use the general obstruction provisions of clause 203.

It should be noted that the main shopping areas of Temuka, Geraldine and Pleasant Point are included in this policy.

Part 2 – Signs On or Over Public Place

Interpretation - A sign has the meaning given in the District Plan. Providing that temporary signs covered by Part 1 of this policy are excluded.

General Requirements for Construction and Maintenance of Signs

- (a) No sign shall be made, erected, or constructed otherwise than in a safe manner and securely fastened to a permanent structure. Signs on the faces of buildings, sky signs and pole signs shall, if required by Council, be designed by a structural engineer and shall be located in a position approved by Council.
- (b) Every sign shall at all times be maintained in good repair and condition.
- (c) Where a sign is not maintained in good order and condition, or if it at any time becomes unsightly or dangerous, the Council may, by notice in writing require the Owner or lessee to repair or secure or otherwise put in order or remove the sign within a period stated in the notice.
- (d) All signs must conform to the following dimensions if they overhang Footpaths, carriageways and/or are connected to verandahs:
 - (i) Minimum height to underside of sign from Footpaths 2.4m
 - (ii) Set back, 600mm from an imaginary vertical line from the kerb
 - (iii) Verandah fascia sign maximum 900mm in depth.
 - (iv) Minimum height to underside of sign from carriageway 5.5 metres

Signs Affecting Traffic

- (a) No Person shall display, erect, or maintain any sign so close to any part of a Road, motorway, or to any corner, bend, safety-zone, traffic sign, traffic signal, or intersection that in the opinion of the Council may:
 - (i) Obstruct or be likely to obstruct the view of traffic or of any traffic sign or signal; or
 - (ii) Distract unduly or be likely to distract unduly the attention of Road users; or
 - (iii) Constitute or be likely to constitute in any way a danger to the public.
- (b) No Person shall place or display any sign containing any reflective material which tends to reflect Vehicle lights, or contains any material dependent for illumination upon the lights of traffic in such a position as in the opinion of the Council would distract or be likely to distract the attention of the driver of any Vehicle.

Signs on Parked Vehicles

In the event of a complaint being received, or if the Council considers a problem is caused by a sign on a Parked Vehicle then the removal of such a sign may be required.

Temporary Signs

- (a) Temporary signs advertising the sale of land on which the sign is situated shall be restricted to a maximum of 0.7 square metres in any location.
- (b) Temporary signs advertising a forthcoming event shall be restricted to a size of 3.0 square metres in any rural location and Council may detail a lesser size in other locations.
- (c) No temporary signs are permitted on Reserves or Roadsides with the exception of the Church Street over bridge and then only in accordance with Council policy for that over bridge.
- (d) No temporary signs may be attached in any way to power or telephone poles or to fences on any public property.
- (e) Signs for elections are not permitted on any Reserves or Roadsides.

Dispensation or Waiver

- (a) Where in the opinion of the Council it is not reasonable or practicable to enforce the provisions of this Policy in respect of a particular sign then the Council may, in writing, dispense with the observance of any provision of this Policy upon such conditions as it sees fit to impose.

- (b) If the Council dispenses with the observance of any provision of this Part of this Policy then a breach of any condition imposed by the Council shall be a breach of this chapter of the by-law.

Removal of Offending Signs

- (a) If any sign, whether approved or not, fails to conform to all the provisions of this schedule it shall be the duty of the Owner of the sign to take down and remove or to repair the sign or so much thereof as does not conform to the provisions of this schedule.
- (b) The Council may remove any sign that does not comply with this policy or is considered to be hazardous or dangerous and to recover the costs of doing so. In such cases the Council will, where possible, notify the Person or Persons responsible prior to any removal.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

FOURTH SCHEDULE BY-LAW POLICY -

Electric fences on road reserves

SUBJECT:

Clause 226.4 - Temporary Electric Fences

PURPOSE:

This policy allows electric fences to be erected on Road Reserves in rural areas without obtaining the written permission of Council provided that certain specified conditions are observed.

POLICY:

Temporary electric fences may only be erected on the Road Reserves without first obtaining written approval, subject to the following conditions:

- (a) The fence is to be supported by white painted light weight standards, must not include barbed wire and must comply with any regulations governing electric fences including the provision of "Electric Fence" signs;
- (b) The fence is to be erected not less than one metre (1.0m) from the metal edge of any unsealed Road or two and a half metres (2.5m) from the seal edge of sealed Roads. Such fences shall not be erected adjacent to State Highways, or in urban areas
- (c) Such fences shall not be located within 10 metres (10m) from any Road intersection;
- (d) Such fences may not be erected for a period of longer than twenty (20) days and may only enclose Stock during daylight hours. At no time shall bulls be kept in a temporary electric fence enclosure adjacent to any Road or Road Reserve;
- (e) Before placing any fencing standards in the Road Reserve, supply authorities must be contacted to ensure that no damage occurs to underground services;
- (f) No fence shall be erected so as to constitute a traffic hazard nor shall it obstruct traffic visibility;
- (g) Council may require the immediate removal of any unauthorised fence or any fence not complying with the above conditions or if the Road Reserve is required for other purposes.

Other Road encroachment fences will be subject to written application and must not be erected until formal approval is given.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

FIFTH SCHEDULE BY-LAW POLICY -

Overhanging vegetation

SUBJECT:

Clause 238 Overhanging Vegetation - liable to obstruct

PURPOSE:

The policy allows for pedestrians to use District Footpaths without being injured or obstructed by overhanging branches or Vegetation. The policy accepts that overhanging Vegetation adds to the beauty of our urban areas but sets standards that allow free access.

POLICY:

- (a) That there be sufficient clearance to give pedestrians free passage with vertical clearance to 2.4 metres;
- (b) That Officers are authorised to give written notice to trim or cut back obstructions which do not comply;
- (c) That legal action is authorised by this policy where service of written notice has not resulted in compliance.

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 2 - PUBLIC PLACES

SIXTH SCHEDULE BY-LAW POLICY -

Standards for warning notices and crossing guides for dairy cattle road use

SUBJECT:

Clause 236.3 Dairy Cattle on Roads.

SCHEDULE OF STANDARDS FOR WARNING NOTICES AND CROSSING GUIDES FOR DAIRY CATTLE ROAD USE

POLICY:

- 1 Road crossings used by milking dairy herds shall be provided with advance warning signs, crossing markers, and guides as may from time to time be required by Council.
- 2 Advance warning signs shall:
 - Be hinged folding Stock temporary (cattle crossing) warning signs of reflective orange background with black legend and border with a minimum opened size of 750 millimetres by 750 millimetres or as otherwise defined by Council;
 - Be located as determined by Council;
 - Be erected on H4 treated posts painted high gloss vivid white and of dimensions 100 millimetres x 100 millimetres x 3 metres long embedded 600 millimetres (minimum) in the ground or as otherwise specified by Council;
 - All advance warning signs shall be removed, closed or covered within fifteen minutes of Stock movement ceasing.
- 3 Crossing markers shall:
 - Be either an approved type of flashing orange light located at the Roadway formation edge and at a height not exceeding 1200 millimetres; or
 - A fluorescent Road cone (minimum height 900 millimetres) placed at the Roadway formation edge; or
 - Other approved sign or marker.

4 Crossing and Roadside race guide requirements shall be:

- Posts, standards, fence rails, or other such devices used or placed to guide or restrain the cattle shall be white in colour to aid visibility;
- Marked with approved reflectors or other means acceptable to Council;
- Tapes when laid across any Roadway shall extend in height above the Road not more than 50 millimetres and shall be securely anchored at each end;
- Tapes shall only be laid down for the duration of any one particular herd crossing time.