

Public Safety Bylaw 2014 (Amended 2019)

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1. INTRODUCTION

1.1 Scope

The purpose of this Bylaw is to ensure that acceptable standards of safety, convenience, visual amenity and civic values are maintained for the wellbeing of inhabitants and visitors to the District.

1.1 Enabling Enactments

This Bylaw is made pursuant and subject to the Local Government Act 2002, the Litter Act 1979, the Health Act 1956, and the Reserves Act 1977.

1.2 Title of this Bylaw

This Bylaw shall be known and cited as Matamata-Piako District Council Public Safety Bylaw 2014 and shall come into operation on 28 November 2016. For expediency this Bylaw may be referred to as the Public Safety Bylaw.

1.3 Definitions and interpretation

For the purposes of this Bylaw the following definitions shall apply:

Barbed Wire means any wire that contains barbs, spikes, blades, jagged edges or pointed projections along its length and used to make fences and barriers.

Alcohol means the same as in section 5 of the Sale and Supply of Alcohol Act 2012, being a substance:

- a) that—
 - i. is or contains a fermented, distilled, or spirituous liquor; and
 - ii. at 20°C is found on analysis to contain 1.15% or more ethanol by volume;
- or
- b) that—
 - i. is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
 - ii. is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C;
- or
- c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people .

Alcohol ban area means a place specified in this bylaw for the purposes of clause 4, Schedule 4 and Schedule 9, in respect of which the prohibitions and controls in this bylaw will apply at any specified time, day or event. It does not include any part of a public place for which an alcohol licence has been issued under the Sale and Supply of Alcohol Act 2012.

Approved basic food hygiene course means a training program which has been accredited by the New Zealand Qualifications Authority for the purposes of food preparation and handling training, or an alternative course in food hygiene approved in writing by the council.

Brothel means the same as in section 4(1) of the Prostitution Reform Act 2003.

Commercial Sexual Services means the same as in section 4(1) of the Prostitution Reform Act 2003.

Exempted Food Handler means:

- a) Any Person employed in any Food Premises who is not involved in the manufacture, preparation or packing of Food but does handle pre-packaged foodstuffs at the point of Sale or in storage.
- b) Any other Person employed in Food Premises or who works in connection with any Food Premises who in the opinion of the Council is an Exempted Food Handler.

Exempted Food Handlers may include:

- i. supermarket checkout operators; or
- ii. Persons employed exclusively in the handling of packaged goods in storage or the carriage of goods to and from storage; or
- iii. Persons employed exclusively in the delivery of packaged goods to and from Food Premises; or
- iv. Persons employed predominantly in the wholesale or retail Sale of fruit or vegetables.

Event as defined in section 5 of the Sale and Supply of Alcohol Act 2012, includes an occasion and a gathering, and any of a series of events.

Food means the same as in section 9 of the Food Act 2014

Food business has the meaning given by the Food Act 2014.

Food Handler means any Person employed in or on any Food Premises who at anytime may be involved in the manufacture, preparation or packing of Food.

Food Premises means the same as in regulation 2 of the Food Hygiene Regulations 1974 but shall not include occasional Food Premises as defined in that regulation.

Guest means a Person for whom any room or part thereof or rooms in a Hostel is or are provided as a lodging or for his/her use or occupation and to whom whole or partial board may also be supplied.

Hostel means a building in which accommodation is provided for a single night or longer for five or more Persons who are not part of a family with or without a common right to the use of common cooking, dining and laundry facilities. A Hostel includes but is not limited to:

- a) a boarding house;
- b) a Guest house;
- c) a rooming house;
- d) a private hotel;
- e) a motel;
- f) a Residential club;
- g) a backpacker's accommodation;
- h) but does not include:

- i. any Premises in respect of which a Licence under the Sale and Supply of Alcohol Act 2012 is in force or deemed to be in force;
- ii. any hospital as defined in section 2 of the Hospitals Act 1957;
- iii. any home for aged Persons required to be Licensed under section 120A of the Health Act 1956;
- iv. any private hospital required to be Licensed under part V of the Hospitals Act 1957;
- v. any institution Licensed under section 9 of the Mental Health Act 1969;
- vi. any home that is required to be registered or deemed to be registered under part IX of the Children and Young Persons Act 1974;
- vii. any child care centre required to be Licensed by regulations made under the provisions of the Education Act 1989;
- viii. any home required to be registered under part II of the Disabled Persons Community Welfare Act 1975;
- ix. any camping ground required to be Licensed under regulations made under section 120B of the Health Act 1956.

Litter means the same as in section 2 of the Litter Act 1979.

Licensed premises means a premises holding a current alcohol licence, including a special licence, pursuant to the Sale and Supply of Alcohol Act 2012.

Mobile Shop means a Vehicle, stand or stall, whether self propelled or not, located in a Public Place, from which goods, wares, or merchandise are offered or exposed for Sale or from which goods, wares, or merchandise may be ordered or from which services are offered for Sale or from which Food is sold. Mobile Shops are distinct from other stall types in that there is no requirement to identify a specific site for the activity.

Public Performance includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments, regardless of whether such performance is:

- a) prerecorded or live; or
- b) requires public participation; or
- c) requires payment, donations or is performed gratis.

Proscribed Substance means a mind altering 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; or
- b) substances purchased from a pharmacy without a medical prescription; or
- c) nicotine; or
- d) alcohol.

Sandwich Board Sign has the same meaning as Sign.

Sell or Sale mean the same as in section 13 of the Food Act 2014 and also includes the extended meaning given in regulation 2(5) of the Food Hygiene Regulations 1974.

Sign means:

- a) 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; and
- b) 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; and
- c) a bunting that has symbols or messages on it.

Temporary Sign means any Sign advertising:

- a) a parliamentary or local authority 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.

Skating Device means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby or invalid carriage or bicycles.

Urban Area – Refer to Introductory Bylaw for definition.

Watercourse means the same as in section 2 of the Land Drainage Act 1908.

2. SAFETY IN PUBLIC PLACES

2.1 Purposes

The purpose of clause 2 is to promote public safety and the enjoyment of Public Places by inhabitants and visitors by managing and regulating the use of Public Places.

2.2 General instructions on conduct in Public Places

2.2.1

No Person shall in any Public Place:

- a) place or leave litter or any materials or object or substance, which are likely to be hazardous or injurious to any Person, or likely to create a Nuisance; or
- b) deposit in or around a public litter receptacle any household or trade refuse; or
- c) interfere with any refuse, which is awaiting collection by an authorised collector; or
- d) drive any Vehicle except on a formed Road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other Vehicles; or
- e) leave any work, hole or excavation in a Public Place in a manner that could be a danger to anyone entering or using that Public Place; or
- f) take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft except in an emergency or in a location Approved by an Authorised Officer; or
- g) consume, inject or inhale any Proscribed Substances or offer or Sell such substances to any Person; or

- h) play any game or use any object including skateboards, roller blades, roller skates, bicycles, mobility scooters or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a Nuisance to any Person in the Public Place, or damage the Public Place; or
- i) use profane or obscene language on a Public Place or within the hearing of a Person in a Public Place; or
- j) loiter or remain in or on a Public Place after being directed to move on by an enforcement officer.

2.2.2

Except with the prior Written permission of the Council, no Person shall in any Public Place:

- a) solicit any subscription, collection or donation or provide a Public Performance in a way that does or is likely to create a Nuisance; or
- b) distribute any printed or Written material advertising any product, service or public entertainment in a way that does or is likely to create a Nuisance. Any Person distributing printed or Written advertising material in a Public Place shall be responsible for the removal of any litter attributable to the distribution of the advertising material; or
- c) set off fireworks or explosive material in or on a Public Place, or so near thereto in a way that does or is likely to create a Nuisance; or
- d) erect or place any structure on, over or under the Public Place except in compliance with any other part of the Bylaw.

2.3 **Obstructing Public Places**

Except with the prior Written permission of the Council, no Person shall:

- a) obstruct any entrance to or exit from a Public Place; or
- b) place or leave any material or object on a Public Place that could obstruct the public right of passage or interfere with the free flow of movement on the Public Place; or
- c) allow any gate or door on property abutting a Public Place to swing over or across the Public Place or any part thereof; or
- d) erect, construct or place any building or other structure or erection whatsoever or any part thereof under, upon, over or across any Public Place; or
- e) carry out any work on any Motor Vehicle in a Public Place, except in the case of any accident or emergency when repairs are necessary to allow the Vehicle to be removed.

2.4 **Damage to Public Places**

Except with the prior Written permission of the Council, no Person shall in any Public Place:

- a) damage, interfere with, destroy or remove any grass plot, flowerbed, tree, shrub or plant, or any inscription or label relating to it; or
- b) pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with an ornament, statue, building, structure, or facility. Nothing in this clause shall prevent the Council from supplying or Approving the installation of display boards in a Public Place for the purpose of allowing posters to be displayed announcing forthcoming functions or events; or
- c) cause or permit to be done any act whatsoever by which damage is caused to a Public Place, or a work or object in, on, over or under the Public Place; or

- d) damage or interfere with a natural feature, Animal or plant; or
- e) use a Vehicle or be in control of an Animal in a manner so that it damages any part of a Public Place; or
- f) drive or Park a Vehicle in a Public Place except on a Road or in an area set aside for the driving or Parking of Vehicles; or
- g) remove any sand, soil or other naturally occurring material found in a Public Place; or
- h) open a drain or sewer on, or disturb or remove the surface of, any Public Place.

2.5 Fires

Notwithstanding the requirements of any other clause of this Bylaw, no Person shall in any Public Place:

- a) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires; or

2.6 Placing of articles on and damage of Public Places

No Person shall place or leave or cause or permit to be placed or left any material or object, including Signage or items for Sale or hire, on any Public Place unless:

- a) such a Person has obtained the prior Written permission from the Council; or
- b) such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
- c) such action is allowed pursuant to any Bylaw or the District Plan.

2.7 Reinstatement on completion of authorised works

A Person carrying out authorised works on a Public Place shall on completion of the works reinstate the place to the satisfaction of the Council.

2.8 Electrical or Barbed Wire fencing

2.8.1

Except with the prior Written permission of the Council, no Person shall erect any electrified or Barbed Wire fencing along the boundary or within 1 metre of a Public Place, provided that this sub-clause shall not prohibit:

- a) the placing of such Barbed 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 such Public Place; or
- b) the placing of such Barbed Wire or electrified fencing on the side of the boundary line that abuts the land or building and shielded in a manner to prevent access thereto from a Public Place.

2.8.2

- a) Clause 2.8 shall not apply within an area zoned 'Rural' under the District Plan, except when the fence abuts or adjoins a Footpath.
- b) The Council may from time to time specify by resolution conditions that will apply to Temporary electric fences.

2.9 Skating

2.9.1

The Council may from time to time specify by resolution in schedule 1 of this Bylaw Public Places where the riding of any Skating Device is at all or certain times prohibited or restricted to the extent determined by the Council.

2.9.2

- a) No Person shall ride a Skating Device in any area or at any time in breach of any prohibition or restriction specified in schedule 1.
- b) It shall be an Offence to ride a Skating Device on any Footpath in a manner that endangers any Person or property.

2.10 Trading in Public Places

2.10.1 Activity Types

2.10.1.1 Fundraising and appeals for charitable purposes in a Public Place (Short Term)

No business, organisation, group or individual shall engage in fundraising activities for charitable purposes in a Public Place without first obtaining Written permission from an Authorised Officer, and then only in accordance with schedule 2, annexure A of this Bylaw.

2.10.1.2 Commercial and promotional activities in a Public Place (Short Term)

No business, organisation, group or individual shall engage in commercial or promotional activities in a Public Place without first obtaining Written permission from an Authorised Officer and then only in accordance with schedule 2, annexure A of this Bylaw.

2.10.1.3 Commercial and promotional activities (excluding dining) in a Public Place (Long Term)

No business, organisation, group or individual shall place or expose articles for Sale or display in a Public Place unless the activity is undertaken in accordance with schedule 2, annexure A of this Bylaw.

2.10.1.4 Placing of tables, chairs or related items for dining in a Public Place (Long Term)

No business, organisation, group or individual shall place tables, chairs or related items in a Public Place for the purpose of dining unless the activity is undertaken in accordance with schedule 2, annexure A of this Bylaw.

2.10.1.5 Performing in a Public Place (Short Term)

No business, organisation, group or individual shall undertake a Public Performance in a Public Place without first obtaining Written permission from an Authorised Officer and then only in accordance with schedule 2, annexure B of this Bylaw.

2.10.1.6 Operating a Mobile Shop from a Public Place (Annual Renewal)

No business, organisation, group or individual shall operate a Mobile Shop from a Public Place without first obtaining a Mobile Shop Licence issued by an Authorised Officer and then only in accordance with schedule 2, annexure C of this Bylaw.

2.10.2 Decision on granting a permission or Licence to occupy a Public Place

If a Licence or permission under clause 2.10 of this Bylaw is required, in assessing an application, the Authorised Officer will consider:

- a) the time and place of the activity
- b) any potential adverse effects on the amenity value of the area
- c) any previous non-compliance
- d) potential adverse visual effects
- e) the effects on any business, organisation, group or individual that an Authorised Officer deems to be affected.
- f) the duration of the activity
- g) the types of goods to be Sold or displayed
- h) pedestrian and Vehicle safety and access
- i) effects of the proposed Signage
- j) the noise likely to result from undertaking the activity
- k) the potential generation of Litter and any reduction in the cleanliness of the area

Council may grant, modify or decline any application at its discretion.

2.10.3 Conditions of permission or Licence to occupy a Public Place

In granting any Licence or permission under clause 2.10 of this Bylaw, an Authorised Officer may impose conditions. The conditions imposed may be in relation but not limited to the following matters:

- a) the time and place that the activity is allowed to occur
- b) the duration of Licence or permission
- c) the types of goods that can be sold or displayed
- d) safety and hygiene requirements
- e) use of Signage
- f) use of audible devices for attracting Customers
- g) Litter and cleanliness

2.10.4 Fees

Council may, by resolution, prescribe fees to be paid in respect of Council administering the activities specified in Clause 2.10.1

2.11 **Assembly**

No Person shall without the prior Written permission of the Council:

- a) participate in any assembly or associate with other Persons in a Public Place so as to impede pedestrians or traffic or to prevent or hinder ready access to shops or Premises facing onto the Public Place; or
- b) organise, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a Public Place so as impede traffic or cause an obstruction to, or impede, annoy or inconvenience any Person.

2.12 Awnings and blinds

Except with the prior Written permission of the Council, no Person shall erect or maintain, or cause to be erected or maintained, an awning over any Public Place, or hang an awning, blind or screen from a Premises or a structure on any Public Place.

2.13 Projections on Public Places not permitted

2.13.1

Except with the prior Written permission of the Council, or as may be permitted by other Bylaw, no Person shall allow a Portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, vegetation 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.

2.13.2

Clause 2.13.1 shall not apply to a Veranda or awning erected pursuant to a requirement of the District Plan.

2.13.3

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 Bylaw and which is contrary to any Bylaw in force, the Council may upon application Approve the continued existence of such projection or obstruction.

2.14 Road and building identification

2.14.1

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 a property shall mark such building complex or property with numbers, being in no case less than 50 millimetres in height for Residential buildings and not less than 150 millimetres in height for all other buildings. Numbers shall be as allocated or Approved by the Council and displayed in a position on the building, complex or property so as to be readily visible from the road to which it has frontage.

2.14.2

Numbers required by clause 2.14.1 shall be maintained by the Owner or Occupier in such a manner so as to readily identify the property at all times.

2.14.3

The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.

2.15 Animals on Public Places

2.15.1

No Person shall take or allow any Animal under that Person's care or control onto any Public Place if the Council has by resolution in schedule 3 of this Bylaw prohibited entry of that type of Animal to that Public Place.

2.15.2

A Person in control of an Animal on any Public Place shall ensure that the Animal is kept under proper control, with consideration for other Persons using the Public Place.

2.15.3

A Person in control of an Animal on any Public Place shall ensure that the Animal is kept under proper control to ensure that no damage is caused to the Public Place, any part thereof or to any object thereon.

2.15.4

A Person in control of an Animal on any Public Place shall immediately remove any faeces deposited by that Animal and dispose thereof in a sanitary manner.

2.15.5

No Person shall:

- a) break in, train, clean, shoe, bleed, dress or expose for show, hire or Sale any Animal on any Public Place without the prior Written Approval of the Council; or
- b) allow any vicious biting Animal to stand or be on any Public Place, unless properly and securely muzzled.

2.15.6

No Person shall in a Public Place, without the prior Written Approval of the Council tether or otherwise put or place any Animal for the purpose of depasturing or grazing.

2.15.7

If any Animal is found on any Public Place, or on any land not separated from any Public Place by a fence considered by the Council to be sufficient to prevent that Animal from accessing or damaging such a Public Place, without any Person having charge thereof, the Owner shall be guilty of an Offence against this Bylaw, and the Animal may be impounded.

2.16 **Water**

2.16.1

No Person shall:

- a) place any obstruction or allow any such obstruction to remain in or upon any Watercourse, stream, dam, pond or fountain on any Public Place which does or is likely to obstruct the free flow of water therein; or
- b) place, throw or leave any material or thing or substance which is likely to be Offensive or create a Nuisance in any Watercourse, stream, dam, pond or fountain on any Public Place; or
- c) pollute or otherwise render unfit for human or Animal consumption any water supply on any Public Place; or

- d) permit or cause the wastage of water on any Public Place or permit any water tap to flow for longer periods than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes.

2.17 Reserves

2.17.1

The Council may fix charges for the entry to a Reserve in accordance with the Reserves Act, 1977 and it shall be an Offence against this Bylaw to enter a Reserve without having paid the proper charge for entry, if a charge is payable.

2.17.2

The Council may close or restrict entry to, or any portion of, a Reserve at such times as are considered necessary to prevent damage to, or allow maintenance of the Reserve. Such closure shall be advertised by Signs at the entrances to the Reserve. It shall be an Offence against this Bylaw to access a Reserve at any time when it is closed to public entry.

2.17.3

- a) A Person committing a breach of the provisions of clause 2.17.2 shall, upon request by the Council, immediately leave the Reserve and shall be prohibited from appearing on the Reserve for such period as the Authorised Officer deems fit.
- b) A Person ordered to leave a Reserve as provided for in clause a) shall still be liable to be prosecuted for the breach of this Bylaw.

2.18 List of Schedules passed on terms of clause 2

- Schedule 1 Restricted areas for Skating Devices;
- Schedule 2 Information required for public trading permit
- Schedule 3 Restricted areas for Animals;

3. NUISANCE ON PRIVATE PROPERTY

3.1 Purpose

The purpose of clause 3 is to protect the public from Nuisance and to protect and promote and maintain public health and safety in relation to activities emanating from private property not controlled by the District Plan or other Enactments.

3.2 Restrictions

No Person may:

- a) burn, or cause or permit to be burnt, any matter or thing in such a manner as to create a Nuisance; or
- b) being the Owner or Occupier of Premises use, or permit to be used or to remain on Premises a lavatory other than a flush toilet, unless it be so maintained as to prevent the creation of a Nuisance; or
- c) so deposit in or discharge, or so cause or permit the deposit or discharge into a stream, Watercourse, pond, lagoon, open drain, gutter or channel, any Litter, Animal or other offensive matter or thing as to create or be likely to create a Nuisance; or

- d) being the Owner or Occupier of Premises so cause or permit offensive liquid or matter to remain in or on, or flow from those Premises so as to create or be likely to create a Nuisance; or
- e) being the Owner or Occupier of Premises, cause or permit a sanitary fixture (as defined in the Building Regulations 1992, schedule 1, "The Building Code") on those Premises to be in such a state or defective condition as to create or be likely so to create a Nuisance; or
- f) being the Owner or Occupier of Premises to cause or permit conditions on those Premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

3.3 Council May Extinguish Fires

3.3.1

Where a fire has been lit or allowed to burn in contravention of 3.2(a)

Any Authorised Officer or Agent of the Council (including Fire and Emergency New Zealand) may extinguish any such fire or direct the Occupier of Premises on which the fire is located, or the Person who lit the fire, to extinguish such fire.

3.3.2

Where an Authorised Officer or Agent of the Council has extinguished a fire pursuant to section 3.3.1, the Council may recover any costs incurred, incurred in extinguishing the fire from the Occupier of Premises on which the fire was located, or the Person who lit the fire.

To avoid any doubt, nothing in this part of the bylaw applies to a fire safety risk to which the Fire and Emergency New Zealand Act 2017, or regulations made under that Act, applies.

4. CONTROL OVER THE POSSESSION AND CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

4.1 Purpose

The purpose of clause 4 is to regulate the consumption and bringing into and possession of Alcohol in specified Public Places, and for specified days, times and events including the related presence or use of a Vehicle.

4.2 Empowering provisions

Clause 4 is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for Bylaws for Alcohol control purposes. This Bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this Bylaw. In particular, the following provisions are noted:

- a) Section 147 empowers the Council to make this Bylaw. It also defines 'Alcohol' and 'Public Place'. In addition, section 147(4) sets out a number of specific exemptions when the Bylaw will not apply with respect to the transportation of unopened bottles or containers.
- b) Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the Bylaw. The Police are responsible for enforcing the Bylaw.
- c) Section 170 sets out certain conditions imposed on the Police powers of search under section 169 such as informing the Person in possession of Alcohol they have

the opportunity to remove it from the Public Place and providing the person with a reasonable opportunity to remove it from the Public Place,

This Bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory Offences.

4.3 Designation of specified Public Places as an Alcohol Ban area

A person must not at all times in any public place:

- a) bring alcohol into an alcohol ban area specified in Schedule 4; or
- b) consume alcohol in an alcohol ban area specified in Schedule 4, or in a vehicle within an alcohol ban area; or
- c) have alcohol in their possession in an alcohol ban area or in a vehicle that is in an alcohol ban area specified in Schedule 4 .

Explanatory note: Refer also to exemptions under clause 4.7 (Dispensations) and clause 4.8 (Exemptions).

4.4 Temporary alcohol bans

In addition to clause 4.3, the Council may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an alcohol ban area for a particular time period relating to a specified event or a particular time of the year. The same prohibitions in clause 4.3 apply for the period of the temporary ban.

4.4.1

Where this is done, a minimum seven days of public notice of the temporary alcohol ban shall be given prior to the event or particular time of the year, specifying the additional alcohol ban area(s) and the time period when the provisions of this bylaw shall apply. Public notices shall be affixed in or adjacent to these alcohol ban areas at such times that the provisions of this bylaw apply.

4.5 Special Licences

This Bylaw does not limit any person from obtaining a Special Licence pursuant to the Sale and Supply of Alcohol Act 2012, in which case clauses 4.3 and 4.4 shall not apply.

4.6 Amendments to alcohol bans

The Council may, at any time, amend or revoke an alcohol ban in accordance with the Local Government Act 2002.

4.7 Dispensations

4.7.1

- a) The Council may, on application by any Person grant a waiver, dispensation or Licence to do or refrain from doing anything which would otherwise be in breach of clause 4 of this Bylaw for the purpose of enabling possession and/or consumption of Alcohol in a Public Place at the time of any special event.
- b) Such a waiver, dispensation or suspension of operation of any part of clause 4 of this Bylaw shall be granted only in respect of specific time periods and specific

locations associated with the special event, to enable better enjoyment of the event by members of the public.

- c) The Council may at its discretion impose conditions on any such waiver granted.
- d) Such dispensation shall be considered in accordance with the relevant Policy contained in schedule 9 of this Bylaw.

4.7.2

In considering any application, as provided for in clause 4.7.1, the Council shall obtain and consider a response to the request from New Zealand Police, including the reason for that response.

4.7.3

The applicant may be required to pay the Council a fee or charge to cover any actual and reasonable costs associated with, processing the application or obtaining a police response to the application under clause 4.7.

4.8 Exemptions

4.8.1

As provided for in section 147(4) of the Local Government Act 2002, clause 4 of this Bylaw does not prohibit, in the case of alcohol in an unopened bottle or 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.

4.8.2

Clause 4 of this Bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:

- a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council;
- b) any public place that is subject to a special licence issued by the Council for the term of that licence;
- c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;

- d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed in accordance with section 38 of the Sale and Supply of Alcohol Act 2012.

4.9 Signage

4.9.1

Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.

4.9.2

To avoid any doubt, the absence of signage in any public place does not authorise a breach of this Bylaw and is not a defence against breach of this Bylaw.

4.10 List of schedules passed in terms of Clause 4

Schedule 4 Designation of specified Public Places as Alcohol Ban area(s)

Schedule 9 Criteria of exemption from the prohibition of the consumption and possession of Alcohol in a Public Place within an Alcohol Ban Area

5. CONTROL OF SIGNAGE

5.1 Scope

The purpose of clause 5 is to maintain the visual amenity and civic values of Public Places for the benefit of the public.

5.2 Exemption to this Bylaw

This Bylaw does not apply to:

- a) traffic, direction, information and naming Signs erected by or with the Approval of the Council; or
- b) Signs indicating hazardous substances used at hazardous facilities; or
- c) Signs erected pursuant to any statute or regulation; or
- d) Signs authorised by a resource consent; and
- e) Signs placed during an emergency as part of an effort to save or protect life or health or prevent injury, or to prevent serious damage to property.

5.3 General restriction on the placing of Signs

No Person shall place, erect or display:

- a) a Sign that does not meet the prescribed minimum standards applicable to Signs in that category as prescribed in schedule 5 of this Bylaw; or
- b) a poster on any building or structure without the permission of the Owner or the Occupier of that building or structure unless it is a designated poster board; or
- c) a 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; or

- ii. is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993; or
- iii. is offensive, threatening or insulting; or
- iv. incites or counsels any Person to commit any Offence.

5.4 Prohibition of Signage

- a) No Sign shall be placed, erected or displayed that is not provided for under this bylaw.

5.5 Signs affecting traffic safety

No Sign shall be placed, erected or displayed in a Public Place where it adversely affects the safety of members of the public or of traffic by:

- a) obstructing the view of any corner, bend, intersection, pedestrian crossing, Vehicle crossing, traffic Sign or traffic signal; or
- b) distracting unduly or be likely to distract unduly the attention of Road users; or
- c) resembling or is likely to be confused with any traffic Sign or signal; or
- d) giving rise to excessive levels of glare, using flashing or revolving lights or reflective materials that may interfere with a Road users vision; or
- e) invite drivers of Vehicles to turn so close to a turning point that there is no time to Signal and turn safely; or
- f) constituting or being likely to constitute in any way a danger to Road users.

5.6 Signs on or over Roads, Footpaths and Public Places

No Sign shall be placed, erected or displayed where it restricts access to any right of way or to any Public Place to which Vehicles or pedestrians have a right of access.

5.7 Minimum standards for Signs

5.7.1

The Council may from time to time determine and amend by resolution categories of Signs and may determine the minimum standards that apply to Signs in these categories.

5.7.2

The categories of Signs and the minimum standards that apply to Signs shall be prescribed in Schedule 5 of this Bylaw

5.8 Powers to remove non-complying Signs

- a) The provisions of the Introductory Bylaw 2001 are applicable to the removal of Signs erected in breach of the provisions of clause 5.
- b) Subject to evidence to the contrary, it may be presumed that a Sign erected in breach of this Bylaw has been erected by or on behalf of the Person deriving the benefit thereof.

5.9 List of schedules passed in terms of clause 5.7

- a) Schedule 5 Annexure A – Conditions Applicable to Sandwich Board Signs
- b) Schedule 5 Annexure B – Conditions Applicable to Signs for Brothels and Commercial Sexual Services

6. KEEPING OF ANIMALS (EXCLUDING DOGS)

6.1 Scope

The purpose of clause 6 is to protect promote and maintain public health by:

- a) regulating the keeping of pigs, Poultry and bees; and
- b) limiting the Nuisance created by the keeping of other Animals.

6.2 Determination of numbers of Animals allowed to be kept

The Council may from time to time determine by resolution as prescribed in schedule 6 of this Bylaw the maximum number of Animals of particular species permitted to be kept on any property in the District.

6.3 Pig keeping

6.3.1

No Person shall keep any pigs on any property in the Urban Area without the prior Written permission of the Council.

6.3.2

Without the prior Written permission of the Council, no Person shall keep more than the number of pigs prescribed in schedule 6 on any property outside the Urban Area.

6.3.3

No Person shall keep any pigs in a manner that:

- a) is a Nuisance; or
- b) creates conditions injurious to health; or
- c) is offensive; or
- d) pollutes any water as defined in the Resource Management Act 1991.

6.3.4

Except with the prior Written permission of the Council, no Person shall construct or allow any pigsty to remain or any pigs to be at large or to range at less distance than 50 metres from any Dwelling, dairy, or any wholly or partly Occupied building, or any street or Public Place or any place used for the preparation, storage, or Sale of Food for human consumption, or from any boundary of any adjoining property.

6.4 Poultry keeping

6.4.1

No Poultry caged or otherwise shall be kept in the Urban Area except in a properly constructed Poultry house covered in with a rainproof roof and provided with a floor of concrete or other Approved material with a surrounding nibwall, to which a Poultry run may be attached.

6.4.2

No Poultry house or Poultry run shall be erected or maintained so that any part of it is within 10 metres of any Dwelling, factory, or any other building, whether wholly or partially Occupied, or within 2 metres of the boundary of adjoining Premises.

6.4.3

Except with the prior Written permission of the Council no Person shall keep:

- a) more than the number of head of Poultry prescribed in schedule 6 in any Poultry house or Poultry run on any property in the Urban Area; or
- b) more than the head of Poultry prescribed in schedule 6 on any property outside the Urban Area.

6.4.4

Every Poultry run of whatever size shall be enclosed to confine the Poultry within the Poultry run.

6.4.5

Notwithstanding anything hereinbefore contained, no Person shall keep Poultry on any property so as to cause or be likely to cause a Nuisance or any condition injurious to health or offensive because of the overcrowding of the property with such Poultry or because of the state of repair of the Poultry house or Poultry run.

6.4.6

If a Nuisance is created as a result of any Poultry house or Poultry run or the keeping of Poultry, the Council may serve a notice on the Owner or the keeper of the Poultry house, Poultry run or Poultry requiring that Person to abate the Nuisance and the Nuisance shall be abated in accordance with the notice.

6.5 **Bee keeping**

6.5.1

Except with the prior Written permission of the Council, no Person shall keep bees or cause or permit bees to be kept at or on any property in the Urban Area.

6.5.2

Every Person keeping bees or causing or permitting bees to be kept on private property must ensure that:

- a) the bees do not create nor are likely to create a Nuisance or cause distress to any Person; and
- b) the bees are not kept in such conditions that create or are likely to create a Nuisance or cause distress to any Person.

6.6 **General Nuisance created by Animals**

Every Person keeping an Animal on private property must ensure it is kept in a manner that the Animal does not create nor is likely to create a Nuisance to any Person.

6.7 Shelter for Animals

No suffering shall be caused to an Animal by the manner of its shelter or keeping.

6.8 List of schedules passed in terms of clause 6

Schedule 6 Determination of numbers of Animals allowed to be kept

7. FOOD HYGIENE

7.1 Scope

7.1.1

The purpose of clause 7 is to set requirements so that all Premises, where Food is prepared for Sale, employ staff who are adequately trained in Food hygiene. This clause further allows the Council to close Premises that are unsanitary.

7.1.2

The aim of this Bylaw is to ensure that safe Food is available in all Food Premises throughout the District.

7.2 Compulsory training for Food Handlers

7.2.1

The Council may from time to time determine by resolution as prescribed in schedule 7 of this Bylaw the standards of training required for staff that handles Food.

7.2.2

All Food Premises are required to have a complement of Food Handler staff trained to the standard required under schedule 7 of this Bylaw.

7.2.3

It shall be the duty of the Occupier of every Food premise to ensure that new, Temporary, or replacement staff are trained to the standard required under schedule 7 of this Bylaw.

7.2.4

In clause 7 of this Bylaw 'Occupier' means the Owner of the Food Premises or any Person or Persons, Occupying the Premises and includes any supervisor, Food Handler, manager or Agent acting or apparently acting in the general management or control of the Food Premises.

7.2.5

Every Food premise shall have at least one Person employed in a supervisory and staff training capacity who is trained to the standard required under schedule 7 of this Bylaw, provided that the Council may grant an exemption or partial exemption where full compliance may be unreasonable having regard to the site and the nature of the Premises.

7.2.6

In the case of Food Premises which consist of separate departments or sections, each of which functions more or less in isolation from the others, at least one Person shall be appointed to act in a supervisory position within each separate department or section.

7.2.7

The Occupier of every Food premise shall ensure that adequate records are kept relating to staff training under schedule 7 and that copies of all Certificates gained by staff are kept on the Premises for perusal by the Council upon request.

7.3 Closure of Premises

7.3.1

Where any Food premise or part of any Food Premises or any appliance, fitting or fixture or other equipment on any Food Premises by reason of their situation, construction, disrepair, or state are in such a condition that any Food in the Food Premises may become unfit for human consumption, the Council may serve a notice in Writing on the Occupier of the Premises requiring that Person:

- a) to cease to use the Premises as Food Premises, or to clean or reconstruct, or to repair the Premises, or part of the Premises; or
- b) to cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those Premises;

in accordance with the requirements and within the time specified in the notice.

7.3.2

Where an Occupier has been directed to cease to use any Food Premises the Occupier shall not recommence use of those Food Premises until permission has been given in Writing by the Council.

7.4 List of schedules passed in terms of clause 7

Schedule 7 Standards of training required for staff that handles Food

8. SAFETY REQUIREMENTS FOR HOSTELS, ETC

8.1 Scope

8.1.1

The purpose of clause 8 is to enable the Council to monitor the operation of Hostels, Guest houses, boarding houses, private hotels, motels and Residential clubs, except where these are Licensed under the Sale and Supply of Alcohol Act 2012 or other Enactment to ensure that conditions do not arise that may threaten the health and safety of tenants, neighbours or the community at large.

8.1.2

Clause 8 of this Bylaw sets operational and management criteria for those Premises defined as Hostels with regard to safety, ventilation, sanitary conditions and overcrowding.

8.1.3

This clause addresses issues which are not covered in the Building Act 1991. It applies to all buildings defined as Hostels but it is considered that it will not be regarded as onerous by Owners/landlords who maintain their Premises at a reasonable standard. The thrust of clause 8 of this Bylaw is toward low cost budget accommodation.

8.2 Compliance

8.2.1

The Council may from time to time determine by resolution as prescribed in schedule 8 of this Bylaw operational and management criteria for Hostels with regard to safety, ventilation, sanitary conditions and overcrowding.

8.2.2

No Person shall let for occupation any Hostel which does not comply with clause 8 of this Bylaw.

8.3 Appointment of manager

8.3.1

Any Person who lets for Occupation any Hostel shall appoint a manager. In any case where no manager is appointed the Person who lets the Premises for accommodation shall be deemed to be the manager for such Premises. If the manager does not permanently reside on the Premises a resident manager who resides on the Premises shall also be appointed with all the powers and responsibilities of the manager. In this Bylaw 'manager' includes 'resident manager'.

8.3.2

The requirement to appoint a resident manager for a Hostel shall not apply in any case where the Council is satisfied that this would be unreasonable or impractical having regard to the particular circumstances.

8.4 Responsibilities of manager

8.4.1

The Owner, lessee or manager of a Hostel shall:

- a) maintain all of the building and all appliances, fixtures and fittings in the building in good repair and in a clean and hygienic condition and cause all rooms, passages, stores, floors, ceilings, windows, doors and walls of the building to be kept clean and free from vermin; and
- b) cause every yard or court or other open space to be kept at all times in good order and thoroughly clean, and free from any accumulation of refuse, or foul matter or undesirable growth and shall as often as necessary wash all paved surfaces in such yard or court or other open space; and
- c) ensure that all parts of the Premises are adequately lit and ventilated at all times; and
- d) provide a suitable storage area in an Approved location where rubbish bags or rubbish containers can be stored prior to their placement for collection on rubbish

collection day and maintain any rubbish storage areas in a clean and tidy condition; and

- e) provide and maintain in good repair and efficient working order any artificial lighting, emergency lighting, fire alarms, fire detection devices and fire extinguishers or any other feature as may be required by the Building Regulations 1992 (including the New Zealand Building Code) or a Compliance Schedule under section 44 of the Building Act 1991 for the Hostel.

8.4.2

The manager or resident manager shall cause:

- a) all the bed-linen, bedclothes, bedding, bedsteads and all soft furnishings provided to Guests to be thoroughly cleaned as often as is necessary to maintain these items in a clean and wholesome condition and free from vermin; and
- b) all refuse to be removed at least daily from every room in the Hostel; and
- c) every room which is used as a bedroom to be furnished with the Approved beds sufficient for all occupants but not exceeding the limits of schedule 8 of this Bylaw. A sufficient supply of clean bed linen and bedding shall be available for every Guest in each bedroom in cases where they are not required to provide their own. Every bedroom shall have adequate clothes storage facilities for the number of Guests, and suitable curtain or window coverings for privacy; and
- d) towels to be supplied for each Guest at least weekly and to every newly-arrived Guest. All bed linen and bedclothes supplied to Guests shall be removed as soon as convenient after a bedroom has been vacated. All such bedclothes and the bed from which the bedclothes have been removed shall be thoroughly aired.

8.4.3

The manager or resident manager of a Hostel shall not:

- a) except in the case of an emergency, use or permit to be used in any part of the Premises any lighted candles, or any lamp, or heater supplied with kerosene, mineral or other oil or spirit for lighting or heating purposes unless such candle, lamp or heater is constructed, protected, and secured as not to involve risk of fire to the building or its contents; or
- b) store or keep, or allow to be stored or kept, any kerosene, mineral or other oil, spirit, matches or any explosive or flammable substances in any cupboard or other place situated under any staircase or near any fire escape, balcony leading to a fire escape or fire exit; or
- c) cause or permit any obstruction to be placed in any flight of stairs, passage, or other means of escape. All doors in connection with such means of escape shall be maintained so that they can be readily opened in the direction of exit travel without the use of a key; or
- d) at any time permit a greater number of Persons to be accommodated in any bedroom in the Hostel than the number assessed in accordance with schedule 8 of this Bylaw; or
- e) permit any room that is not Approved for use as a bedroom to be Occupied or used for that purpose; or
- f) permit equipment for the cooking or heating of Food to be provided or used in any room except a kitchen.

8.5 Kitchen standards

Every Hostel shall have a kitchen and a dining room to the following minimum standards for the preparation of meals for Guests or where Guests can provide their own individual meals:

- a) all floors, walls and ceilings in the kitchen shall be properly constructed, kept in good repair, and finished to provide smooth, impervious, easily cleanable surfaces. All walls and ceilings shall be finished in a light colour; and
- b) all parts of the kitchen and dining room shall be adequately lit by daylight and artificial lighting as the circumstances require, to facilitate cleaning and inspection; and
- c) all parts of the kitchen and dining room shall be adequately ventilated; and
- d) all parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours and vermin; and
- e) the kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleansing of crockery, utensils and appliances used in the preparation, service and consumption of Food. every such sink shall be supplied with a piped supply of hot and cold water; and
- f) a wash-hand basin supplied with piped hot and cold water shall be located within the kitchen or within close proximity to the kitchen. The wash-hand basin shall be supplied with soap, a nail brush and hand drying equipment; and
- g) all benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned;
- h) adequate means of preparing Food and of cooking Food, both by boiling and by baking, sufficient for the numbers of Guests, shall be provided in the kitchen; and
- i) adequate refrigerated and frozen storage shall be provided sufficient for the numbers of Guests, for the storage of perishable and readily perishable Foods. All refrigerated storage shall operate at 4°C or below and frozen storage at -18°C or below; and
- j) adequate space for the storage of Food Shall be provided, so placed, fitted and ventilated as to protect the Food from flies, dust, and other contamination and from the direct rays of the sun; and
- k) adequate tables and chairs and utensils in the dining room for the consumption of Food.

8.6 Exemptions

Where the Council is satisfied that compliance with the requirements of clause 8 of this Bylaw would be unreasonable or impractical, an exemption in respect of any particular requirements may be granted in whole or in part, with such modifications and subject to such conditions including such time limitations as are desirable in the circumstances.

8.7 List of schedules passed in terms of clause 8

- a) Schedule 8 Operational and management criteria for Hostels with regard to safety, ventilation, sanitary conditions and overcrowding.

8.8 Penalties

Any Person who fails to comply with any provision of this Bylaw or allows or permits such non-compliance, commits an Offence and shall be subject to the penalty provisions of the Local Government Act 2002 or any succeeding statutory provision relating thereto.

In compliance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910, this Part of the Bylaw is passed by the Matamata-Piako District Council on 11th June 2008 and confirmed by the Council on 11th June 2008.

The common seal of the Matamata-Piako District Council was affixed on this 17th day of June in the presence of




Mayor



Chief Executive

Record of Bylaw Amendments (from 2016)

Approved by Council:	14 September 2016
Amendments:	Amendments to food-related definitions, clause 4 and Schedule 4.
Date Amendment came into force:	28 November 2016.
Review Date:	14 September 2026

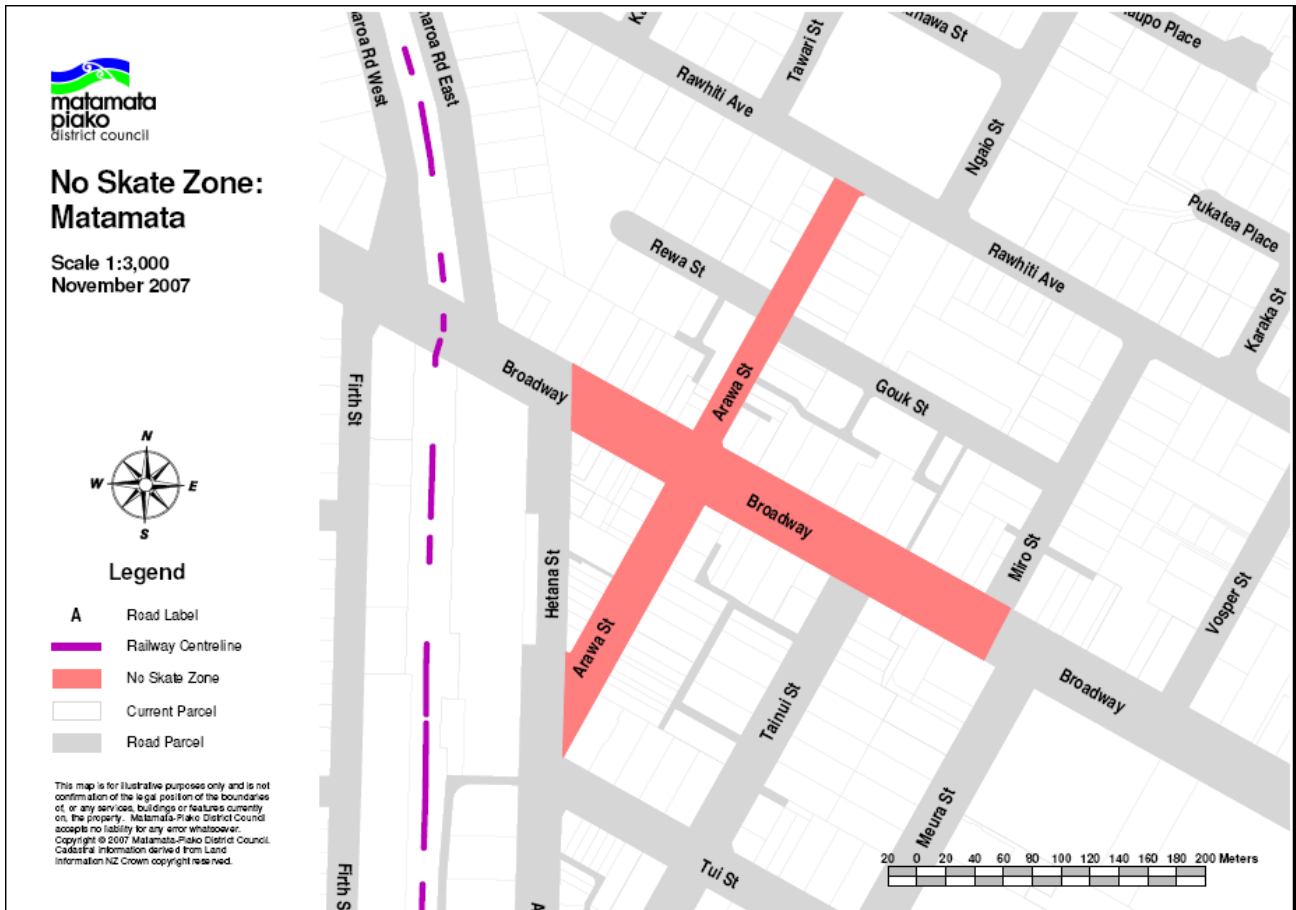
Approved by Council:	15 May 2019
Amendments:	Amended the Urban Area definition Clause 3.3 was added from the Fires in the Open Air Bylaw which was revoked at the same time.
Date Amendment came into force:	1 July 2019
Review Date:	14 September 2026

SCHEDULE 1 RESTRICTED AREAS FOR SKATING DEVICES

The Council specifies the following Public Places where the riding of any Skating Device is at all times prohibited. The prohibited areas are as described and as indicated on the maps in accordance with the legend.

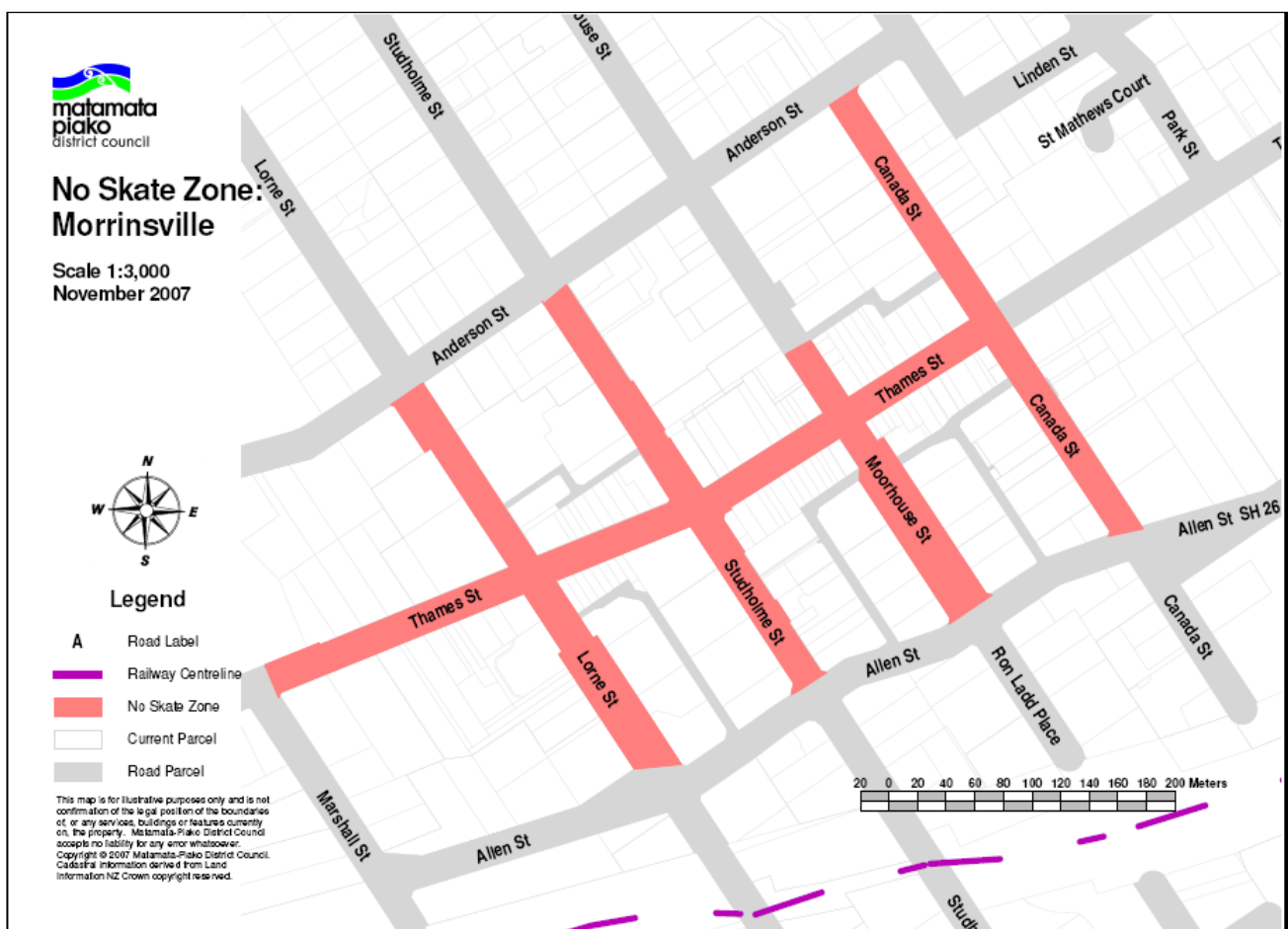
MATAMATA PROHIBITED AREA

- 1.1 Arawa Street from Rawhiti Street to Hetana Street;
- 1.2 Broadway from Hetana Street to Miro Street;



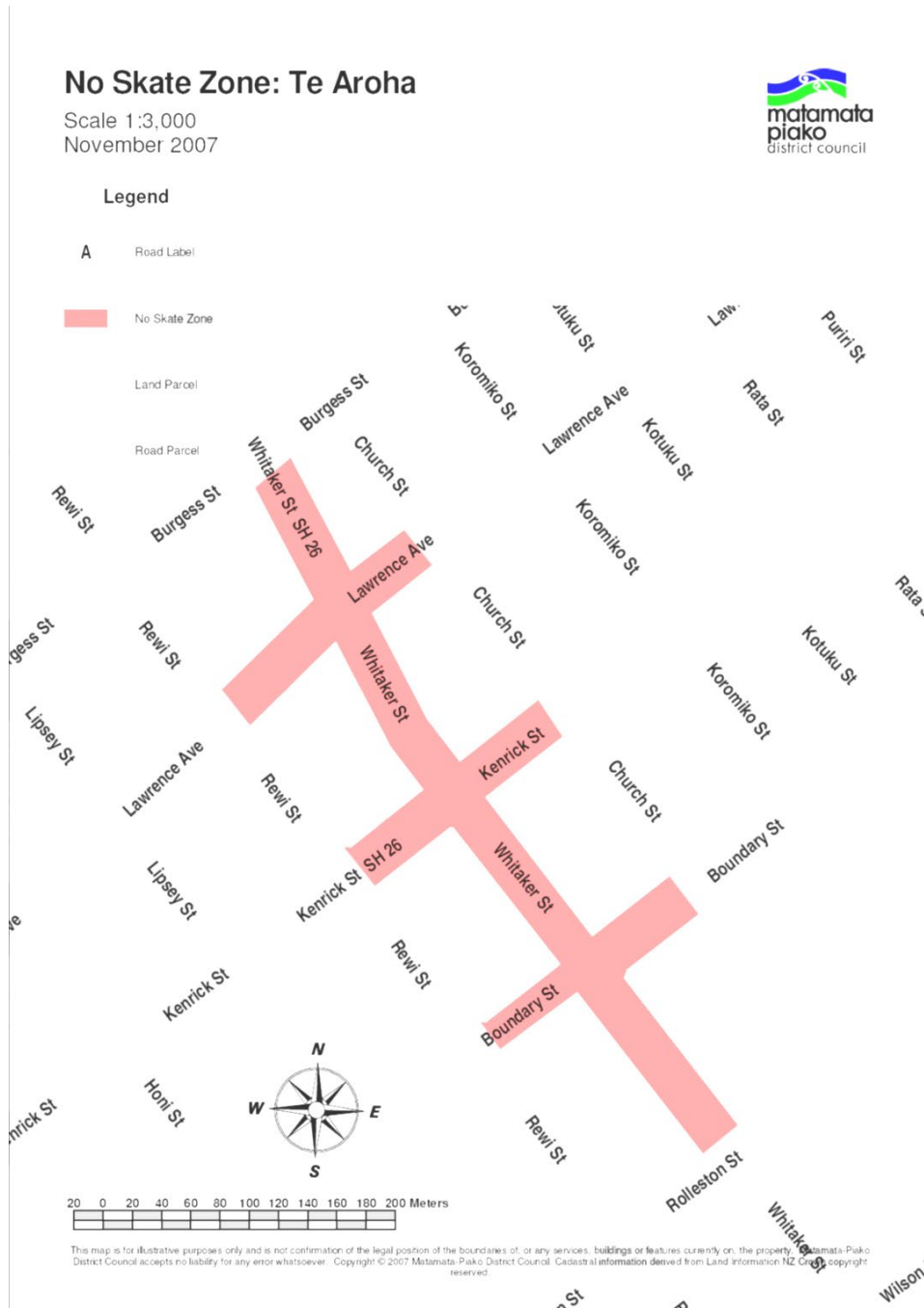
MORRINSVILLE PROHIBITED AREA

- 2.1 Lorne Street from Allen Street to Linden Street;
- 2.2 Studholme Street from Allen Street to Linden Street;
- 2.3 Canada Street from Allen Street to Linden Street;
- 2.4 Thames Street from Canada Street to Marshall Street.
- 2.5 Moorhouse Street from Allen Street across Thames Street to the corner of the service lane on the eastern side of Moorhouse Street that leads through to Canada Street (approximately 40 metres from the corner of Moorhouse and Thames Streets).



TE AROHA PROHIBITED AREA

- 3.1 Whitaker Street from Burgess Street to Rolleston Street;
- 3.2 Lawrence Avenue from Church Street to Rewi Street;
- 3.3 Kenrick Street from Church Street to Rewi Street;
- 3.4 Boundary Street from Church Street to Rewi Street;



SCHEDULE 2 TRADING IN PUBLIC PLACES

Annexure A Occupation of a Public Place for fundraising, promotional, commercial or dining activities

The following conditions apply to fundraising, promotional, commercial and dining activities undertaken within a Public Place. It is the responsibility of the Occupier undertaking the activity to ensure these conditions are complied with.

Clearway

A continuous clearway shall be maintained over the width of any Occupied Footpath or pedestrian access way at all times and in accordance with the following table:

Width of Footpath	Width of Clearway
Less than 3.5 metres	1.5 metres
Over 3.5 metres	2 metres

In locations where there is Veranda cover, ensuring a covered pedestrian clearway is maintained should be given priority over providing a covered area of occupation.

In addition to the above clearway requirements, the Occupier must ensure that a 0.8 metre wide strip adjacent and parallel to the kerb is kept clear of patrons and objects at all times to allow for Vehicle overhang.

Clearways between adjacent properties with pavement occupation shall be continuous. There shall be no fixed street furniture, e.g. refuse bins, Signs, etc within the width of the clearway.

Access from Vehicles Parked beside the kerb must not be obstructed.

Affected Persons

Permission for the activity to proceed should be obtained from the Occupier of any property immediately adjacent to the Public Place where the activity is to occur.

Objects associated with the activity

Any objects to be used or displayed shall not create a risk of injury to pedestrians (e.g. sharp, pointed or likely to trip someone) and shall be maintained in good condition and to a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.

Tables, chairs, umbrellas, etc, shall be well secured during adverse weather conditions. Umbrellas, shades and other like furniture are to have no less than a 2.2 metre clearance above the Footpath surface. Barriers may be required to separate the Occupied area from the clearways.

All objects shall be removed from the occupied area at the close of business each day unless otherwise authorised.

The surface of the Occupied area (Footpath, Road, verge, etc) shall not be broken, marked or disfigured by the occupation. Any damage to Council's assets must be repaired by the Occupier to the satisfaction of an Authorised Officer. If the required remedial work is not completed to a satisfactory standard or is not undertaken at all, Council Reserves the right to undertake any repairs an Authorised Officer has deemed to be necessary. The costs incurred by Council in undertaking any remedial work will be recovered from the Occupier.

High standard of cleanliness

The occupier shall maintain the Occupied area and clearway to a high standard of cleanliness that is free of Litter, stains and spillage. The spread of Litter from the Occupied area to the adjacent street, properties and Footpath must be prevented. The decision on whether an appropriate level of cleanliness is being maintained will be at the sole discretion on an Authorised Officer.

Access to Premises

A clear access of not less than 1.5 metres shall be maintained through the Occupied area into any Premises at all times. In addition, access must comply with any statutory requirements for access to the Premises, as if the Occupied area was part of the Premises. If Vehicular access is required, it must be no less than 3 metres wide and provide safe clearances to Occupied areas.

Licensed Premises

Where Premises are Licensed under the Sale and Supply of Alcohol Act 2012 (or its amendments), the area of Occupied Public Place shall only be deemed to be part of the Licensed Premises if it is included in the originally Approved 'defined area' of the current Alcohol Licence.

If this does not apply then use of the Public Place will require redefinition of the Premises to include this area. Redefinition is subject to the Approval of the Police and District Licensing Agency and is not granted as of right.

Signage

The signage provisions of the Matamata-Piako District Plan and the Matamata-Piako District Council Public Safety Bylaw 2008 shall be complied with at all times.

Permission term and lapse

Any permission granted will expire on the date stated in the permission document. Upon expiry of the permission the activity must cease until a new permission has been obtained. Permissions are not transferrable and any new Occupier will need to make a fresh application if they require occupation of a Public Place.

Occupation at the pleasure of Council

If Council determines there has been a breach of the conditions in this schedule or that the activity has created a safety, access or loss of amenity issue, an Authorised Officer may require the activity to cease immediately until any outstanding matters have been resolved to the satisfaction of the Authorised Officer.

If an activity continues after the Occupier has received a request by an Authorised Officer to cease operating, Council may have the Occupied area cleared at the Occupier's expense.

Powers of entry

Authorised Officers, its contractors and any authorised network utility operator (e.g. power, telephone and gas) may enter upon the Occupied area of Footpath for the purpose of monitoring compliance with these conditions or carrying out authorised work at any time and may require the Occupier to remove objects on the Footpath to provide adequate access and safe working conditions. If the Occupier is unavailable, the Authorised Officers or workmen may remove the objects to a secure locality and will not be held responsible to the Occupier for any damage or loss incurred by the Occupier.

Production of permission

Any permission holder must produce the permission document when requested to do so by an Authorised Officer. The permission holder or their representative on site must remain contactable by phone for the duration of the activity.

Fees

All fees prescribed in the Council Fees and Charges document for any activity described in clause 2.10.1 of this Bylaw must be paid to Council prior to commencement of the activity.

Public Liability Insurance

Council recommends that the Occupier obtains public liability insurance. If the Occupier is unsure if they should hold public liability insurance, they should seek professional advice from their lawyer.

If damage is caused to persons, private property or Council property (whether that be intentional or accidental) the Occupier will not be covered by Council's insurance. This means that they could be liable to repay the cost of any damage or loss to Council, Council's insurers, or a third party that has suffered a loss as a result of the incident. Even if Council's insurance does cover an incident or damage, the Council insurers may still pursue the Occupier for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well. Public liability insurance helps to reduce the risk to the Occupier by providing cover for these types of situations.

SCHEDULE 2 TRADING IN PUBLIC PLACES

Annexure B Performing in a Public Place

The following conditions apply to all performances undertaken in a Public Place. It is the responsibility of the performer to ensure the conditions are complied with.

Access

Performers must not cause a Nuisance or obstruction to any Person using or in the vicinity of a Public Place.

Affected Persons

Permission for the performance to proceed should be obtained from the Occupier of any property immediately adjacent to the Public Place where the activity is to occur.

Noise

The use of amplifiers is not permitted unless their use has been approved in Writing by an Authorised Officer.

Noise levels from any performance must generally be such that when assessed from a distance of 20 metres, the noise levels are no greater than the surrounding ambient noise.

Occupation at the pleasure of Council

If in the opinion of an Authorised Officer, any group or individual undertaking a performance is causing or has caused a Nuisance to any Person using a Public Place or to any shop proprietor in the vicinity, the Authorised Officer may require the Person performing to cease the activity or to move to another location of the Authorised Officers choosing.

Permission term and lapse

The permission to Occupy a Public Place to undertake a performance will expire on the date stated on the permission. Upon expiry of the permission the performance must cease until a new permission has been granted. Permissions are not transferrable and any new performer will need to make a fresh application.

Production of permission

The permission holder must produce the permission document when requested by an Authorised Officer. The permission holder or their representative on site must remain contactable by phone for the duration of the activity.

Fees

All fees prescribed in the Council Fees and Charges document for any activity described in clause 2.10.1 of this Bylaw must be paid to Council prior to commencement of the activity.

Public liability insurance

Council recommends that the Occupier obtains public liability insurance. If the Occupier is unsure if they should hold public liability insurance, they should seek professional advice from their lawyer.

If damage is caused to persons, private property or Council property (whether that be intentional or accidental) the Occupier will not be covered by Council's insurance. This means that they could be liable to repay the cost of any damage or loss to Council, Council's insurers, or a third party that has suffered a loss as a result of the incident. Even if Council's insurance does cover an incident or damage, the Council insurers may still pursue the Occupier for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well. Public liability insurance helps to reduce the risk to the Occupier by providing cover for these types of situations.

SCHEDULE 2 TRADING IN PUBLIC PLACES

Annexure C Mobile Shops

The following conditions apply to all Mobile Shop Licences. It is the responsibility of the Licence holder to ensure the conditions are complied with.

Number of Licences required

Mobile Shop Licences are issued to allow trading from one site only at any one time. Licence holders wishing to operate multiple shops simultaneously will require a Licence for each Mobile Shop.

Licence jurisdiction

Mobile Shop Licences issued under clause 2.10 of this Bylaw only allow the Licence holder to trade from roads under the jurisdiction of the Matamata-Piako District Council. Roads under the jurisdiction of Council exclude sections of state highway where the posted speed limit is over 50 kilometres per hour (km/hr). Additional permission will therefore need to be obtained from the New Zealand Transport Agency to trade from sections of state highway where the posted speed limit exceeds 50 km/hr.

Restrictions on trading locations

Mobile Shops are not permitted to trade within 100 metres of retail shops Selling similar types of product.

Licence holders are not permitted to trade within 500 metres of another Mobile Shop.

Mobile Shops and all associated objects are excluded from areas set out in the series of maps (Areas Excluded from Mobile Shop Trading) attached to schedule 2 annexure C of this Bylaw.

The right to Occupy a location will be determined on a 'first come' basis. In the event of dispute, an Authorised Officer will have the sole discretion to decide.

Mobile Shops and all associated objects must be located so as to maintain clear sight lines of:

- 80 metres around a curve or to and from an intersection for Roads with a posted speed limit of 70 km/hr or less; or
- 300 metres around a curve or to and from an intersection for Roads with a posted speed limit of over 70 km/hr.

Mobile Shops and all associated objects must be located and operated so as to ensure there is no additional impediment to existing traffic flows.

Objects

Any objects to be used or displayed shall not create a risk of injury or an impediment to pedestrians and shall be maintained in good condition and to a high standard of cleanliness

at all times. The requirements for Occupational Safety and Health shall be observed at all times.

Tables, chairs, umbrellas, etc, shall be well secured during adverse weather conditions. All objects shall be removed from the Occupied area at the close of business each day unless otherwise authorised and detailed in the special conditions applying to this Licence.

Noise

The use of chimes, bells, horns, or other noise producing devices is not permitted.

High standards of cleanliness

The Licence holder must ensure the Mobile Shop trading area is kept free of Litter and that the spread of Litter from the trading area is prevented. The decision on whether an appropriate level of cleanliness is being maintained will be at the sole discretion on an Authorised Officer.

Signage

Signage will be restricted to two signs, each with a maximum area of 1.2m² and a maximum width of 1 metre. Signage must be located within 10 metres of the Vehicle or structure from which goods are being Sold. Lettering heights must comply with the provisions of the Matamata-Piako District Council Plan.

Trading Hours

Selling from the roadside is only permitted during the official hours of daylight (between 30 minutes before sunrise and 30 minutes after sunset).

Suspension or revocation of Licence

Mobile Shop Licences are issued at the pleasure of Council. If there has been a breach of the Licence conditions or the activity has created a safety or access issue, Council may immediately revoke or suspend the Licence until any outstanding matters have been resolved to the satisfaction of an Authorised Officer.

Licence period and lapse of Approval

The Mobile Shop Licence will expire on the date stated on this Licence. Upon expiry of the Licence, trading must cease until a new Licence has been granted. Licences are not transferrable and any new trader will need to make a fresh application.

Production of Licence

The Licence holder must produce their Mobile Shop Licence when requested to do so by an Authorised Officer. The Licence holder or their representative on site must remain contactable by phone during the Licensed hours.

Fees

All fees prescribed in the Council Fees and Charges document for any activity described in clause 2.10.1 of this Bylaw must be paid to Council prior to commencement of the activity.

Public liability insurance

Council recommends that the Occupier obtains public liability insurance. If the Occupier is unsure if they should hold public liability insurance, they should seek professional advice from their lawyer.

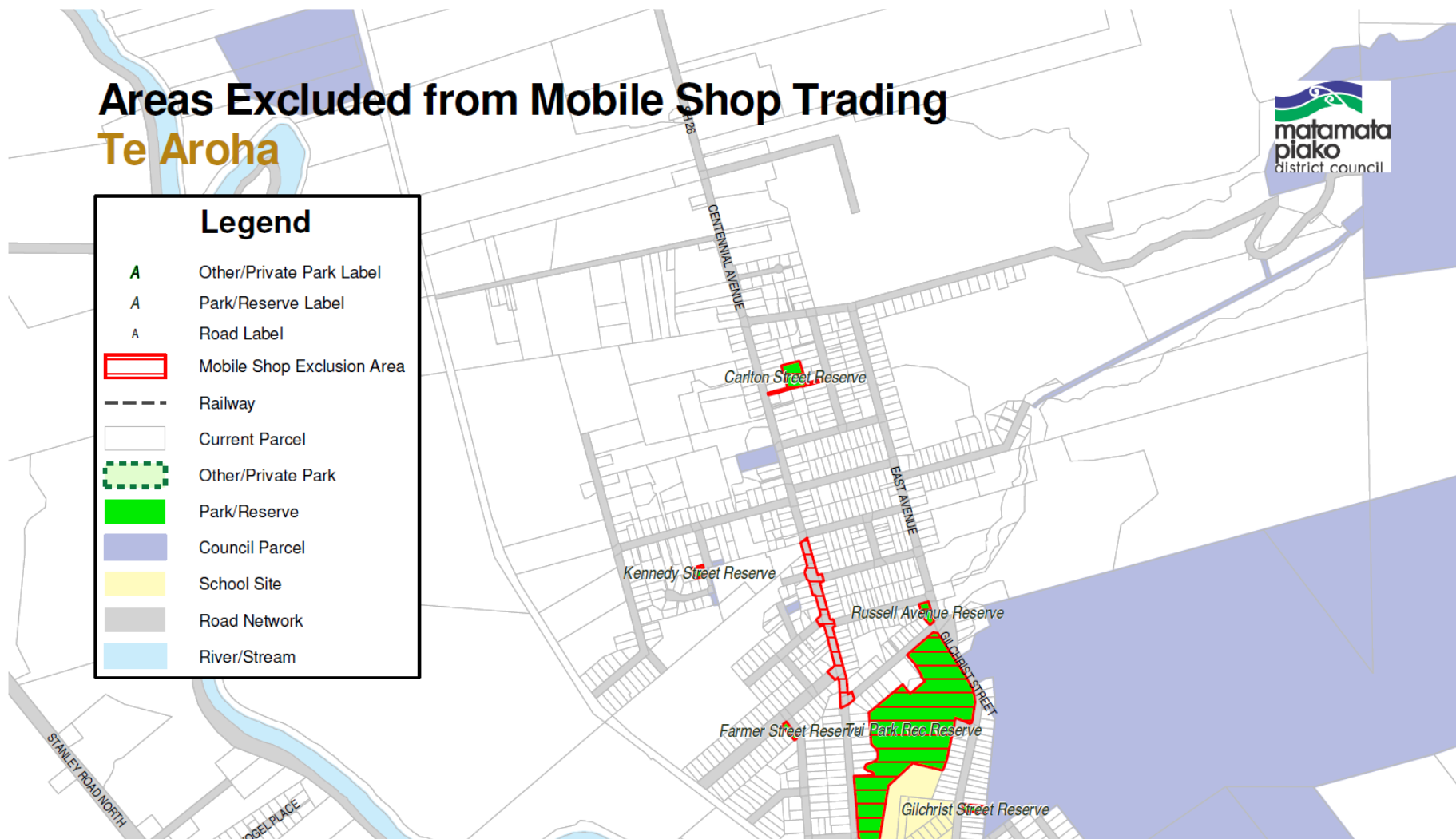
If damage is caused to persons, private property or council property (whether that be intentional or accidental) the Occupier will not be covered by Council's insurance. This means that they could be liable to repay the cost of any damage or loss to Council, Council's insurers, or a third party that has suffered a loss as a result of the incident. Even if Council's insurance does cover an incident or damage, the Council insurers may still pursue the Occupier for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well. Public liability insurance helps to reduce the risk to the occupier by providing cover for these types of situations.

Areas Excluded from Mobile Shop Trading

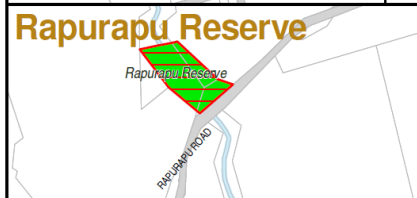
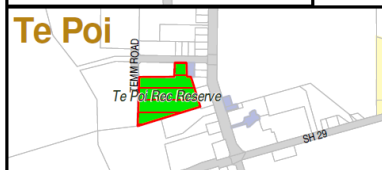
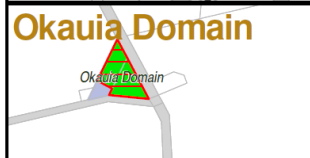
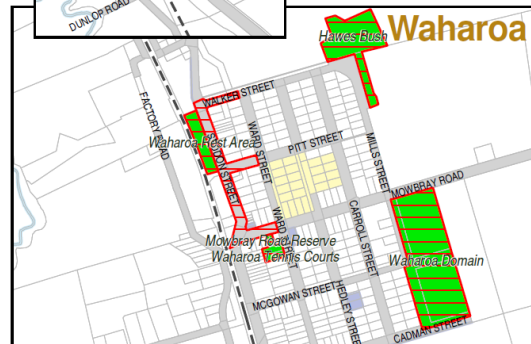
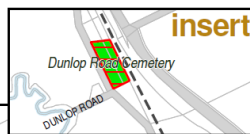
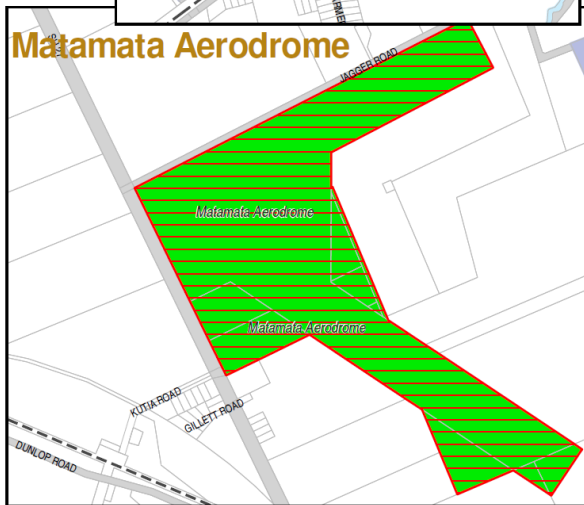
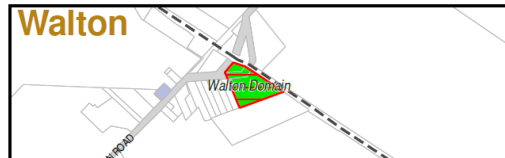
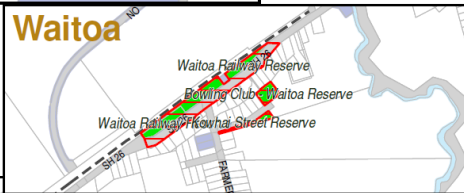
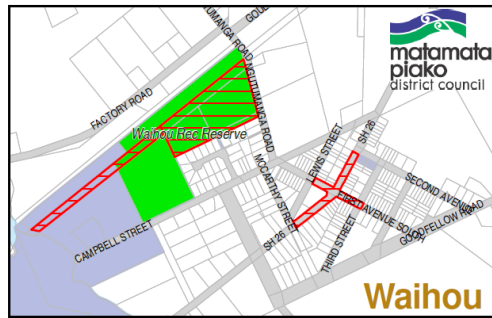
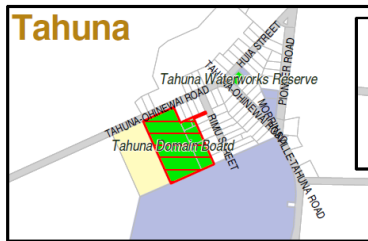
Te Aroha



Legend	
A	Other/Private Park Label
A	Park/Reserve Label
A	Road Label
	Mobile Shop Exclusion Area
	Railway
	Current Parcel
	Other/Private Park
	Park/Reserve
	Council Parcel
	School Site
	Road Network
	River/Stream

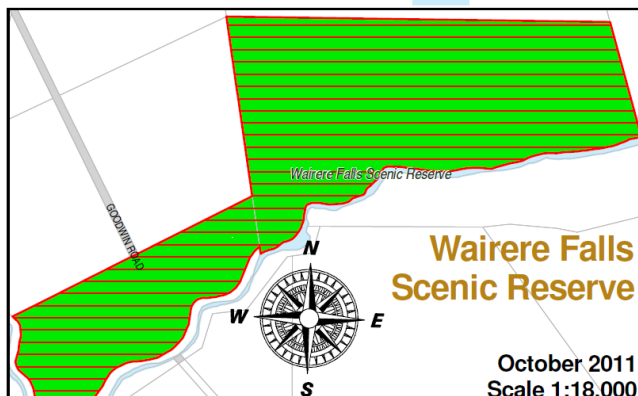
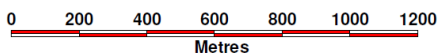


Areas Excluded from Mobile Shop Trading



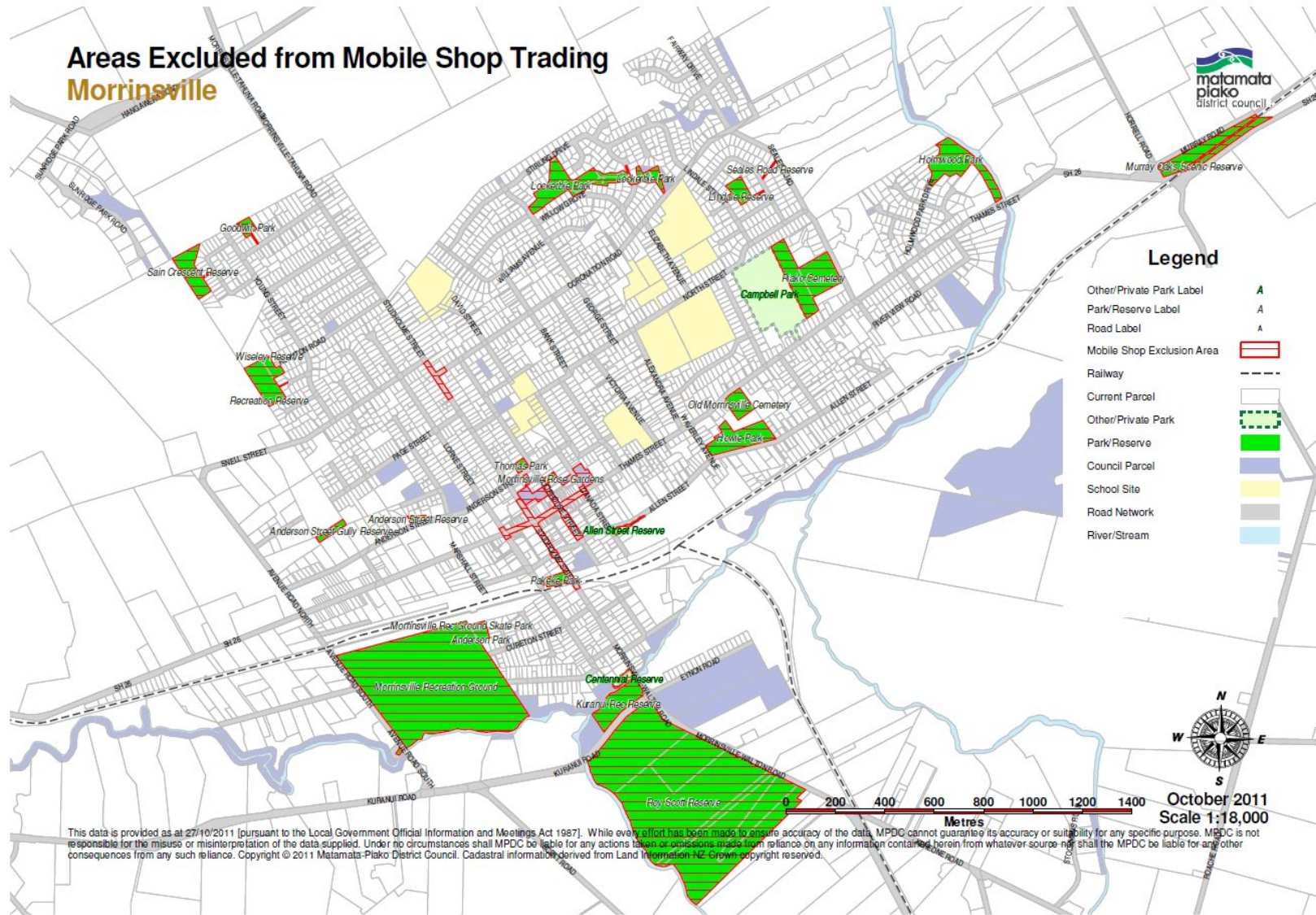
Legend

A	Other/Private Park Label		Other/Private Park
A	Park/Reserve Label		Park/Reserve
A	Road Label		Council Parcel
	Mobile Shop Exclusion Area		School Site
	Railway		Road Network
	Current Parcel		River/Stream



This data is provided as at 27/10/2011 [pursuant to the Local Government Official Information and Meetings Act 1987]. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2011 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.

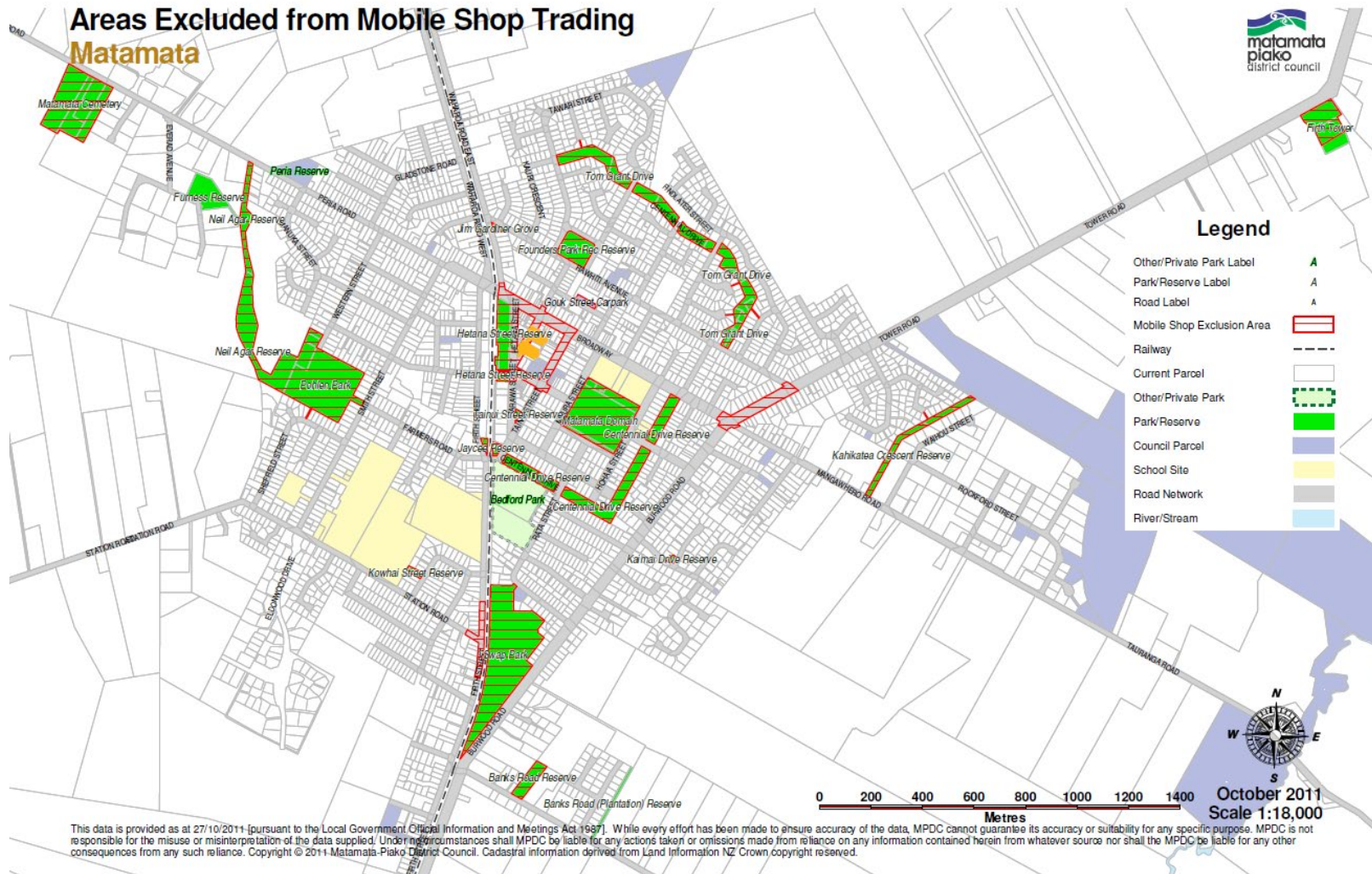
Areas Excluded from Mobile Shop Trading Morrinsville



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Areas Excluded from Mobile Shop Trading

Matamata



Legend

- Other/Private Park Label A
- Park/Reserve Label A
- Road Label A
- Mobile Shop Exclusion Area
- Railway
- Current Parcel
- Other/Private Park
- Park/Reserve
- Council Parcel
- School Site
- Road Network
- River/Stream

This data is provided as at 27/10/2011 pursuant to the Local Government Official Information and Meetings Act 1987. While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2011 Matamata-Piako District Council. Cadastral information derived from Land Information NZ. Crown copyright reserved.

SCHEDULE 3 DETERMINATION OF RESTRICTED AREAS FOR ANIMALS IN PUBLIC PLACES

The Council has prohibited entry of the following type(s) of Animal to the following Public Place(s):

No determination by Bylaw

SCHEDULE 4 DESIGNATION OF SPECIFIED PUBLIC PLACES AS ALCOHOL BAN AREAS FOR THE POSSESSION OR CONSUMPTION OF ALCOHOL

The areas identified in this Schedule are those areas which have been classified as Alcohol Ban areas in which clause 4 of this bylaw applies:

Matamata

All Public Places including roads and Reserves at all times within areas of the township listed below -

Within the 50 kilometre speed limit areas of Matamata township,

Within the 70 kilometre speed limit of Waharoa Road West,

Within the 70 kilometre speed limit of Mangawhero Road,

Within the 70 kilometre speed limit of Firth Street beginning at Haig Road,

Within the 70 kilometre speed limit of Burwood Road, and

Within the 70 kilometre speed limit of Banks Road.



Morrinsville

All Public Places including Roads and Reserves at all times within areas of the township listed below -

Within the 50 kilometre speed limit areas of Morrinsville township,

Within the 70 kilometre speed limits of Thames Street,

Within the 70 kilometre speed limit of West Street,

Within the 80 kilometre speed limit of Avenue Road South beginning at the Waitakaruru Stream,

Within the 70 kilometre speed limit of Avenue Road North, and

Within the 70 kilometre speed limit of Snell Street.



Te Aroha

All Public Places including Roads and Reserves at all times within areas of the township listed below -

Within the 50 kilometre speed limit areas of Te Aroha township, and

Within the 70 kilometre speed limit of Grattan Road, and

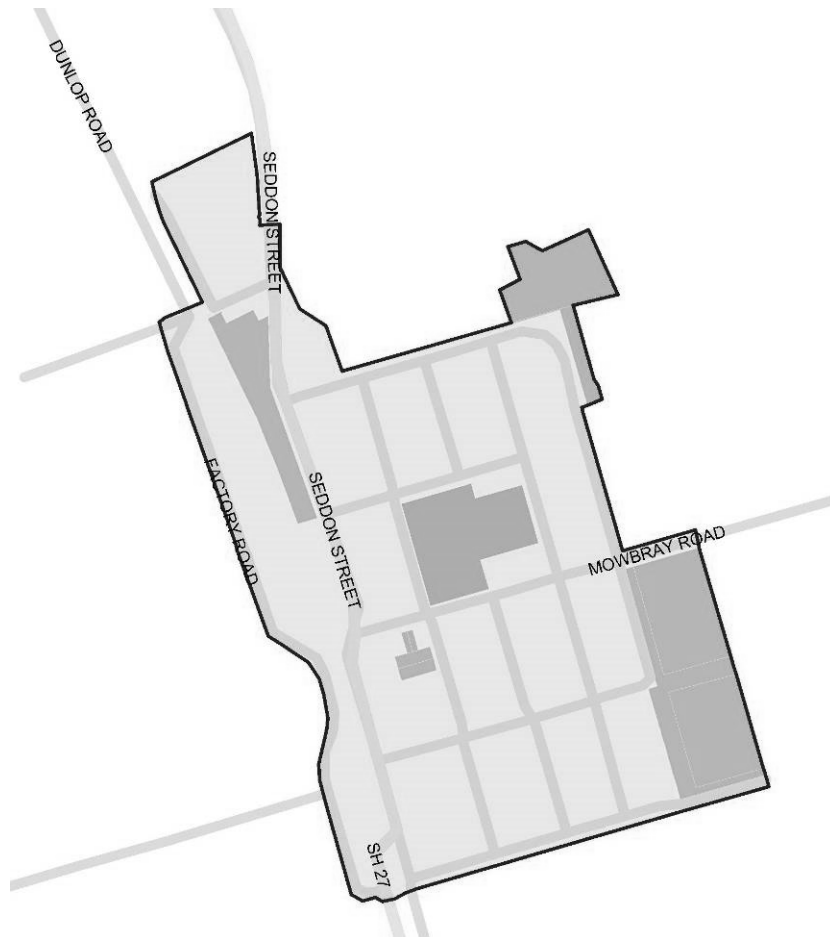
Within the 70 kilometre speed limit of Bosson Road beginning at the Aroha View Avenue intersection.



Waharoa

All Public Places including roads and Reserves at all times within areas of the township listed below -

Within the 50 kilometre speed limit areas of Waharoa township



SCHEDULE 5

Annexure A – Conditions Applicable to Sandwich Board Signs

Unless otherwise permitted, sandwich board signs must:

- a) be placed so as to cause the least interference to footpath traffic movement and provide a minimum of a 1.5 metre (footpaths less than 3.5 metres wide) or 2 metre (footpaths greater than 3.5 metres wide) unobstructed corridor on the footpath; and
- b) take into account vehicle parking and overhang by maintaining an additional 0.8 metres wide clearway, parallel to the kerb, in locations where a sandwich board is not to be positioned adjacent to potential vehicle or pedestrian, safety and access; and
- c) be placed in a location that does not compromise vehicle or pedestrian, safety and access; and
- d) have a maximum area per side of 1.2m² and a maximum width of one metre; and
- e) only advertise services or products available from the business to which they relate; and
- f) be located within either the Business or Industrial Zones; and
- g) be placed on the footpath or verge immediately in front of the business to which they relate; and
- h) be limited to one sign per business; and
- i) be located on the footpath or verge of roads that have a posted speed limit of 50km/hr or less; and
- j) Be maintained by the owner to a standard determined by an Authorised Officer.

However, an application may be made in writing to Council to allow for an exemption to the number and location of sandwich boards.

Council may grant an exemption on the location and number of sandwich boards if in the opinion of an Authorised Officer:

- a) The application demonstrates unique site circumstance; and
- b) The visual impacts from any additional sandwich boards are less than minor; and
- c) The location and number of any sandwich boards do not compromise vehicle or pedestrian, safety and access; and
- d) Any persons or businesses deemed by an Authorised Officer to be affected by any additional sandwich boards have provided their permission.

Council may withdraw any exemptions it grants to allow additional sandwich boards at any time by giving one week's notice in writing.

Council may set and charge a fee for processing or granting any exemptions under this Schedule.

SCHEDULE 5

Annexure B – Conditions Applicable to Signs for Brothels and Commercial Sexual Services

No person may erect, place or display a Sign that advertises Brothels or Commercial Sexual Services and which:

- a) Displays any information other than the name of the Person who conducts the business or the registered name of the business; or
- b) Displays words or images or models (human or mannequin) which in the opinion of an Authorised Officer are sexually explicit, lewd or otherwise Offensive; or
- c) Exceeds 1 metre x 0.3 metres in size (or of other dimensions, but of equivalent surface area; or
- d) Is illuminated by flashing lights or contains neon lighting; or is not maintained by the owner to a standard determined by an Authorised Officer.

SCHEDULE 6 DETERMINATION OF NUMBERS OF ANIMALS ALLOWED TO BE KEPT

The Council specifies the following maximum number of Animals of the indicated species permitted to be kept on any property within the indicated zone, as determined by the District Plan:

- a) A maximum of 10 heads of Poultry within the Urban Area.
- b) No roosters shall be kept within the Urban Area.

SCHEDULE 7 STANDARDS OF TRAINING REQUIRED FOR STAFF THAT HANDLES FOOD

Certificate Levels for Food Handlers:

Food Handlers shall hold a Certificate in Food hygiene that includes a qualification meeting the New Zealand Qualifications Authority Unit Standard 167, Unit Standard 168 or greater.

Exemption:

The Council may exempt Food Handlers from the requirement to hold a Certificate listed above in lieu of some other suitable qualification.

SCHEDULE 8 OPERATIONAL AND MANAGEMENT CRITERIA FOR HOSTELS WITH REGARD TO SAFETY, VENTILATION, SANITARY CONDITIONS AND OVERCROWDING

Number of Persons Permitted to Sleep in a Bedroom

Area of bedroom	Number of Persons
Under 4.5m ²	Nil
4.5m ² or more but less than 6m ²	1/2 in an existing building but nil in a new building
6m ² or more but less than 10m ²	1
8m ² or more but less than 10m ²	1 1/2
10m ² or more but less than 12m ²	2
12m ² or more but less than 14m ²	2 1/2
14m ² or more but less than 17m ²	3
17m ² or more but less than 20m ²	3 1/2
20m ² or more	4 Persons and 1 additional Person for each additional complete 5m ²

Note: For the purposes of this schedule an existing building means a building existing prior to 10 October 1947 being the date when the Housing Improvement Regulations 1947 came into force.

For the purposes of this schedule 1/2 a Person means a child who has attained the age of one year and is under 10 years of age.

SCHEDULE 9 CRITERIA OF EXEMPTION FROM THE PROHIBITION OF THE CONSUMPTION AND POSSESSION OF ALCOHOL IN A PUBLIC PLACE WITHIN AN ALCOHOL BAN AREA.

Clause 4 of this Bylaw prohibits the consumption and possession of Alcohol in certain Public Places. Clause 4.7 allows the Council to grant a waiver, dispensation or Licence to do or refrain from doing anything which otherwise be in breach of clause 4.

Special event organisations, host clubs or organisers of events who use Public Places and do not Sell alcohol, can apply for dispensation from the Bylaw. If an organiser believes that, by allowing people to bring and consume alcohol (in Public Places) during that event or occasion, the event will be enhanced and made more enjoyable, then they can apply for dispensation to allow possession and consumption to take place without breaking the Bylaw. In granting dispensation, Council and the Police place some responsibility on the organisers to ensure disorderly behaviour caused by excessive consumption does not occur and if it does, that intervention is carried out by controlling or removing the people from the event, or by contacting Police.

The purpose of this policy is to:

- a) set the types of events and functions that would be appropriate for this dispensation; and
- b) set the process for application for exemption.

Events/Functions

The applications for dispensation will be considered on an individual basis however the following types of events are more likely to be deemed suitable for exemption:

- a) weddings; and
- b) family gatherings; and
- c) small social gatherings; and
- d) sporting events.

Conditions

The granting of any waiver, dispensation or suspension may be subject to the following conditions:

- a) an authorised officer and the New Zealand Police have the power to cancel an Approved dispensation at their discretion;
- b) no Alcohol is to be Sold at the event;
- c) Alcohol may be possessed and consumed only in the location, on the days and hours set out in the exemption;
- d) food shall be available for consumption at all times when Alcohol is possessed and consumed;
- e) a copy of the exemption shall be available for inspection by an Authorised Officer and Police at the event;
- f) the general public is to be excluded from the event;
- g) the maximum number of people attending the event shall not exceed that specified by Council;
- h) no Nuisance or Offence is to be created for other users of the facility or grounds; or
- i) the area is to be left clean, tidy and Litter free;

- j) Council may impose any such other condition as deemed appropriate for the event.

Information required for exemption:

An applicant for an exemption shall apply by Written application in the prescribed form supplying the following information:

- a) the name, address and telephone number of the applicant; and
- b) the location/venue where it is proposed to possess and consume Alcohol; and
- c) the type activity for which the exemption is required; and
- d) the date and time sought for engaging in the activity; and
- e) the maximum number of people attending the event; and
- f) evidence of good character of the applicant and the Person that will conduct the activity without public Nuisance or disturbance.

Application Process

- a) Any Person may apply for dispensation from the provisions of the clause 4 of this Bylaw.
- b) The application shall be submitted on the appropriate form.
- c) The application must be made 20 working days before the proposed event is held.
- d) A copy of the application will be sent to the Police for their comment.

Fees and charges

Fees for the issue of dispensations and other actions under Clause 4 and Schedule 9 are as set out in Council's Schedule of Fees and Charges.

Fees and Charges for the issue of dispensations and other actions under Clause 4 and Schedule 9 may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

SCHEDULE 10

REPEALED