

STREET USE AND PUBLIC PLACES BYLAW (2018)



First adopted	<i>8 December 2005</i>	Minute reference	M05/142
Revisions/amendments	<i>18 March 2013</i> <i>20 November 2018</i> <i><u>27 February 2020</u></i>	Minute references	M13/12 M18/101.6
Review date	<i>2028</i>		
Engagement required	<i>Special Consultative Procedure</i>		
Associated documents	<i>Beaches Bylaw 2018</i>		
Relevant legislation	<i>This bylaw is made under the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979.</i>		

1. TITLE

1.1 This Bylaw is the Street Use and Public Places Bylaw 2018.

2. COMMENCEMENT

2.1 This Bylaw comes into force on 1 April 2019.

3. APPLICATION

3.1 This Bylaw applies to Tauranga. Except as herein expressly provided this Bylaw shall apply to the whole of the District.

3.2 Every schedule to the Bylaw and the several parts thereof shall be deemed to form part of this Bylaw.

4. PURPOSE

4.1 The purpose of this Bylaw is to ensure public health and safety is maintained, protect the public from nuisances, minimise the potential for offensive behaviour and to manage Public Places for the wellbeing and enjoyment of the public.

It covers a diverse range of activities including commercial activity such as trading and the promotion of goods and services, ~~begging, rough sleeping~~, busking and entertainment activities and events, and the use of Footpaths for tables and chairs and retail displays.

5. DEFINITIONS

- 5.1 For the purposes of this Bylaw words which refer to the singular include the plural and the plural includes the singular.
- 5.2 For the purposes of this Bylaw the following definitions shall apply:

Term	Definition
Bylaw	refers to the Tauranga City Council Street Use and Public Places Bylaw.
Begging	means soliciting for money or goods for private benefit.
Community Event Sign	means any Sign advertising an event (regardless of frequency) or community message.
Council	means Tauranga City Council or any Committee, Sub Committee or elected member of Council or officer or other person authorised to exercise the authority of Council.
District	means the district of Tauranga City Council.
Enforcement Officer	means any person appointed and/or authorised by Council for the purpose of enforcing the provisions of this part of the Bylaw.
Election Sign	means any Sign identifying or promoting a person or political party in a parliamentary or local authority election. That may be a Local Election Sign or a General Election Sign.
Filming	means the recording of images, moving or still, for commercial purposes or at a scale that might unduly obstruct use of a public place.
Food and Beverage Business	means any business such as a café, restaurant or bar that produces and sells food and/or beverages for consumption on its premises.
Footpath	means a path or way principally designed for and used by pedestrians and includes a footbridge.
Frontage	means the area directly between the Shop Front and the road kerb.
Furniture	means tables, chairs and umbrellas that businesses are permitted to place on the Footpath. It does not include temporary fencing or furniture cordons.
General Election Signs	means any Sign identifying or promoting a person or political party for a parliamentary election under the Electoral Act 1993. Election signs are hoardings and include vehicles parked for the purposes of advertising.

Local Election Signs	means any Sign identifying or promoting a person for a local body election. This includes Council elections, Regional Council elections, and District Health Board, or other local body election. Election signs are hoardings and include vehicles parked for the purposes of advertising.
Magazine Sign	means any portable Sign independently supported by means such as a post or wall.
Mainstreet	means an organisation that represents the interests of businesses in a geographically defined town centre, that has an agreement with Council for the provision of outcomes in support of that centre and that has authority to levy a rate on businesses for the delivery of those outcomes.
Merchandise	means any goods offered for sale, and includes both food and non-food items.
Mobile Shop	means a vehicle from which Merchandise can be sold.
Nuisance	has the same meaning as Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
Person	includes a corporation sole, a body corporate, and an unincorporated body.
Pedestrian Way	means the thoroughfare along a Footpath for use by pedestrians which, unless otherwise specified by Council in any particular case, is the part of the Footpath 2.5 metres in width measured 1.5 metres from and running parallel to any adjacent Shop Front.
Public Place	means a place under the control of Council that at any time is open to or is being used by the public, whether free or for payment of a charge and includes every road, street, Footpath, court, alley, pedestrian mall, cycle track, lane, accessway, thoroughfare, Reserve, park, domain, beach, foreshore, and any other place of public recreation or resort.
Reserve	means a reserve under the Reserves Act 1977.
Reserve Management Plan	means a plan prepared under section 41 of the Reserves Act 1977.
Retail	is defined as those businesses primarily selling goods and services to final consumers this includes hospitality businesses.
Rough sleeping	means sleeping in a public place on the streets, pavements or anywhere other than in approved accommodation, with the exception of where council has given approval.
Shop Front	means the common boundary between the legal road and the adjacent shop or other business.

Sign	means any display or device whether or not placed on land or affixed to a building, stationary vehicle or structure, intended to attract attention for the purposes of directing, identifying, and informing, or advertising, and which is visible from a public place.
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6. OBSTRUCTIONS IN PUBLIC PLACES

- 6.1 A person shall not obstruct:
- (a) the Pedestrian Way
 - (b) the entrance to or exit from a Public Place.
- 6.2 Except where otherwise provided in this Bylaw, no person shall place or leave any material or thing, including a Sign, in a Public Place without the written permission of Council and then only in accordance with any conditions imposed by Council.

7. OUTDOOR SEATING

- 7.1 All businesses operating from fixed premises are permitted to place Furniture on the Footpath, subject to the following conditions:
- (a) subject to clauses 7.2 and 7.3, each business may place a maximum of 2 tables, each with 1 umbrella and 4 chairs
 - (b) the Furniture can only be placed in the Frontage of the business
 - (c) the Furniture must not be placed in or otherwise obstruct the Pedestrian Way
 - (d) the Furniture may only be placed on the Footpath during the business's hours of operation
 - (e) the tables and chairs must be made available for use by any member of the public
 - (f) unless otherwise authorised by Council, the Furniture may not be placed:
 - (i) within 1.5 metres of any tree trunk or any Council street furniture (e.g. public bench)
 - (ii) within 1 metre of any road kerb
 - (g) the Furniture shall not obstruct access to parking meters, rubbish bins, blind guidance strips, bus stops or shelters, mobility spaces, pedestrian crossings, vehicular entrances or hinder visibility to or of road traffic
 - (h) the Furniture shall not encroach into the frontages of adjacent businesses unless all parties concerned agree in writing and have provided written notification to Council of their agreement
 - (i) the Furniture must be removed from the Footpath:
 - (i) outside the business's hours of operation
 - (ii) between the hours of 3am and 7am
 - (iii) when requested by Council to facilitate street works, services, repairs, or other public utilities, or to ensure the health and safety of the public
 - (j) any business placing Furniture on the Footpath must:

- (i) keep the Furniture clean and in good order and repair
- (ii) ensure that all waste, water and rubbish on or near the Furniture is removed
- (iii) comply with all statutes, regulations and ordinances regarding the conduct of the business and the use of the Footpath for that purpose.

7.2 Food and Beverage Businesses

- (a) Food and Beverage Businesses, excluding Mobile Shops, may place tables, chairs and umbrellas on the Footpath:
 - (i) additional to those permitted by clause 7.1 (a), but subject to compliance with clauses 7.1(b) to (j) in respect of the additional Furniture as well
 - (ii) during Council approved special events, where permitted by Council and with no rental charge applied for the additional area occupied.

7.3 Food and Beverage Businesses – Licence to Occupy Locations

- (a) Notwithstanding clauses 7.1 and 7.2 above, Council may by resolution determine locations in the District where no business shall place furniture on the Footpath without first obtaining a licence to occupy the Footpath from Council.
- (b) To avoid doubt, all clauses of this Bylaw apply to businesses granted a licence pursuant to clause 7.3 (a), except that:
 - (i) despite clauses 7.1 (d) and (i), a business which holds a licence to occupy the Footpath may leave its Furniture on the Footpath outside the business's hours of operation
 - (ii) despite clause 7.1 (e), a business which holds a licence to occupy the Footpath shall have exclusive use of its tables and chairs.

8. MERCHANDISE DISPLAY

- 8.1 Merchandise may only be displayed within the Frontage of the business to which the Merchandise relates.
- 8.2 Subject to clauses 8.5 and 8.6, Merchandise displays shall not exceed a total floor area of 1.5 square metres and shall not protrude more than 1.5 metres from the Shop Front of the business.
- 8.3 Merchandise displays shall not obstruct the Pedestrian Way.
- 8.4 Merchandise displays shall not obstruct access to parking meters, rubbish bins, blind guidance strips, bus stops or shelters, mobility spaces, pedestrian crossings or vehicular entrances, and shall not hinder visibility to or of road traffic.
- 8.5 Council may grant a licence for Merchandise displays to exceed 1.5 square metres, subject to payment of the amount set by Council for rental of the additional area occupied. Clauses 8.3 and 8.4 must be complied with in relation to any such extended Merchandise display.
- 8.6 Merchandise displays may exceed 1.5 square metres on a Mainstreet organised or Council approved market days or events provided that clauses 8.3 and 8.4 are complied with.
- 8.7 Merchandise displays must be removed from the Footpath:

- (a) outside the business' hours of operation
- (b) between the hours of 3am and 7am
- (c) when requested by Council to facilitate street works, services, repairs, or other public utilities, or to ensure the health and safety of the public.

9. SKATEBOARDS AND SCOOTERS

- 9.1 No person shall ride or use a skateboard, scooter, roller skates or similar device in any Public Place in such a manner as to be dangerous or cause a nuisance.
- 9.2 Council may by resolution determine areas where riding or using a skateboard, scooter, roller skates or similar device is prohibited (a **Prohibited Area**). Council may prohibit one or more of these wheeled recreational devices for example, skateboards but not scooters.
- 9.3 No person shall ride or use a skateboard, scooter, roller skates or a similar device in any Prohibited Area.
- 9.4 A fine of \$55 is applicable for any breach of clauses 9.1 or 9.3.

10. GENERAL REQUIREMENTS FOR SIGNS

- 10.1 Except as provided for elsewhere in this Bylaw, no Sign shall be displayed in any Public Place without the written permission of Council. This includes Signs attached in any way to poles, fences, street furniture or other public utilities on or in any Public Place.
- 10.2 All Signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the Sign owner and the owner of the building on which the Sign is placed.
- 10.3 Signs attached beneath street verandas shall have a minimum of 2.5 metres clearance from the Footpath below.
- 10.4 No Sign shall be placed or shall remain in a Public Place where in the opinion of Council that Sign would:
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal
 - (b) distract unduly or be likely to distract unduly the attention of road users
 - (c) constitute or be likely to constitute in any way a danger to road users.
- 10.5 Council may by notice in writing (or without notice if the Sign is deemed to be dangerous by an Enforcement Officer), require the owner or user of any non-complying or unsafe Sign to remove the offending Sign from any Public Place.

11. BUSINESS SIGNS

- 11.1 Businesses operating from fixed premises are permitted to place Signs on the Footpath subject to compliance with clauses 11.2 and 11.3.
- 11.2 Siting of Business Signs:
 - (a) businesses with one street front entrance shall be permitted one Sign in addition to Magazine Signs

- (b) businesses with more than one street front entrance may have a maximum of two Signs in addition to Magazine Signs
- (c) Magazine Signs shall be placed against the Shop Front
- (d) Signs, other than Magazine Signs, shall be located:
 - (i) within the frontage of the shop or business being advertised
 - (ii) in the area within 1.5 metres from the Shop Front or within 1 metre from the kerb line
 - (iii) in no case within the Pedestrian Way
- (e) businesses using common entrance ways may only have a composite Sign encompassing all businesses therein unless individual businesses within the arcade or mall have their own street frontage.

11.3 Dimensions of Business Signs

- (a) the maximum size of a free standing Sign (including a composite Sign) shall be 1200mm high x 800 mm wide
- (b) the maximum size of an upright fabric banner style Signs shall be 1200mm high x 800 mm wide
- (c) the maximum size of a Magazine Sign shall be 0.5 square metres.

12. MOBILE SHOP SIGNS

- 12.1 Mobile Shops are permitted to have two roadside Signs displayed. Any other advertising must be directly attached to the Mobile Shop. Mobile Shop Signs must meet the general requirements for Signs in Clause 10 of this Bylaw.
- 12.2 Mobile Shop Signs shall be no larger than one square metre and must not be located further than 100 metres from the Mobile Shop.

13. REAL ESTATE SIGNS

- 13.1 Real Estate Signs may only be placed directly outside the property to which the signage refers and as close to the street front boundary of that property as practicable. To avoid doubt, Real Estate Signs include flags attached to parked vehicles outside the property advertising an auction of real estate or open home.
- 13.2 In addition to the above, real estate "open home" and "auction" Signs are permitted in Public Places in the period starting 3 hours prior to the open home or auction and finishing at the end of the open home or auction, provided clauses 10.2 to 10.5 of this Bylaw are met.
- 13.3 Real Estate Signs must be removed two weeks after the property has sold.

14. ELECTION SIGNS

- 14.1 Approval must be obtained from Council for the siting of Election Signs on or in a Public Place.
- 14.2 The maximum size of any Local Election Sign shall be 1.5 square metres in area.

- 14.3 Local Election Signs must comply with:
- (a) clause 10 of this Bylaw
 - (b) Council's Local Elections Policy.
- 14.4 General Election Signs must:
- (a) comply with clause 10 of this Bylaw
 - (b) only be displayed between the period nine weeks before polling day and the close of the day before polling day.

15. COMMUNITY SIGNS

- 15.1 Council may, on application, permit the display in a Public Place of Community Event Signs publicising charitable and non-commercial events or events where (in Council's opinion) the benefit to the community outweighs any commercial considerations.
- 15.2 Community Signs can only relate to events taking place in the Tauranga City Council and/or Western Bay of Plenty District Council districts.
- 15.3 Approved Community Signs may only be erected at sites or on frames specifically reserved by Council for that purpose. Signs must comply with Reserve Management Plans and any specifications for reserve signage.
- 15.4 An application for permission to display a Community Sign must be made in writing to Council and in granting permission Council may impose conditions including payment of fees for hiring the site or frame, and removal and maintenance of signs.

16. GARAGE SALE SIGNS

- 16.1 Subject to clause 16.2, Signs advertising garage sales are permitted in a Public Place provided clauses 10.2 to 10.5 of this Bylaw are complied with.
- 16.2 Signs advertising garage sales are only permitted to be displayed in the period starting 24 hours prior to the commencement of the garage sale and finishing at the end of the garage sale.

17. TRADING IN A PUBLIC PLACE

- 17.1 Except as provided elsewhere in this Bylaw, no person shall use any portion of any Public Place to display, distribute, provide, sell or offer for sale any goods or services or solicit subscriptions or collect donations without first obtaining written permission of Council. This includes promotional activities offering free goods and services, and filming. In granting permission, Council may impose conditions, including payment of a fee.
- 17.2 Permission will generally not be granted for commercial activities except where such activities are:
- (a) part of a Council approved event
 - (b) part of a Council approved market (see ***Operation of Markets and Stalls Policy***)
 - (c) a Mobile Shop (see ***Operation of Mobile Shops Policy***)
 - (d) a permitted activity on a reserve site through a lease or licence agreement from

Council (in accordance with the Reserves Act 1977)

- (e) a permitted activity in accordance with Council's Temporary Commercial Activities on Reserve Land Policy
 - (f) undertaken for the specific purpose of fundraising for a community or charitable organisation – such as a sausage sizzle or the sale of raffle tickets
 - (g) predominately public entertainment in nature such as busking.
- 17.3 No person shall distribute printed or written advertising material in any Public Place without prior written permission from Council.
- 17.4 No person shall within the District wash or clean the windows of any vehicle or vehicles that are temporarily stopped on any roadway for payment donation or subscription.

18. MARKETS

- 18.1 No person may organise or operate a market in a Public Place without first obtaining written permission of Council. In granting permission, Council may impose conditions, including payment of a fee.
- 18.2 The organiser of such a market is responsible for ensuring all stall holders comply with any conditions issued by Council to the market organiser that are relevant to the operation of the stall. Market organisers are to ensure all stall holders hold any licences that they may be required to have including those relating to food handling, food registration and alcohol.

19. MOBILE SHOPS

- 19.1 Subject to clause 16.3, trading from Mobile Shops may occur in Public Places provided the operator of the Mobile Shop has obtained a licence from Council to do so. The terms and conditions of the licence will be set by Council from time to time, including any fee. The licence must be made available for inspection upon the request of an Enforcement Officer.
- 19.2 A Mobile Shop licence is personal to the licensee and may not be transferred.
- 19.3 Council may, by publicly notified resolution from time to time:
- (a) Prohibit all operators of Mobile Shops from trading or carrying on business in any specified road or part of a road or Public Place within the District
 - (b) Limit the hours or day or days of the week during or on which operators of Mobile Shops may carry on business
 - (c) Vary, revoke or alter any such prohibitions or restrictions including the terms of the Mobile Shop Policy.

20. NUISANCE, PUBLIC SAFETY AND DAMAGE TO PUBLIC PLACES

- 20.1 No person, without the prior written permission of Council shall:
- (a) cause or allow any material or thing to be deposited or dropped onto a Public

Place

- (b) place or leave any materials or thing or substance in a Public Place which is likely to be hazardous or injurious to any person, or likely to create a nuisance
- (c) deposit in or around a public litter receptacle any household, business or trade refuse
- (d) preach, sing, make or perform music, lecture or busk in a Public Place
- (e) damage, interfere with, destroy or remove any natural feature, grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it in a Public Place
- (f) pollute, damage, deface or disfigure, apply posters, stickers or advertising devices to, or interfere with any ornament, statue, building, Footpath, kerb, road (including road berm), structure, or facilities in a Public Place
- (g) cause or permit to be done any act whatsoever by which damage is caused to any Public Place, or any work or thing in, on, over or under the Public Place
- (h) use any vehicle or be in control of an animal which damages any part of a Public Place
- (i) ride or take a bicycle or motorcycle or any other vehicle on or around Mauao (The Mountain).

~~20.2—No person shall beg in a public place within 5 metres of a public entrance to retail premises within defined areas in the CBD, Greerton and Mount Maunganui (using current maps in the Bylaw attachments and enable these to be changed by Council resolution based on evidence of the problem).~~

~~20.3—No person shall rough sleep within five metres of a retail premises within defined areas in the CBD, Greerton and Mount Maunganui~~

20.2 No person may light any fire in any Public Place without first obtaining approval from Council. This provision shall not apply to barbecues (meaning a fixed or portable electric or gas fired appliance or device, designed or intended for the cooking of food in the open air); or fireworks (having the same meaning as the Hazardous Substances (Fireworks) Regulations 2001); or emergency flares; or fires lit in accordance with the Beaches Bylaw 2018, subject to prohibitions or restrictions on the lighting of fires imposed by Fire and Emergency New Zealand.

21. FENCES AND TREES ADJACENT TO A PUBLIC PLACE

- 21.1 Where any fence, wall or retaining wall adjacent to a Public Place is in a state of disrepair as to be in the opinion of an Enforcement Officer dangerous to persons passing within the Public Place, the Enforcement Officer may give notice in writing requiring the owner or occupier of the land to repair or remove the fence, wall or retaining wall to the satisfaction of the Enforcement Officer. The owner or occupier shall comply with such a notice.
- 21.2 No owner or occupier of land shall allow trees or shrubs growing on such land to overhang or encroach by their roots or branches onto any Public Place so as to obstruct access to the Public Place or cause a nuisance. At the discretion of an Enforcement Officer, such trees or shrubs may be trimmed back to the property boundary.

22. EVENTS, PARADES AND ASSEMBLY

- 22.1 No person shall in any Public Place, without the prior written permission of Council, combine with other persons or take part in any assembly or organise, hold or conduct any public meeting, gathering, demonstration, or any parade or procession (whether in vehicles or on foot), or organise or conduct any display or event (referred to below as an activity) in such a way as to:
- (a) impede pedestrian or vehicular traffic access to or along any Public Place or to any shops or premises facing on to any Public Place
 - (b) cause a public nuisance
 - (c) endanger public health and safety (including traffic safety)
 - (d) be offensive.
- 22.2 Permission will not be unreasonably withheld and reasons will be given by Council where permission is refused. Permission may be refused in circumstances where Council reasonably believes the activity will or is likely to:
- (a) unreasonably impede pedestrian or vehicular traffic access
 - (b) cause a public nuisance
 - (c) endanger public health and safety (including traffic safety)
 - (d) be offensive
 - (e) conflict with another activity for which permission has already been granted.
- 22.3 In determining whether or not to grant permission Council may consider any relevant matter including:
- (a) the time, location and duration of the activity
 - (b) the expected number of participants in, and any spectators of, the activity
 - (c) the impact the activity may have on the normal use of the Public Place including other users of that Public Place
 - (d) cumulative effects of activities
 - (e) whether the activity may give rise to some public disorder for example whether, viewed objectively, it may have a reasonable likelihood of dissuading others from enjoying their right to use the Public Place (by entering or remaining in it).
- 22.4 Council shall also consider whether any proposed refusal of permission is demonstrably justifiable in light of:
- (a) the rights and freedoms protected by the New Zealand Bill of Rights Act 1990
 - (b) the significance of the problem being addressed (namely the impeding of access or the public nuisance or danger to public health or safety or offensiveness)
 - (c) whether the proposed refusal is a proportionate response to that problem
 - (d) whether that response interferes with any relevant right or freedom as little as is reasonably possible in the circumstances.

23. BUILDING AND STRUCTURES

- 23.1 No person without the prior written consent of Council, shall, except where otherwise provided for in the City Plan or relevant Reserve Management Plan.
- (a) erect, construct, or place any building, dwelling or other structure or erection whatsoever, or any part thereof under, on, above, or across any Public Place
 - (b) put any veranda, projecting window, balcony, wall, lamp, door-step, cellar door, signboard, window shutter, gate-post, curtain, awning, blind or other obstruction, enclosure or projection of any kind whatsoever in such a position as to interfere with or cause obstruction in any Public Place
 - (c) hang, or allow to be hung, any door or gate abutting on any Public Place so as to render it capable of being swung over or across such Public Place. This clause 20.1 (c) does not restrict any fire or emergency access as required by any Act or Regulation
 - (d) 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 a way that the Public Place is or may be damaged or obstructed
 - (e) mix concrete or carry out any other work upon any Public Place so as to deface or create an obstruction in the Public Place.

24. ROAD AND BUILDING IDENTIFICATION

- 24.1 No person shall give any name to or affix, set up, or paint any name on any street, or Public Place without the prior permission in writing of Council.
- 24.2 Council may from time to time cause to be painted or affixed on a conspicuous part of some house or building at or near the end, corner, or entrance of every street, and in the direction of the line of such street, the name of such street.
- 24.3 The owner or occupier of every building shall mark such building in the way specified in clause 24.4 with such numbers as Council shall direct or approve, and shall renew the numbers as often as they are obliterated or defaced, or as Council shall order or direct, replacement but no longer than one month from the date of Council ordering such replacement.
- 24.4 The size of the numbers required to mark every building shall be not less than 50mm in height for residential dwellings and not less than 150 mm in height for all other buildings. The numbers shall be displayed in such a position as to be readily visible from any street fronted by that building or access way to that building.
- 24.5 Council shall have power at any time to:
- (a) alter the number of any building where it may be in Council's opinion necessary or advisable to do so
 - (b) affix or apply a number to any premises in such manner and position as it thinks fit.
- 24.6 No person shall wilfully or maliciously destroy, pull down, obliterate, or deface the name of any street, or the number of any building.

25. COUNCIL FACILITIES

- 25.1 Council may display at the main entrance to any Public Place, Library, Public Swimming Pool or other Council facility, rules regulating the use by members of the public. Every person shall comply with such rules or the reasonable request of an Enforcement Officer about conduct at these facilities.

26. LICENCES

- 26.1 The form of any application for and grant of any permission, licence or approval required under this Bylaw will be determined by Council.
- 26.2 Council may attach to any permission, approval or licence any terms or conditions as it thinks fit.
- 26.3 No application for a licence from Council, and no payment of or receipt for any fee paid in connection with such application or licence, shall confer any right, authority or immunity on the person making such application or payment.
- 26.4 Suspending or Revoking Licences:
- (a) Council may revoke or suspend a licence granted under this Bylaw if it reasonably believes the licence holder:
 - (i) has acted or is acting in breach of the licence
 - (ii) is unfit in any way to hold such a licence.
 - (b) Council may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. Council may revoke or suspend the licence at its discretion if either:
 - (i) the licence holder does not attend the hearing
 - (ii) if after the hearing Council is satisfied the licence holder has been in breach of the licence or is unfit to hold the licence.
 - (c) Council may suspend any licence granted under this Bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 10 days' notice in writing. Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

27. FEES

- 27.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by Council under this Bylaw.

28. NOTICES

- 28.1 Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

29. ENFORCEMENT POWERS

29.1 Council may use its powers under the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.

29.2 Removal of material or things

(a) In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any public place any material or thing using that public place in breach of the Bylaw.

(b) Council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.

29.3 Removal of construction

Council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

30. OFFENCES AND PENALTIES

30.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002.

30.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

30.3 A fine of \$55 is applicable for any breach of clauses 9.1 or 9.3.

31. DISPENSING POWERS

31.1 Council may waive full compliance with any provision of this Bylaw in a case where Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may in its discretion impose conditions of any such waiver.

32. SERVING OF NOTICES AND DOCUMENTS

32.1 Except as otherwise expressly provided for in any Act, where any notice, order, or other document is required to be served on any person for the purposes of Bylaw, Council may serve notice by:

(a) delivering it personally

(b) sending it by messenger

(c) sending it by registered post to the person's last known place of residence or business.

32.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.

32.3 If that person has no known name or address or is absent from New Zealand and

has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.

32.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.

32.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

ATTACHMENTS TO TAURANGA STREET USE AND PUBLIC PLACES BYLAW 2018

The Tauranga Street Use and Public Places Bylaw 2018 allows Council by resolution to determine:

- (a) areas where riding or using a skateboard, scooter, roller skates or a similar device are prohibited (Prohibited Areas)
- (b) areas where a license to occupy is required to place tables, chairs and umbrellas on the Footpath (Licence to Occupy Areas).
- (c) Areas where begging and rough sleeping are prohibited.

These proposed attachments are provided for information only and do not form part of the Bylaw itself.

ATTACHMENT A

Council resolution: 20 November 2018

By Council resolution under clause 9.2 of the Bylaw riding or using the following wheeled recreational device:

Skateboard or Roller Skates

Are prohibited in the following areas:

Tauranga Central Area:

Prohibited on Road and Footpath:

1. Hamilton Street from Durham Street to Willow Street (inclusive)
2. Wharf Street from Durham Street to Willow Street (inclusive)
3. Spring Street from Durham Street to Willow Street (inclusive)
4. Civic Centre Arcade including public thoroughfares
5. Spring Street Carpark Building
6. Elizabeth Street Carpark Building
7. Hamilton/Harington Carpark Building.

Prohibited on Footpath only:

1. Wharf Street from Willow Street to the Strand (inclusive)
2. Grey Street from Elizabeth Street to Spring Street (inclusive)
3. Devonport Road from Elizabeth Street to Spring Street (inclusive)
4. The Strand from Spring Street to Harington Street (inclusive).

Mount Maunganui Central Area:

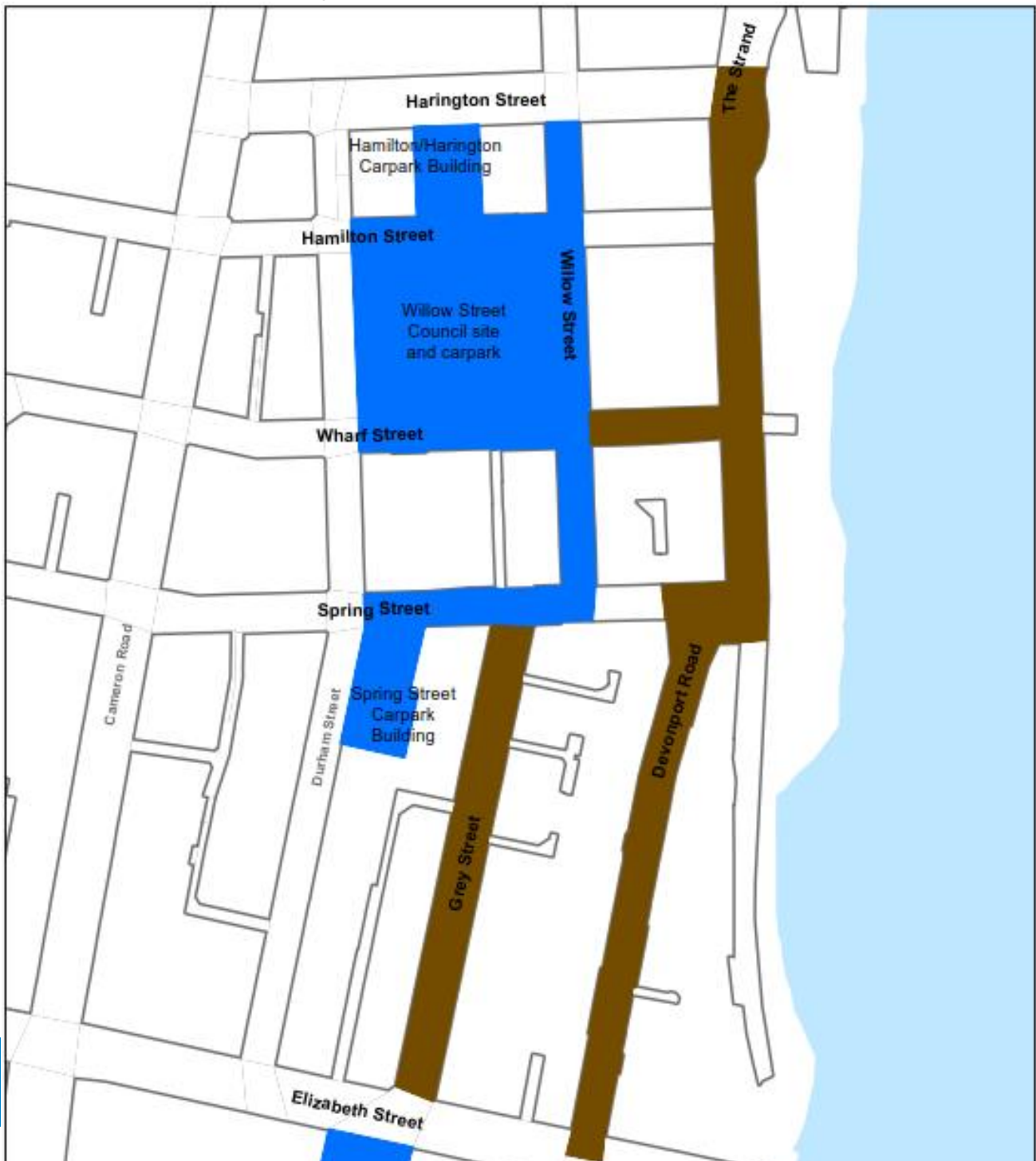
Prohibited on Footpath only:

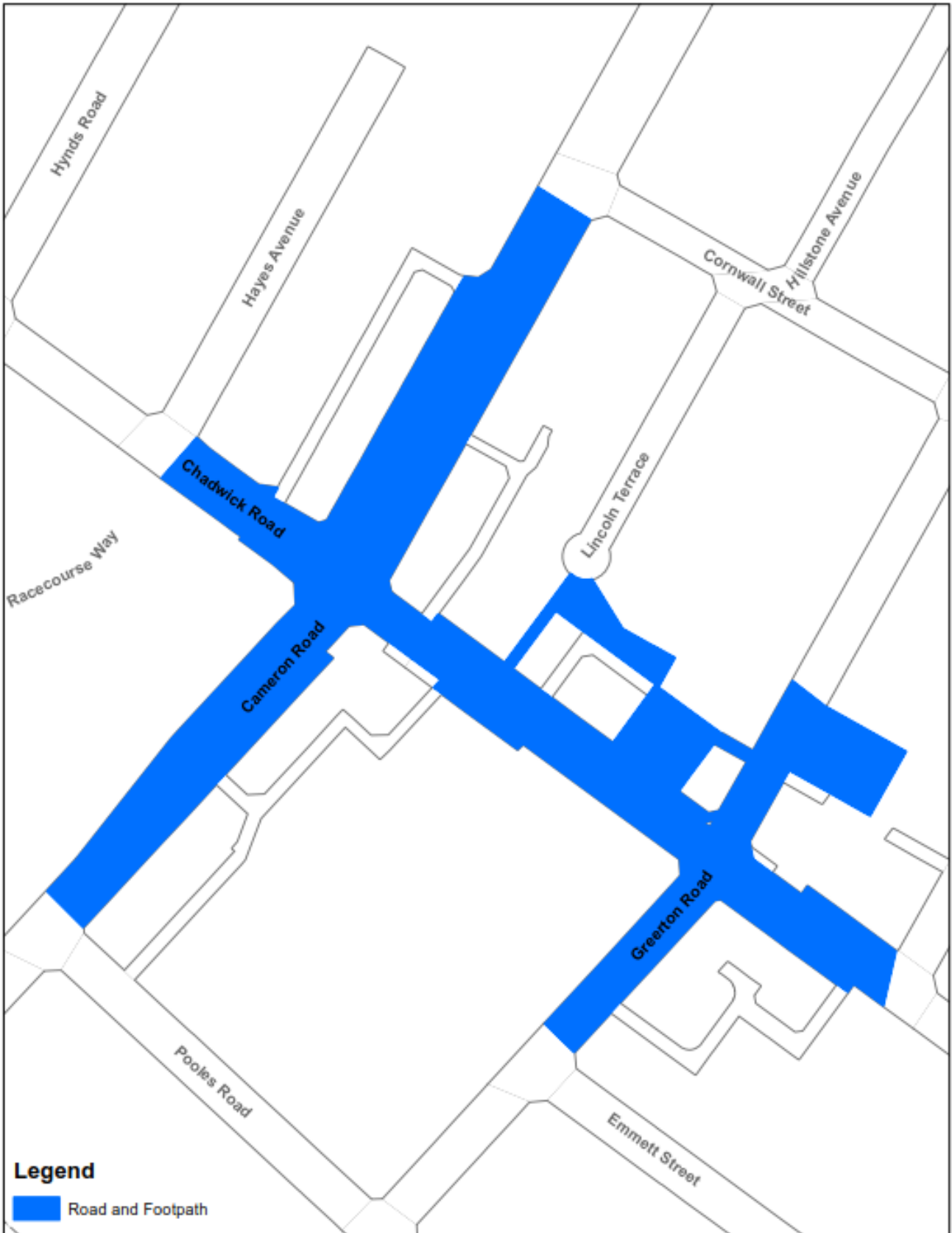
1. Maunganui Road from Pacific Avenue to its intersection with Tawa Street
2. Prince Avenue from Victoria Road to Maunganui Road.

Greerton Commercial Area:

Prohibited on Road and Footpath:

1. Cameron Road from intersection with Cornwall Street to intersection with Pooles Road
2. Chadwick Road from intersection with Mitchell Street to intersection with Hayes Avenue
3. Greerton Road from intersection with Emmett Street to northern boundary of the Greerton Road carpark
4. Greerton Road carpark





GIS-56132

Street Use And Public Places Bylaw
Public Places where Clause 9.2 Prohibition Applies

- Tauranga City Council -



Information shown on this plan is indicative only. The Council accepts no liability for its accuracy and it is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.



ATTACHMENT B

Areas where a licence to occupy is required to place tables, chairs and umbrellas on the Footpath (Clause 7.3 of the Bylaw)

1. The Strand from Harington Street to Mid City Mall (inclusive).
2. Mid City Mall from Devonport Road to Willow St (inclusive).

Council resolution 18 March 2013.

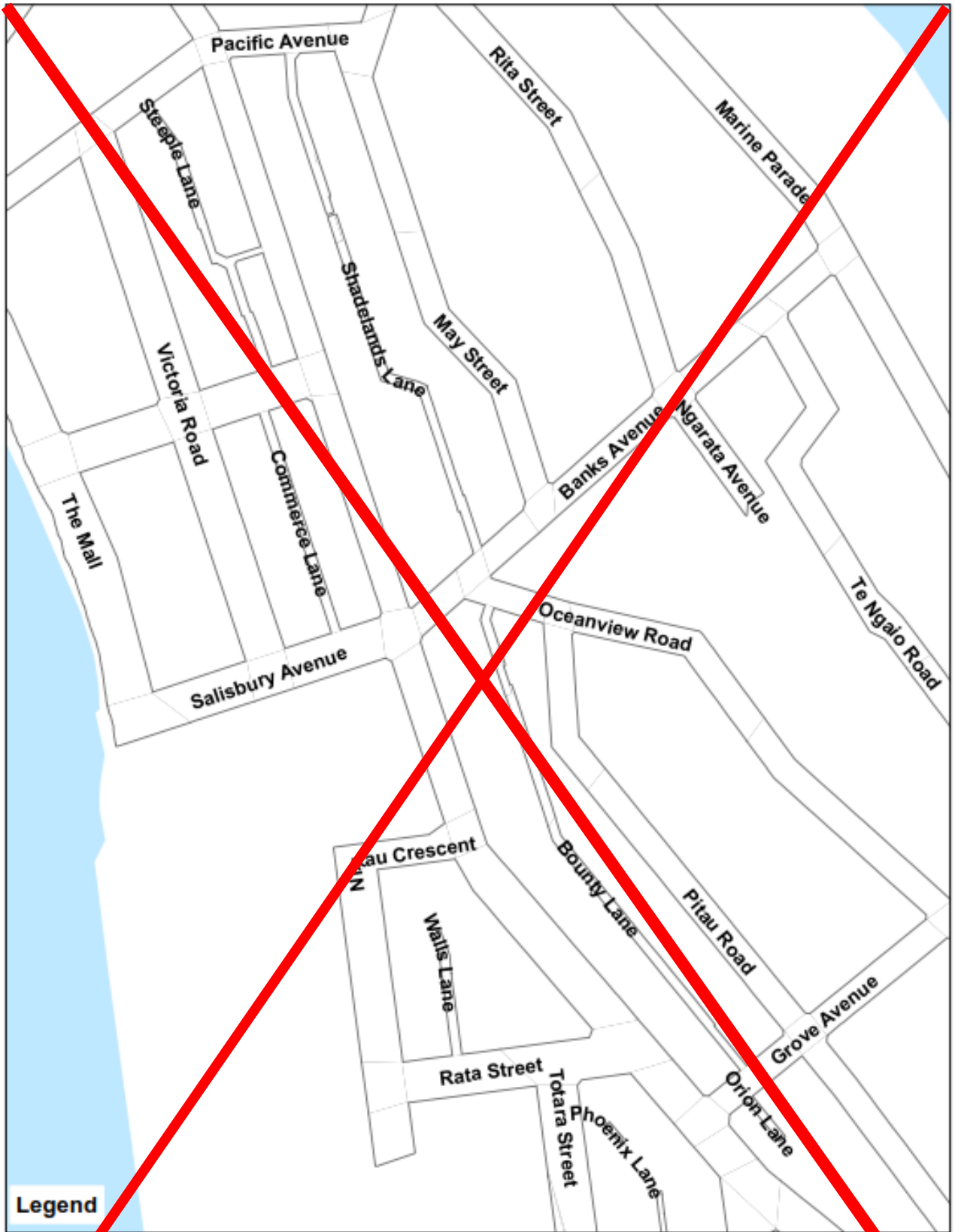


ATTACHMENT C

For clarification: Any retail premises that are located within the below maps prohibits begging within five metres of a public entrance to that retail premises, and prohibits rough sleeping within five metres of a retail premises (clause 20.2 and 20.3 of the Bylaw).

Council resolution 20 November 2018.





GIS-56132

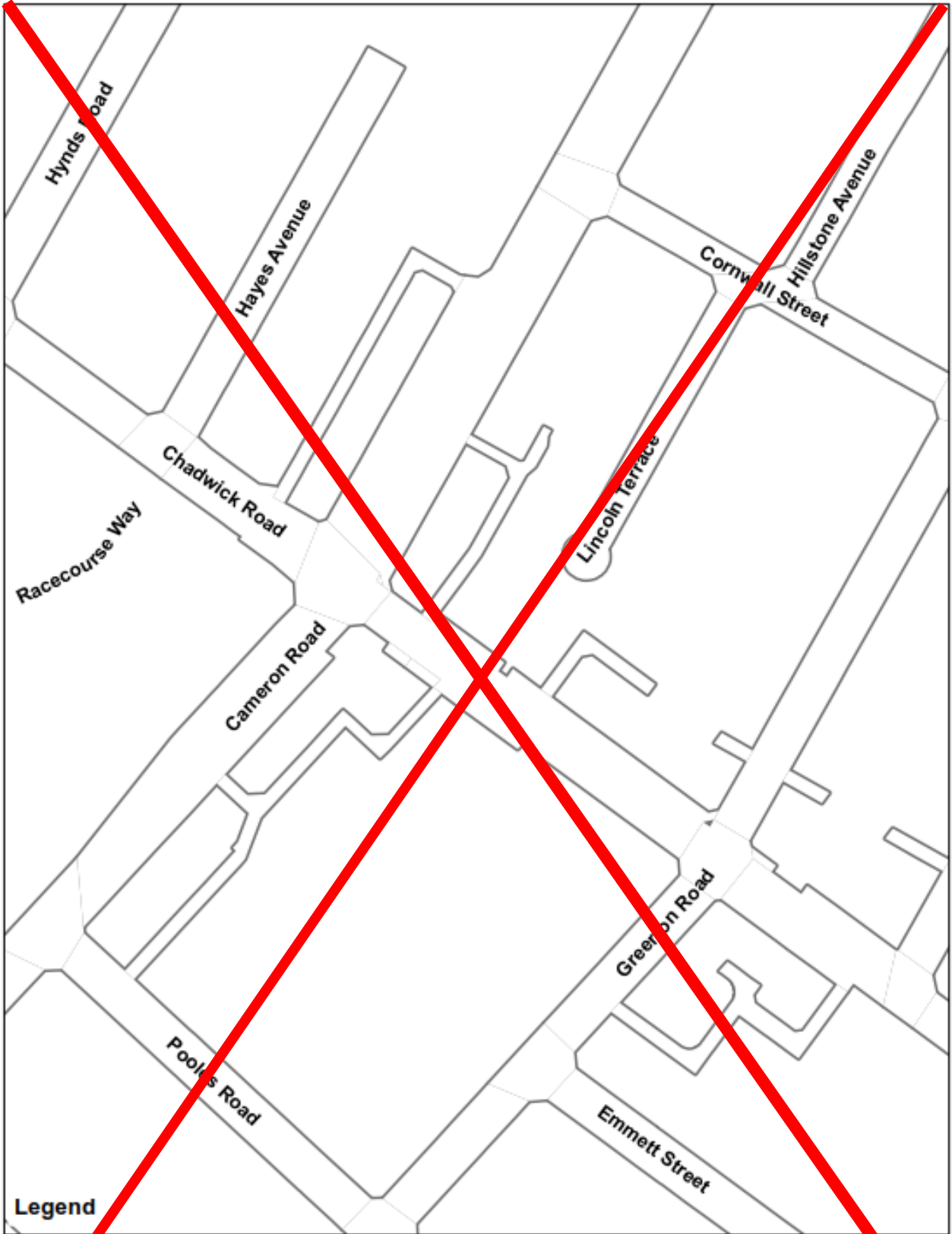
Street Use and Public Places Bylaw, Public Places
 where clause 20.2 and 20.3 prohibition applies
 Mount Maunganui

- Tauranga City Council -



Information shown on this plan is for general information only. The Council accepts no liability for any loss or damage arising from its use. It is your responsibility to ensure that the data contained herein is appropriate and applicable to the end use intended.





GIS-56132

Street Use and Public Places Bylaw, Public Places
where clause 20.2 and 20.3 prohibition applies
Greerton

- Tauranga City Council -



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