

## WAIMATE DISTRICT CONSOLIDATED BYLAW 2018

### CHAPTER 2

#### 2 PUBLIC PLACES

##### Scope

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

This chapter of the Bylaw applies to state highways in the following circumstances:

- a section of state highway with a posted speed limit of 50km/hr or less or,
- a section of state highway with a posted speed limit greater than 50km/hr but which it is specifically stated in the Bylaw that the Bylaw applies.

##### **201 Obstructing footpaths or cycle tracks**

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

##### **202 Packing or unpacking articles**

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

##### **203 Placing of articles on Public Places**

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

##### **204 Drippings from eaves**

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

##### **205 Disturbing surface of street**

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

205.2 Nothing in this chapter of the Bylaw shall prohibit the relevant Road controlling authorities from disturbing the road while carrying out their legislative functions.

**206 Precautions against injury**

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

Any opening of the surface in a Public Place shall be in accordance with the Council's adopted Code of Practice for temporary traffic management.

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

**207 Securing foundations**

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

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

**208 Exposing articles for sale**

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

**209 Leaving dead animals or depositing offensive matter**

209.1 No Person shall:

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

**210 Acts or games to annoyance of persons**

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

**211 Buskers, preaching, collections and appeals**

211.1 No Person shall on any road or other Public Place:

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

## **212 Creation of noise nuisance**

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

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

## **213 Placards on buildings, posts and pavements and markings on footpaths**

213.1 No Person shall:

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

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

213.3 Where a sign is in the opinion of Council dangerous or creating hazardous conditions for traffic or pedestrians notice may be given requiring the sign

to be removed. If the Person on whom such notice has been served fails to comply with the terms of the notice within the time stated therein they will commit an offence under this chapter of the Bylaw. Council may remove any illegal or dangerous sign. In exercising powers under clause 213 of this Bylaw Council shall have right of entry onto land or buildings described in clause 105.3 of this Bylaw.

#### **214 Blasting without authority**

214.1 No Person shall blast any rock, stone, earth, timber, or other such material in, on or near any Public Place, without having first obtained permission of Council and to comply with any conditions imposed by Council and any other control authority and then only in accordance with such conditions as may be imposed.

#### **215 Fireworks**

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

#### **216 Damage to property of local authority**

216.1 No Person shall without the written approval of Council:

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

#### **217 Generally obstructing**

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

#### **218 Congregating so as to cause inconvenience/obstruction**

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

#### **219 Processions and public meetings**

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

- (a) Organise, hold, or conduct or attempt to hold or conduct any procession, or any public meeting, gathering or demonstration, or make any public address or attempt to collect a crowd in, along or upon any Public Place or on land adjacent thereto where that crowd may encroach onto any Public Place; or

- (b) Take part in any unauthorised meeting or assembly or congregate or so conduct himself/herself on any Public Place as to in any way impede traffic or cause an obstruction, inconvenience any Person passing thereon, or take part in any unauthorised procession in, along or upon any Public Place.

**220 Litter receptacles**

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

**221 Awnings and blinds**

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

**222 Doors, gates, to swing inwards**

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

**223 Encroachment to be removed upon notice**

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

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

**224 Projections on Public Places not permitted**

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

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

**225 Lighting of obstructions and holes and stacking of materials**

225.1 If any Person places or leaves, on any Public Place any building material rubbish, or any other thing whatsoever likely to cause any obstruction or danger to any Person or Vehicle upon such Public Place such Person shall cause to be fixed and maintained from sunset in any day to sunrise in the next day in such positions as may be necessary sufficient lighted lamps of a type that is in accordance with the relevant Code of Practice for

temporary traffic management and approved by Council to adequately indicate the existence of the obstruction.

225.2 If any Person makes or digs, in any Public Place any hole or excavation, such Person shall cause to be fixed from sunset in any day to sunrise in the next day sufficient lighting that is in accordance with the relevant Code of Practice for temporary traffic management to adequately indicate the existence of such hole or excavation.

225.3 No Person shall permit any building material or other thing as mentioned in clause 225.1 of this Bylaw or any hole or excavation placed, left, made or dug on or in any Public Place (whether with or without the authority of Council) to remain for a longer period than is reasonably necessary. The Council shall solely determine what period is considered reasonable.

## **226 Restrictions on use of barbed wire and electric fences**

226.1 No Person shall erect or permit to be erected any electrified fencing or barbed wire along, or within 1 metre of, any boundary line between any land or building on the one side, and any Public Place on the other side. Further restrictions applying specifically to roads are contained in clauses 1126 and 1127 of this Bylaw. Council may in special circumstances grant a dispensation from this clause where the location, design or construction of the fence is such as to effectively remove any danger to a passing pedestrian.

226.2 No Person shall renew or repair or join, in whole or in part, any existing or future fence, along, or within 1 metre of, any such boundary line as aforesaid, with barbed wire, or electrified wire.

226.3 Every Person who executes any work or thing contrary to any of the foregoing provisions of this clause and who, after service upon them of a notice in writing from Council, fails to pull down and remove or modify within the time stated in such notice, or carry out such work as aforesaid, shall be guilty of an offence against this chapter of the Bylaw.

226.4 These sub clauses shall not apply within any area zoned "rural" under the District Plan prepared by Council, except when the fence abuts or adjoins a Footpath. Provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

## **227 Repair of structures adjoining Public Places**

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

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

## **228 Crossings**

228.1 No Person shall drive, ride, propel, or wheel any Vehicle across any Footpath or water channel in any Public Place otherwise than upon a

crossing properly constructed under the provisions of this chapter of the Bylaw.

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

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

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

## **229 Naming of streets**

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

## **230 Numbering of premises**

230.1 The Owner or Occupier of every building shall mark such building (subject to clause 230.4 hereof) with such numbers, being in no case less than 50 millimetres in height, as Council shall direct or approve, and shall renew the numbers of such building as often as they are obliterated or defaced.

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

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

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

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

## **231 Defacing names and numbers**

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

## **232 Animals wandering**



232.1 Every Person being the Owner or having the care, custody, or control of any Animal shall keep and prevent the same from wandering or being at large without proper guidance on any Public Place.

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

### **233 Gin traps**

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

### **234 Overhanging Vegetation – liable to obstruct**

234.1 No person shall permit or allow vegetation to encroach on to or over any public place so as to obstruct or interfere with the free movement of persons using that public place. Provided that Council will from time to time prepare a policy as regards allowable overhanging vegetation. Refer to the Fourth Schedule of this chapter of the Bylaw.

### **235 Shingle and debris on Public Places**

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

### **236 Horses and other animals fouling public areas**

236.1 No Person being the Owner of horses and other animals, or having control of any horse or other animal, shall, in an urban area permit that horse to foul any Public Place with droppings. Provided that no offence shall be deemed to have been committed against this chapter of the Bylaw where the Owner or Person having control of the horse or other animal removes the droppings as soon as practicable.

### **237 Miscellaneous offences**

237.1 Any Person shall commit of an offence against this part of this chapter of the Bylaw who:

- (a) Repairs or dismantles any motor Vehicle on any Public Place, except in case of the occurrence of an accident or breakdown when repair on the spot is necessary;
- (b) Shall, by ill-usage or negligence in driving any Animal along or over any Public Place, permit any injury or damage to be done by such Animal;
- (c) Shall drive, ride, or propel any Vehicle or bicycle along any Footpath on any Public Place provided that Persons on bicycles taking due

care may be permitted to use a Footpath for delivery purposes of newspapers, mail or printed material and further this clause shall not apply to Persons using motorised mobility aid devices for bona fide reasons, on to public Footpaths intended for dual use by pedestrians and cyclists;

- (d) Shall permit, any Vehicle or Animal to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any Public Place under the authority of Council.

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2018****CHAPTER 2****PUBLIC PLACES****FIRST SCHEDULE****BYLAW POLICY      ARTICLES DISPLAYED OUTSIDE SHOPS****SUBJECT:              CLAUSE 208 - EXPOSING ARTICLES FOR SALE.****PURPOSE:**

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

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

**POLICY:**

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

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2018****CHAPTER 2****2 PUBLIC PLACES****SECOND SCHEDULE****BYLAW POLICY COLLECTORS, BUSKERS STREET PREACHERS****SUBJECT: CLAUSE 211 – BUSKERS****PURPOSE:**

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

**POLICY: BUSKERS**

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

- (a) The activity is at the pleasure of Council and may be discontinued by Council at any time if justified complaints are received;
- (b) Buskers who are performing as individuals may operate in any area provided that:
  - (i) They do not block off entrances to any Premises;
  - (ii) They do not obstruct pedestrians;
  - (iii) There is no amplification of music.
- (c) Groups may also operate in any area subject to the abovementioned conditions provided that an Officer may require groups to operate in more “open” areas.

**SUBJECT:                    **CLAUSE 211 - STREET PREACHERS, STREET COLLECTIONS AND APPEALS****

**PURPOSE:**

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

**POLICY:                    **STREET PREACHING****

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

**POLICY:                    **STREET COLLECTIONS AND APPEALS****

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

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2018****CHAPTER 2****2 PUBLIC PLACES****THIRD SCHEDULE****BYLAW POLICY ADVERTISING SIGNS****SUBJECT: CLAUSE 213 – PLACARDS ON BUILDINGS, POSTS AND FOOTPATHS**

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

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

**PURPOSE:**

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

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

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

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

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

- (a) That general exemption be granted to allow portable display board type signs to be displayed up to 600 millimetres from commercial property holders' boundaries;
- (b) That signs may only be displayed outside the Premises to which they apply;
- (c) That Officers be authorised to give written notice for the removal of signs which do not comply with this Council policy. Such notice may require the removal of signs within 24 hours or such lesser time as is deemed appropriate, failing which the signs are to be impounded and released on payment of an appropriate fee;
- (d) That should any Person repeatedly display signs without Council's consent, or in contravention of this policy that Person shall receive only one 24 hour warning or such lesser time as is deemed appropriate, thereafter it shall not be required that Officers serve written notice prior to the sign being impounded;

- (e) Council may dispense with the requirements of this policy where there is no obvious benefit to the community in strict enforcement. A record of dispensations shall be kept at the Council Offices.

It should be noted that the main shopping area of Waimate are included in this policy.

## **Part 2 – Signs On or Over Public Place**

### **Interpretation**

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

### **General Requirements for Construction and Maintenance of Signs**

- (a) No sign shall be made, erected, or constructed otherwise than in a safe manner and securely fastened to a permanent structure. Signs on the faces of buildings, sky signs and pole signs shall, if required by Council, be designed by a structural engineer and shall be located in a position approved by Council.
- (b) Every sign shall at all times be maintained in good repair and condition.
- (c) Where a sign is not maintained in good order and condition, or if it at any time becomes unsightly or dangerous, the Council may, by notice in writing require the Owner or lessee to repair or secure or otherwise put in order or remove the sign within a period stated in the notice.
- (d) All signs must conform to the following dimensions if they overhang Footpaths, carriageways and/or are connected to verandas:
  - (i) Minimum height to underside of sign from Footpaths 2.5m.
  - (ii) Set back, 500mm from an imaginary vertical line from the kerb.
  - (iii) Veranda fascia sign maximum 900mm in depth.
  - (iv) Minimum height to underside of sign from carriageway 5.5 metres

### **Signs Affecting Traffic**

- (a) No Person shall display, erect, or maintain any sign so close to any part of a Road, motorway, or to any corner, bend, safety-zone, traffic sign, traffic signal, or intersection that in the opinion of the Council may:
  - (i) Obstruct or be likely to obstruct the view of traffic or of any traffic sign or signal; or
  - (ii) Distract unduly or be likely to distract unduly the attention of Road users; or
  - (iii) Constitute or be likely to constitute in any way a danger to the public.

- (b) No Person shall place or display any sign containing any reflective material which tends to reflect Vehicle lights, or contains any material dependent for illumination upon the lights of traffic in such a position as in the opinion of the Council would distract or be likely to distract the attention of the driver of any Vehicle.

### **Signs on Parked Vehicles**

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

### **Temporary Signs**

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

### **Dispensation or Waiver**

- (a) Where in the opinion of the Council it is not reasonable or practicable to enforce the provisions of this Policy in respect of a particular sign then the Council may, in writing, dispense with the observance of any provision of this Policy upon such conditions as it sees fit to impose.
- (b) If the Council dispenses with the observance of any provision of this Part of this Policy then a breach of any condition imposed by the Council shall be a breach of this chapter of the Bylaw.

### **Removal of Offending Signs**

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

### **Miscellaneous**

Where Council District Plan has rules and policies, these take precedent over rules and policies within these Bylaws.



**WAIMATE DISTRICT CONSOLIDATED BYLAW 2018****CHAPTER 2****2 PUBLIC PLACES****FOURTH SCHEDULE****BYLAW POLICY OVERHANGING VEGETATION**

**SUBJECT: CLAUSE 234 OVERHANGING VEGETATION – LIABLE TO OBSTRUCT**

**PURPOSE:**

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

**POLICY:**

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

