



Ruapehu District Council

Public Places Bylaw 2008



RUAPEHU DISTRICT COUNCIL

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Public Places Bylaw 2008

The Ruapehu District Council pursuant to its powers under the Local Government Act 2002, and any other Act or authority in any way enabling it to make Bylaws hereby makes the following Bylaw, entitled RUAPEHU DISTRICT COUNCIL PUBLIC PLACES BYLAW 2008.

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1.0 Title

This Bylaw may be cited as the Ruapehu District Council Public Places Bylaw 2008 (the Bylaw).

2.0 Commencement

This Bylaw was adopted by resolution of Council on 11 November 2008 and came into force on the day following its adoption by Council.

3.0 Purpose

- (a) The Public Places Bylaw regulates a diverse range of activities. It seeks to protect the public from nuisances, minimise the potential for offensive behaviour and to manage public land under the control of Ruapehu District Council for the well-being and enjoyment of the public in Public Places.
- (b) The Bylaw does not duplicate statutory provisions. It seeks to compliment existing statutory provisions that may also affect Public Places such as under the Local Government Act 2002, the Resource Management Act 1991 and the Building Act 2004, by addressing specific needs assessed in the community overtime.
- (c) Bylaws are recognised by Council as part of a wider approach to the control of undesirable actions or matters that involve both regulatory and non-regulatory methods.
- (d) Council shall accept no liability for any damage arising from the activities in any Public Place and permitted under this Bylaw.
- (e) This Bylaw is made pursuant to Sections 145, 146, 147, 169 and 170 of the Local Government Act 2002 and with consideration to the decision-making and consultation sections of the Local Government Act 2002.

4.0 Interpretation

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

Authorised Officer means any person appointed or authorised by Council to act on its behalf and with its authority including a Police Constable.

Approved receptacle means any Council approved receptacle for refuse and/or recycling collection, and may include specified bags, bins or other containers.

Busker means any transient street entertainer, performing for donations.

Council means the Ruapehu District Council or any duly authorised officer of Council.

Commercial or Industrial Refuse means any refuse resulting from the carry on of any trade, business, commercial activity, manufacturing, processing, hotel, motel or boarding house (but excluding apartment buildings) or other undertaking.

Event means any public performance involving a gathering of people for a concert or other entertainment; a meeting, parade, sporting event, exhibition, filming or festival; any fair, market or other gathering of people for the sale and purchase of good; and any flea markets where private, commercial or charitable groups may gather together to offer sales using a site on a temporary basis.

Extraordinary users mean users producing large volumes of refuse and/or recycling to a volume defined in Council's solid waste management plan.

Hawker means any person who is a permanent resident in the District, who carries or takes any goods, wares or merchandise for sale, without invitation to call or any previous request or order for such goods. This refers to only goods carried by a person.

Hazardous substances means any substances specified in Schedule 5 of this Bylaw.

Household refuse means any refuse arising or resulting from domestic housekeeping operations but does not include garden refuse, hot ashes or any other refuse prohibited in this Bylaw.

Itinerant Trader means any person who is not continuously resident in the District for at least six months and does not own or have a lease over a premise for a period greater than six months and sells any goods, wears or merchandise.

Licensed Premises means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

Litter means any litter or refuse as defined in the Litter Act 1979.

Litter Receptacle means any container provided and maintained by the Council on or in any Public Place for the purpose of collecting litter.

Liquor has the meaning given to it by the Sale of Liquor Act 1989.

Market or Market Day means informal trading events that take place at specified times in specified Public Places subject to Council approval.

Material or Thing means any material of whatever kind and includes jumbo bins and other containers for waste material, advertising or amusement devices, tables, chairs and display stands, but excludes:

- (i) Vehicles.
- (ii) Anything used for the purpose of refuse or other collections authorised by Council.

Mobile Shop means a vehicle, whether self propelled or not, from which goods, wares or merchandise including food are offered, or exposed for sale in the road reserve, or from which goods, wares or merchandise including food may be ordered in the road reserve (whether or not in pursuance of any invitation to call with the goods, wares or merchandise) or from which services are offered for sale in the road reserve: but does not include any vehicle used to transport and deliver goods, wares or merchandise pursuant to a prior order placed for the delivery of the goods, wares or merchandise.

Organiser means the specific person or organisation responsible for centrally organising an Event, including obtaining any necessary Council permission or license.

Prohibited refuse means any refuse specified in Schedule 4 of this Bylaw.

Public Place means every road, footpath and thoroughfare of a public nature or open to or used by the public as of right, reserve, park, domain, walkway, walking track, river esplanade and recreational ground under the control of Council.

Road has the meaning provided in Section 315 of the Local Government Act 1974, which includes every bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits thereof.

Ride a Skateboard means having either one or both feet, or any other part of the body of any person, on the skateboard when it is moving.

Refuse means any waste material, discarded matter or articles which are intended for disposal and any litter as defined in the Litter Act 1979.

Skateboard means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage or bicycles.

Stall means any non-profit organization or non-profit person who occupies any portion of any Public Place for the purpose of selling any food or refreshments, newspapers, lottery tickets, textiles, hardware or merchandise.

Site Attendant means any person authorised by Council or appointed by Council to act on its behalf.

Sign means a visual message or notice conveyed to the public and any support structures, 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 of any nature. It 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. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this Bylaw.

Street Appeal means coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public.

Street Performance means a musical, dramatic or other performance (including busking) involving musical, theatrical or circus performance skills including playing musical instruments, dancing, singing, clowning or juggling, pavement art, poetry or doing other acts of a similar nature in Public Places.

Temporary Sign means any sign advertising:

- (a) Construction or development works on a building site or demolition site; or
- (b) An auction or the intention to sell or lease any land or premises; or
- (c) Any exhibition or entertainment event.

Trading means the act of selling or trading or offering to sell or trade goods or services, with or without a vehicle.

5.0 Bylaws Revoked

5.1 The following Ruapehu District Council Bylaws are hereby revoked at the time of the coming into operation of this Public Places Bylaw:

(a) Public Places 2005

5.2 All sections of the Bylaw hereby revoked shall remain in full force and effect so far as relates to anything done or any offence committed, penalty incurred, prosecution or proceeding commenced, right or liability accrued, license issued, notice given, or order made, under or against any of the provisions thereof before the coming into force of this Bylaw. All licenses issued under any revoked Bylaw shall after the coming into operation of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions thereof.

6.0 Fees and Charges

6.1 In relation to this Bylaw, Council may, at any time by resolution publicly notified, prescribe fees that may be charged in respect of any certificate, authority, approval, consent given, inspection made or service given by Council under the provisions of the Local Government Act 2002, or any other enactment where that enactment contains no provision for authorising Council to charge a fee.

6.2 Unless an Act, Regulation, or Bylaw provides that a certificate, authority, license, consent or service given or inspection made shall be given free of charge then all fees and charges in respect thereof, which Council is empowered by an Act, Regulation or Bylaw to prescribe, charge or vary by the making of a Bylaw or otherwise, may be hereby and hereafter prescribed, charged, or varied from time to time by an ordinary resolution of Council, publicly notified in terms of the relevant Act, which shall specify when they shall come into force, and to which persons, applications, objects, and period they shall apply and (where appropriate) on what basis they may be assessed.

6.3 Except as otherwise provided in any Act, every fee or charge which is prescribed or charged under clause 6.2 hereof shall be such as to recover no more than the reasonable costs incurred by Council in respect of the matter for which it is prescribed or charged.

7.0 Offences

7.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.

7.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.

7.3 Everyone commits an offence against this Bylaw who:

(a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw;
or

- (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
- (c) Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
- (d) Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
- (e) Refuses or neglects to comply with any notice duly given under this Bylaw; or
- (f) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw; or
- (g) Fails to comply with any notice or direction given in this Bylaw.

8.0 Penalties

- 8.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.
- 8.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

9.0 Schedules

- 9.1 Every schedule to this Bylaw shall be deemed to form part of this Bylaw. Council may from time to time by resolution publicly notified, add, delete or amend the Schedules of this Bylaw, or any of the provisions of the Schedules of this Bylaw.

10.0 General Conditions

- 10.1 Council is authorised from time to time to make resolutions to impose such prohibitions, restrictions, controls or directions concerning Public Places as deemed necessary.
- 10.2 In all cases where this Bylaw provides for the issue of any order, notice or licence, such an order, notice or licence shall be deemed to be issued in compliance with this Bylaw if the same be issued by any officer of Council authorised for that purpose.
- 10.3 All officers appointed by Council under or for the purpose of any repealed Bylaw and holding office at the time of the coming into operation of this Bylaw shall be deemed to be appointed under this Bylaw.

- 10.4 Any person who in the opinion of any authorised officer of Council commits a breach of any of the provisions of these Bylaws shall if so requested by the officer supply their full and correct name and address.

PUBLIC SAFETY AND NUISANCES

11.0 Public Safety and Nuisances

11.1 *Introduction*

- 11.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations thereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Public Health Act 1956
- Health Registration Of Premises Regulations 1966
- Camping Grounds Regulations 1985
- Food Hygiene Regulations 1974

- 11.3 The purpose of this part of the Bylaw is primarily to regulate for public safety and against nuisances. There is a need to control obstructions, hazards, threats and dangers that pose health and safety risks to people in Public Places. Communities need to feel safe and maintain high confidence in their ability to visit and do business in public areas.

- 11.4 No person shall in any Public Place:

- (a) Play any game or use any object recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the Public Place, or damage the Public Place.
- (b) Stand on any verandah erected over a Public Place except for the purpose of inspection, maintenance or exit in the case of fire unless the verandah forms part of a first floor deck for which an air space lease has been obtained from Council.
- (c) Place, deposit or release any domestic animal or bird that has been transported to the Public Place with the intention for it to remain there.

- 11.5 Except with the prior approval of Council or an authorised officer, a person shall not on any Public Place:

- (a) Excavate, or 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.
- (b) Solicit any subscription, collection or donation, or preach.

- (c) Distribute any printed or written material advertising any product, service or entertainment.
- (d) Erect or place any structure on, over or under the Public Place except in compliance with any other Part of this Bylaw.
- (e) Blast, crush or like action, any rock, stone, earth, timber or other material, in, on or near any Public Place.
- (f) Use any structure or shelter, or any vehicle for the purpose of a temporary living accommodation.
- (g) Leave in a condition or state of disrepair any wall, fence or land adjacent to a Public Place, which in the opinion of a duly authorised officer of Council could cause damage or injury to person's passing. The officer may give notice requiring the owner or occupier to make the wall, fence or land safe with such time as specified in the notice.
- (h) Erect or maintain or cause to be erected or maintained, any awning over any Public Place or hang any awning, blind or screen from any portico on any Public Place.
- (i) Set off any fireworks or explosive material on or near any Public Place so as to endanger, frighten or annoy any passersby.

11.6 Obstructing Public Places

11.6.1 A person shall not:

- (a) Obstruct the entrances to, or exits, from a Public Place.
- (b) Place, carry or leave any material or thing, including signage, on a Public Place that could obstruct the public right of passage, without the approval of an authorised officer and then only in accordance with such conditions as may be imposed.
- (c) Allow any gate or door on property abutting a Public Place, to swing over or across the Public Place or any part thereof.
- (d) 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.
- (e) Allow vegetation from a privately owned property to grow over any Public Place or overhang a streetlight, obstruct or interfere with the free movement of persons using that Public Place or cause danger to any person or traffic in a Public Place.
- (f) Except where permitted by any other part of this Bylaw or by Council consent, no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, building, or other obstruction or projection or structure 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. This restriction shall not apply to any verandah or awning erected pursuant to a requirement of the District Plan.

- (g) Place any obstruction or permit or allow any obstruction to remain in any Public Place whereby life or limb is likely to be endangered.

11.6.2 Council may require the alteration or removal of any material, building or thing placed on a Public Place in contravention of to this Bylaw, by giving notice to the owner. The owner shall comply with any notice with in the time stated in the notice.

11.7 *Damage To Public Places*

11.7.1 Except with the prior approval of Council or an authorised officer a person shall not in any Public Place:

- (a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub, plant, natural feature or any inscription or label relating to it, or street signs.
- (b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities or street signs.
- (c) 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.
- (d) Damage or interfere with any animal so as to cause damage to a Public Place.
- (e) Use any vehicle in any manner so that it damages any part of a Public Place.
- (f) Drive or park any vehicle in a Public Place except in an area set aside for the driving or parking of vehicles.
- (g) Remove any sand, soil or other naturally occurring material found in a Public Place.
- (h) Open any drain or sewer on, or disturb or remove the surface of, any Public Place.
- (i) Any person carrying out authorised works on a Public Place shall provide reinstatement of the works to a standard approved by an authorised officer.

11.8 *Safety of Obstructions and Holes*

11.8.1 If any person within the authority of Council shall place or leave, or permit to be placed or left on any Public Place any building material, rubbish, or make or dig or cause to be made or dug any other thing whatsoever likely to cause any obstruction or danger, to any person or vehicle upon or in any Public Place, such person shall cause to be fixed and maintained, from sunset to sunrise, in such position as may be necessary, sufficient lighting to adequately indicate the existence of the same.

11.9 *Use of Footpath and Trading In Public Places*

11.9.1 No person shall without a licence from Council use any part of any street or Public Place for the purpose of setting up any stall, mobile shop, distribute any food, refreshments, newspapers, periodicals, lottery tickets, or otherwise display, advertise, or offer for sale or hire any product or service that is not directly related to a retail business (see section 11.9.5).

11.9.2 Conditions of Licence for Food Stalls are as follows:

- (a) A non-profit organisation or non-profit person may utilise fundraising stalls on any day in the CBD of Taumarunui, Ohakune, Waiouru or Raetihi, or any other Public Place with the written consent of Council.
- (b) Any non-profit organisation or non-profit person may apply for the use of food stalls up to a maximum of six (6) times per year.
- (c) The pavement width occupied by the stall is not to exceed one third of the width of the pavement, and 2/3 of the pavement must be left free.
- (d) When making application to Council the consent(s) of the adjacent business operators, shop owners and/or land owners is/are required to be submitted together with details of the type of goods being offered for sale.
- (e) The area of the pavement that will be affected by the cooking of food must be covered with a suitable drop-sheet to protect the pavement and storm water system from fat, grease and oil stains. Fire extinguishers must be present at all stalls where food is being cooked.
- (f) Any non-profit organization or non-profit person preparing and offering for sale any food at stalls must comply with the Food Safety Checklist for food stalls. The completed Food Safety Checklist must be submitted with the licence application to Council.
- (g) All litter and each stall must be removed from the trading location at the end of the day.
- (h) Any food stall licence issued will be valid for one day only.

11.9.3 Conditions of Licence for Non-food Stalls are as follows:

- (a) A non-profit organisation or non-profit person may utilise fundraising stalls on any day in the CBD of Taumarunui, Ohakune, Waiouru or Raetihi, or any other Public Place with the written consent of Council.
- (b) The pavement width occupied by the stall is not to exceed one third of the width of the pavement, and 2/3 of the pavement must be left free.
- (c) When making application to Council the consent(s) of the adjacent business operators, shop owners and/or land owners is/are required to be submitted together with details of the type of goods being offered for sale.
- (d) All litter and each stall must be removed from the trading location at the end of the day.
- (e) Any non-food stall licence will generally be valid for one day, however at the request of the applicant, Council may use its discretion to extend the duration of a non-food stall licence for a set period of more than one consecutive day.

11.9.4 Conditions of Licence for Events are as follows:

- (a) Any property or location used for an Event and the manner of its use must comply with the Building Act 2004 and the Resource Management Act 1991 prior to the Event taking place.
- (b) The Organiser must obtain prior permission from the owner(s) of the property where the Event is to be held.
- (c) Events do not have a limit on the number of stalls, however are subject to Council approval to be obtained by the Organiser.
- (d) In any Public Place used for an Event, 2/3 of the footpath must at all times remain clear for pedestrian access, unless a road closure has been sought and approved for that event.
- (e) Any food that is prepared and offered for sale at any Event in any public must be prepared and/or cooked in a kitchen or vehicle which complies with the Food Hygiene Regulations 1974 and the person/organisation must be registered under the Health (Registration of Premises) Regulations 1966 (also see 11.9.4 (f) and (g)).
- (f) Where in the opinion of an Environmental Health Officer it is necessary for the protection of public health the Officer may impose conditions that ensure compliance with the bylaw on the operation of any food stall as a condition of issuing an Event licence.
- (g) Where an Environmental Health Officer is satisfied that compliance with any requirements of this bylaw would be unreasonable or impractical having regard to the type of food that is to be sold, or the method of packaging, an exemption may be granted in whole or part with such modifications as are desirable in the circumstances.

11.9.5 Conditions of Retailers Display of Merchandise and Furniture:

- (a) Furniture and Merchandise shall be permitted on footpaths provided the boundary between the footpath and the roadway for the use of retailers furniture and merchandise be the first third of the pavement closest to the shop frontage.
- (b) Any person who places or permits to be placed on any footpath, any tables, chairs and associated items such as umbrellas, must comply with the following conditions for the use of a footpath:
 - (i) All items must be placed on the footpath immediately outside the business premises to which they belong and only during the business hours for that premises.
 - (ii) All items must be placed to ensure that 2/3 of the footpath remains clear for pedestrian access past the premises.
 - (iii) Umbrellas must be properly fixed to ensure that they are not blown over by the wind and the lower edge of the canopy must be at least 2.1m from the ground.
 - (iv) Fire exits, fire hydrants, shop doorways and bicycle stands must be kept clear at all times.

11.9.6 All Hawkers, Mobile Shop and Itinerant Traders must have a licence to operate.

11.9.7 All Hawkers, Mobile Shop and Itinerant Traders are prohibited from the areas listed in **Schedule 1** of this Bylaw.

11.10 Noise/Busking and Street Performances

11.10.1 No person shall sing or play any musical instrument, conduct street performances, use any loud speaker or other broadcast system or make noise by any other means in or on any street or Public Place, which is likely to cause annoyance without the prior approval of Council.

11.10.2 Pavement Art: No person shall draw art or advertising material on the footpath or other Public Place unless with approval from Council. Conditions for Pavement Art are as follows:

- (a) Chalk is the only material to be applied to the footpath.
- (b) Consent from adjacent retailers must be obtained.
- (c) Any permitted art or advertising material so drawn shall be removed by the artist on the end of the day it was drawn or such extended time as Council may allow.

11.11 Control Of Skateboards And Similar Recreational Devices

11.11.1 No person shall ride a skateboard, roller-skate, in-line skate, scooter, bicycle or similar recreational device in any area defined in Schedule 2 of this Bylaw.

11.11.2 Penalties:

Offence	Penalty
First Offence	Warning
Second and Subsequent Offences	Confiscation

11.12 Road And Building Identification

11.12.1 Council shall be able to cause to be painted or affixed on a conspicuous part of a building, the name of the road or Public Place to which it has frontage.

11.12.2 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 and or complex with numbers no less than 50mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage.

11.12.3 Numbers required by 11.12.2 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

REFUSE, LITTER AND OFFENSIVE MATERIAL

12.0 Refuse, Litter and Offensive Material

12.1 *Introduction*

12.2 This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations there under and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Litter Act 1979
- Public Health Act 1956
- Resource Management Act 1991

12.3 The purpose of this part of the Bylaw is to regulate for the control of refuse and litter. The misuse of public litter bins, the need to control litter in public places, illegal dumping, and the need to control the collection of refuse and deposition into landfills and transfer stations are all issues needing regulatory approaches to complement ongoing education. This is because of the potential for environmental damage, and also risk to the consent conditions of Council's waste management facilities.

12.4 *Litter in Public Places*

12.4.1 No person shall make use of any litter receptacle for the purpose of placing or depositing any offensive matter or any household, commercial or industrial refuse of any description.

12.4.2 No person shall throw or leave any dead animal, or part there of, 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.

12.4.3 No person shall fail to dispose of in a proper manner the body or part of the body of any animal in their possession that may have been killed or died while straying, or while being driven on any Public Place.

12.4.4 No person shall transport any refuse or offensive matter over any street or Public Place unless the receptacle used is covered or secure to prevent the escape of any of the contents.

12.4.5 No person shall sweep any refuse, dust or litter onto any Public Place, including any kerb or channel, from any house or business.

12.4.6 No person shall cause, permit or suffer the drippings of the eaves or other projections of any house or structure to fall upon any Public Place.

12.4.7 No person shall place or deposit litter or any materials or thing or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance, in any Public Place.

12.4.8 No person shall interfere with any refuse and/or recycling in a Public Place that is awaiting collection by an authorised collector.

12.4.9 No person shall cause, permit or suffer the burning of any matter on any Public Place except for the purpose of cooking food, in fire places or barbeques erected by Council in camping grounds, recreation reserves, domains or parks.

12.5 Accumulation of household refuse

12.5.1 No occupier of any premises shall allow household refuse to remain upon such premises unless that refuse is stored in a safe and sanitary manner.

12.5.2 No occupier of any premises shall permit any accumulation of household refuse to remain upon those premises unless the refuse is contained in an approved receptacle.

12.6 Collection of refuse and/or recycling

12.6.1 The Council will have no obligation to collect any refuse and/or recycling other than that adequately contained within an approved receptacle.

12.6.2 Any person employed in the collection of refuse and/or recycling on behalf of Council may refuse to collect and dispose of any receptacle which does not comply with this Bylaw.

12.6.3 The Council may specify another type or types of approved receptacles for refuse and/or recycling such as bins, bags or other containers that will be collected by the Council's refuse collectors. The Council may approve different types of approved receptacles for different parts of the District.

12.6.4 For occupational health and safety reasons, no person shall place any approved receptacle for collection that, with contents, weighs more than 15 kilograms.

12.6.5 No person shall deposit or permit to be deposited in any approved receptacle for collection:

- (a) Any prohibited refuse listed in **Schedule 4** of this Bylaw.
- (b) Any hazardous substances listed in **Schedule 5** of this Bylaw.
- (c) Any machinery or part there of or any metal or other refuse which could damage collection or disposal equipment.
- (d) Any commercial or industrial refuse.
- (e) Any broken glass, crockery, metal containers, or other similar sharp objects unless such materials are properly wrapped so as to prevent injury to any person handling the receptacle.
- (f) Hot ash.
- (g) Any unwrapped cold ash, to protect any person handling the receptacle from the risk of breathing ash dust.
- (h) Any liquids or wet materials are prohibited unless well wrapped or contained to prevent leakage from the receptacle.

12.6.6 Any approved receptacle put out for collection of refuse and/or recycling in residential areas must be placed:

- (a) As close to the kerb as possible without obstructing the footpath or carriageway
- (b) Directly in front of the residence discarding the refuse, where possible
- (c) Out not earlier than 5 pm on the day preceding the collection day
- (d) Out at any other specified place or time as determined by the Council from time to time.

- 12.6.7 Any refuse and/or recycling not collected, and any reusable receptacles, must be recovered by the person who placed it out for collection on the day of collection.
- 12.6.8 No person shall open, damage, interfere with or remove any receptacle placed out for refuse and/or recycling collection by Council or its agents, except in the course of collecting it on behalf of Council.
- 12.6.9 No person shall collect any receptacles placed out for collection on the kerbside except Council's contractor or any other person authorised by Council.
- 12.6.10 No person shall cause or allow to remain any accumulation of refuse and/or recycling in any Public Place unless it is contained in an approved receptacle placed for collection in accordance with this Bylaw.

12.7 *Conditions for recycling collection*

- 12.7.1 The Council may arrange for the collection of specified recyclable materials according to conditions set by Council.
- 12.7.2 Material put out for recycling must be clean, and not contaminated by food or other organic material.

12.8 *Commercial or industrial refuse*

- 12.8.1 All extraordinary users must comply with the following conditions for commercial or industrial refuse.
- 12.8.2 No commercial or industrial refuse will be collected or disposed of by the Council except by prior agreement in writing, and subject to such conditions as Council may specify, including disposal times, disposal fees, and the nature, form, manner or position in which the refuse may be disposed of.
- 12.8.3 No person shall cause, permit or suffer any undue accumulation of commercial or industrial refuse or salvaged material to remain or be in, upon or about any premises occupied by that person.
- 12.8.4 Any perishable or putrescent commercial or industrial refuse shall be removed daily, except where stored in an approved manner.
- 12.8.5 No person, after receiving a notice in writing from Council or a Council officer calling upon that person, to remove and dispose of any accumulation of commercial or industrial refuse or salvaged materials which exist on a property occupied by that person as is or is likely to be injurious to health, or be offensive, or harbor vermin or is likely to create a fire hazard shall within a time specified in such notice, neglect or refuse to comply with such notice.

12.9 *Recycling Stations*

- 12.9.1 The Council may specify the location of recycling stations, where the public may leave recyclable materials, and may issue instructions for the use of recycling stations.
- 12.9.2 Where the instructions issued by the Council for the use of a recycling station are displayed on a sign at that station, no one may leave any material at the recycling station except in accordance with those instructions.

- 12.9.3 The disposal of refuse other than recycling is not permitted in any recycling station.
- 12.9.4 Only household quantities of recycling may be deposited at recycling stations and recycling from commercial premises or activities are not permitted.

12.10 Transfer Stations

- 12.10.1 Council's level of service is for transfer stations to be open 100% of stated times. However, Council may, at any time, close any transfer stations, or restrict its use in circumstances that in the opinion of the site attendant make any action necessary.
- 12.10.2 All persons entering any transfer stations shall observe and comply with all signs therein erected, either controlling materials/refuse entering the transfer station or behaviour of people at the transfer station, or any instructions given by the site attendant or Council officer.
- 12.10.3 The disposal of refuse and recycling at any Council transfer station shall be subject to such conditions as the Council may impose, including opening hours, fees, the nature of the refuse and recycling that may be disposed of, and the position in which refuse or recycling may be placed.
- 12.10.4 No unauthorised person shall loiter, or disturb any refuse or recycling on any transfer station, or remove any article or material, except with Council's express permission.
- 12.10.5 No person shall enter any transfer station other than for the purpose of disposing of refuse and/or recycling and only during such hours as the transfer station is open.

12.11 Landfills

- 12.11.1 Council may, at any time, close any Landfills, or restrict its use in circumstances which in the opinion of the site attendant make any action necessary.
- 12.11.2 All persons entering any Landfills shall observe and comply with all signs therein erected, either controlling materials/refuse entering the landfill or behaviour of people at the landfill, or any instructions given by the site attendant or a Council officer.
- 12.11.3 No person shall enter any Landfill other than for the purpose of disposing of refuse or recyclables and only during such hours as the Landfill is open.
- 12.11.4 Council will only accept materials for disposal at the landfill in accordance with resource consent conditions, including specified waste acceptance criteria.

12.12 Penalties

- 12.12.1 Any person who commits an offence against this part of this Bylaw is liable to:
 - (a) If the offence is an infringement offence under Litter Act 1979 or the Local Government Act 2002 (and any subsequent Regulations), the maximum infringement fee fixed by or under either of such Acts or in and under the Schedules to either of such Acts, or
 - (b) Where the offence is not an infringement offence under the above prescribed Acts, on summary conviction to a fine or imprisonment as prescribed in the Litter Act 1979.

Note: A list of recyclable materials being accepted at Council's transfer stations can be found in the current Fees and Charges Manual. Instructions and/or signs with this information are also present at all sites that accept recyclable materials

PARKS AND RESERVES

13.0 Additional Requirements for Parks and Reserves

13.1 Introduction

This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations thereunder and any other Act or authority in any way enabling it to make Bylaws:

- Local Government Act 2002
- Reserves Act 1977
- Wildlife Act 1953

13.2 The purpose of this part of the Bylaw is to regulate requirements for Parks and Reserves. The key issues are the need to ensure protection against damage of property on reserves, and to ensure the ongoing provisions of high quality reserve areas for all people.

13.3 Subject to the provisions of this Part of this Bylaw every reserve shall be open to the public on foot, at all times except during such hours as Council or an authorised officer may determine that any reserve shall be closed to the public.

13.4 An authorised officer may from time to time and for such periods as he or she thinks fit within the provisions of the Reserves Act 1977, set aside areas of a reserve, for the exclusive use of particular individuals, groups or for particular kinds of recreational or other activities permitted under the provisions of the Reserves Act 1977 thereon. Council may charge for the right to have exclusive use of a reserve.

13.5 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 Part of the Bylaw to enter a reserve without having paid the proper charge for entry, if a charge is payable.

13.6 An authorised officer may close or restrict entry to all of, or any portion of, a reserve at such times as are considered necessary to prevent damage to, to protect public safety, 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 Part of the Bylaw to be found on a reserve at any time when the reserve is closed to public entry.

13.7 Every person committing a breach of the provisions of this Part of the Bylaw shall, upon request by an authorised officer, immediately leave the reserve, and shall be prohibited from appearing on the reserve for such period as the authorised officer deems fit. Any person so ordered to leave shall still be liable to be prosecuted for the breach of the

Bylaw, and any person failing to leave with reasonable speed, to comply with a request to leave, shall commit a further offence.

- 13.8 The prohibitions and restrictions contained in this part of the Bylaw shall not apply to any Council officer when engaged in the performance of their regular duties.
- 13.9 Nothing in these Bylaws shall be deemed to limit or prevent the taking of legal proceedings under any Act in respect of any offence committed within any park.

LIQUOR CONTROL

14.0 Liquor Control

- 14.1 This part of the Bylaw is made pursuant to Council's powers under the authority of Section 147 of the Local Government Act 2002.
- 14.2 The primary purpose of this section of the Bylaw is to enhance the feelings of safety in Public Places and the confidence of the public in being able to visit Public Places at any time unobstructed, by enabling Council to apply liquor bans by resolution as and when necessary.
- 14.3 Specific places and/or specific periods are listed in Schedule 3 of this Bylaw.
- 14.4 Every person shall comply with the terms of a liquor control resolution prohibiting, regulating or otherwise controlling:
- (a) The consumption of liquor in a Public Place
 - (b) The bringing of liquor into a Public Place
 - (c) The possession of liquor in a Public Place
- 14.5 Council may from time to time make a resolution:
- (a) Prohibiting or otherwise regulating or controlling, either generally or for one or more periods:
 - (i) the consumption of liquor in a particular Public Place, or Public Places
 - (ii) the bringing of liquor into a particular Public Place, or Public Places
 - (iii) the possession of liquor in a particular Public Place, or Public Places
 - (b) Varying existing specified places, or
 - (c) Varying existing specified times.

An exception to this rule will be made to premises that hold a valid license under the Sale of Liquor Act 1989.

14.6 *Exceptions*

Notwithstanding any other provisions in this Bylaw, in the case of liquor in an unopened bottle or unopened container, this Bylaw does not prohibit and no liquor control resolution made pursuant to this Bylaw shall have the effect of prohibiting the transport of that liquor:

- (a) From outside a Public Place for a delivery to, or consumption on, licensed premises that adjoin the Public Place, provided that the liquor is promptly removed from the Public Place, or
- (b) From licensed premises that adjoin a Public Place, provided the liquor is promptly removed from the Public Place; or
- (c) From outside a Public Place to premises that adjoin a Public Place by, or for, delivery to a resident of those premises by his or her bona fide visitors; or
- (d) From premises that adjoin a Public Place to a place outside the Public Place by a resident of those premises, provide that the liquor is promptly removed from the Public Place.

14.7 Powers of Arrest, Search and Seizure

This part of the Bylaw authorises a member of the police to exercise the power of search under Section 169(2)(a) of the Local Government Act 2002 for the purposes of Section 170(2) of the Local Government Act 2002.

Note: *Police powers of arrest, search and seizure under this Liquor Control Bylaw are clearly defined in Sections 169 and 170 of the Local Government Act 2002.*

In summary, where a person is found to be in breach of this Bylaw, the liquor would be subjected to seizure and forfeit to the Crown. A person could be arrested if found to be committing an offence under this Bylaw, or refusing to leave the area, or refusing to surrender the liquor. No warrant is required for the police to conduct a search to ascertain where the liquor is present in a container or a vehicle that is in or entering the public place. However, prior to exercising the powers of search a person must be informed that they have the opportunity to promptly remove the container or vehicle from the specified public place, and be given reasonable opportunity to do so.

In circumstances where a person is informed and has removed liquor from a public place and subsequently returns with liquor to that public place within a period when it could reasonably be deemed that the person has been informed prior to search, the police shall not be required to provide the person with a further opportunity to remove the liquor from a specified public place prior to search.

- 14.8 Council may from time to time by resolution publicly notified, amend Schedule 3 of this Bylaw, to add, delete or amend the areas to which the provisions of this Bylaw shall apply, and to add, delete or amend the penalties.

Note: *From time to time, additional areas may be added to Schedule 3 within the boundaries of the Ruapehu District for particular time periods, related to specified events or times of the year. Where additional areas are so designated a minimum of 14 days public notice shall be given specifying the additional areas, and the period when the specification applies. Public notices shall be affixed in or adjacent to the additional specified place(s) at such times.*

ADVERTISING SIGNS AND COMMERCIAL PROPERTY MAINTENANCE

15.0 Control of Advertising Signs

15.1 *Introduction*

This part of the Bylaw is made pursuant to Council's powers under the following Acts and Regulations thereunder and any other Act or authority in any way enabling it to make Bylaws.

- Local Government Act 2002
- Building Act 2004
- Resource Management Act 1991
- Ruapehu District Plan
- Human Rights Act 1993
- Films, Video and Publications Classification Act 1993
- Prostitution Reform Act 2003, Section 12

15.2 The purpose of this part of the Bylaw is to regulate the use of Advertising Signs, (complimentary to the Ruapehu District Plan) prohibiting the use of parked cars or trailers as advertising, and controlling discriminatory, offensive, threatening or insulting signs, including those advertising gaming machines and prostitution.

15.3 *Signs in Public Places*

15.4 No person shall park or caused to be parked any vehicle or trailer on or near any Public Place for the purposes of using such vehicle as an advertising device or otherwise than for, or in connection with, bona fide purposes of travel and stopping incidentally to such travel. This includes any sign, device or material attached in any way to a vehicle or trailer, or any advertising written or drawn in any way on a vehicle. Sign writing for the purposes of identification of the person or the business owning or operating the vehicle and not used as an advertising sign shall be excluded from this provision.

15.5 No advertising signs advertising gaming machines, gambling, prostitution or similar, shall be visible from any Public Place.

15.6 All signs erected in Public Places, including those attached to a verandah over a Public Place, including footpaths, must be sign-written in a professional manner and maintained in a good condition. Maintaining a sign in good condition means that:

- (i) Paintwork is regularly refreshed to prevent noticeable fading and/or peeling
- (ii) Vandalism is immediately repaired, or the sign removed
- (iii) The sign remains in excellent repair
- (iv) The sign is not obstructed from view by vegetation or other materials.

15.7 Retailers signage shall be permitted on footpaths outside the business to which the sign relates, provided that two thirds of the footpath remains clear for pedestrian access past the premises.

- 15.8 Free standing signs shall be designed, constructed and erected in a manner approved by Council so as to meet wind and seismic loads. Any freestanding signs projecting beyond the footpath boundary must have the approval of Council.
- 15.9 No pole, support structure, flag, banner or decoration shall project into a Public Place without the consent of Council. No pole, support structure, flag, banner or decoration shall be erected on the face of the building so as to stand within 1.5m of any Public Place and the lowest point of the flag, banner or decoration shall be at least 2.6m above ground level.
- 15.10 Any sign in three dimensions attached to a building or over a verandah shall be at least 2.6m above ground level, have a maximum projection from the face of the building of 1.2m and occupy a space no greater than 3m².

15.11 *Removal of Signs*

- 15.12 Council may, by notice in writing require the owner, occupier or lessee of any verandah over a Public Place on which any unsightly or, unkempt or in a state of disrepair, non-complying, unsafe or unauthorised sign is located, to repair or remove such sign within a period stated in such notice. This includes, but is not limited to, signs that have:
- (i) Unmaintained paint work, peeling or fading
 - (ii) Vandalism
 - (iii) Poor repair
 - (iv) Overgrown vegetation
- 15.13 Where the owner, occupier, lessees or user of a sign, receives a notice given under 14.12, that person shall comply with the requirements of the notice within the time specified in the notice.
- 15.14 Where any person has been requested to pull down, alter or remove any non-complying, unsafe, or unauthorised sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this Bylaw and the Ruapehu District Plan.
- 15.15 Where any person fails to comply with any requirement to pull down, alter or remove any sign, Council may have the sign pulled down, altered or removed. The cost incurred in pulling down, altering, removing or storing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- 15.16 Any sign removed by Council shall be released to the owner upon payment of the costs incurred in its removal and storage.
- 15.17 Any sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by Council. Where such sign is sold, the proceeds of sale shall be applied first towards the payment of the costs referred to above. Any balance shall be paid to the owner on application. If costs are not covered by the sale of the sign, the owner will be liable for the balance.

15.18 *Verandah Signs*

All verandah signs shall comply with the following conditions:

- (a) All signs affixed to the underside of a verandah or to the building shall be affixed in a manner approved by Council.

- (b) Signs affixed to the underside of a verandah shall be located at right angles from the face of the building or footpath frontage.
- (c) Swinging verandah signs shall be affixed in a manner so that they cannot be removed without mechanical aid.
- (d) All signs located on verandahs over roads or Public Places on commercial/industrial/business zoned land shall be:
 - (i) No closer than 2.4m to the footpath beneath the sign;
 - (ii) Set back at least 600mm from an imaginary vertical line from the road kerb;
 - (iii) If located on the verandah fascia, be not more than 900mm in depth, or protrude more than 200mm from the fascia;
 - (iv) If located under the verandah, at right angles to the fascia line, and be limited to one per site;
 - (v) If located on top of the verandah, be more than 1.2m high, not more than 1.8m² in area and limited to one per site; and
 - (vi) Advertise only businesses, services and products located on the site of the sign.

15.19 Election Hoardings

Election Hoardings will be treated as Commercial Signs as under the Ruapehu District Plan, and therefore must comply with the rules, policies and objectives of the different zones in the Ruapehu District Plan. All election signs shall comply with the following conditions:

- (a) No election signs shall be placed on any reserve or Public Place except those specifically approved by Council for such purpose. (Refer 11.9.1 of this Bylaw.)
- (b) No election sign shall be erected on road reserves, median strips or similar locations including Council buildings or public property such as lampposts, trees, transformers etc.
- (c) Signs must not be displayed for more than six (6) weeks, and shall be removed the day before polling day.
- (d) Signs must not create a traffic hazard or constitute danger to the public in any way, and must not imitate any official sign.

15.20 Commercial Property Maintenance

15.21 Council's expectations of commercial properties verandahs over Public Places (including footpaths) in towns along State Highways is clarified to ensure Public Safety and to support the communities' aspirations for high quality, attractive main streets for residents and visitors.

15.22 It is Council's and the communities desire that the Central Business District areas of Ruapehu towns be maintained by property owners, occupiers and lessees in a state of reasonable and good maintenance, and be visually adding value to the town, as an essential part of the town's character, its 'shop front' to visitors and for building community pride. Council's Bylaw is not able to address such issues on private property, however the bylaw can address maintenance and visual amenity issues on verandahs over Public Places, and health and safety issues relating to commercial premises frontages.

15.23 Verandahs

15.24 Property owners of verandahs in towns along State Highways, constructed over Public Places shall ensure the following:

- (a) Verandahs are maintained in reasonable condition, meaning free from visible rust, painted or treated (as appropriate) in a colour complementary to the visual amenity of the streetscape and environment, in excellent repair including the absence of holes, rot in support structures, with sound guttering and down pipes, and no loose, visible or exposed wires,
- (b) Vandalism and graffiti is to be repaired and painted immediately.

15.25 Council may, by notice in writing require the owner, occupier or lessee of any verandah over a Public Place which is unsightly or, unkempt or in a state of disrepair, non-complying, unsafe or unauthorised to repair within a period stated in such notice.

15.26 Where the owner, occupier or lessee of a verandah receives a notice given under 14.24, that person shall comply with the requirements of the notice within the time specified in the notice.

- (a) The period of 12 months from the date of the requirement notice of verandah repair shall be given to repair and maintain the verandah as directed by Council.
- (b) Any subsequent notices of repair of verandahs against the property shall be responded to according to a time period as stated in that notice.

15.27 Where any person fails to comply with any requirement to repair, repaint or otherwise maintain any verandah, Council may have the verandah repaired, repainted/treated or otherwise maintained. The cost incurred in repairing, maintaining or repainting shall be recoverable as a debt against the owner, occupier and/or lessees of the verandah.

15.28 Commercial Building Frontages

15.29 To ensure public health and safety, and secondly, to enhance the visual amenity of the Public Place, all vandalism that compromises the safety of the public in Public Places, including broken windows, exposed wires and other structural damage on the ground floor shall be repaired immediately by the property owners, occupiers or lessees.

15.30 Council may, by notice in writing, require the owner, occupier or lessee of any Commercial Building Frontage which is (in the opinion of an authorised officer), in a state of disrepair, as to be unsafe, to repair within a period stated in such notice.

15.31 Where the owner, occupier or lessee of a Commercial Building Frontage receives a notice given under 14.30, that person shall comply with the requirements of the notice within the time specified in the notice.

15.32 Where any person fails to comply with any requirement to repair or maintain any Commercial Building Frontage, Council may have the Commercial Building Frontage repaired, or otherwise maintained. The cost incurred in repairing, maintenance or repainting shall be recoverable as a debt against the owner, occupier and/or lessees of the Commercial Building Frontage.

SCHEDULES

Schedule 1 – Trading in Public Places

Hawkers, mobile shops and itinerant traders are prohibited in the following areas:

Taumarunui Hakiaha Street from Katarina Street to Turaki Street. Miriama Street from Katarina Street to Morero Terrace, incorporating Marae Street, Manuaute Street and Hikaia Street.

Ohakune State Highway 49 (Clyde Street) from Rata Street to Arawa Street, incorporating Goldfinch Street to Ayr Street.

Raetihi Seddon Street from State Highway 4 to Duncan Street.

Schedule 2 - Skateboards

Areas where riding of skateboards or similar devices is prohibited on footpaths and other Public Places are as follows:

Taumarunui Hakiaha Street from Katarina Street to Turaki Street. Miriama Street from Katarina Street to Morero Terrace, incorporating Marae Street, Manuaute Street and Hikaia Street.

Ohakune State Highway 49 (Clyde Street) from Rata Street to Arawa Street, incorporating Goldfinch Street to Ayr Street, Miro Street to Ayr Street, Ohakune-Raetihi Road to Patiti Road.

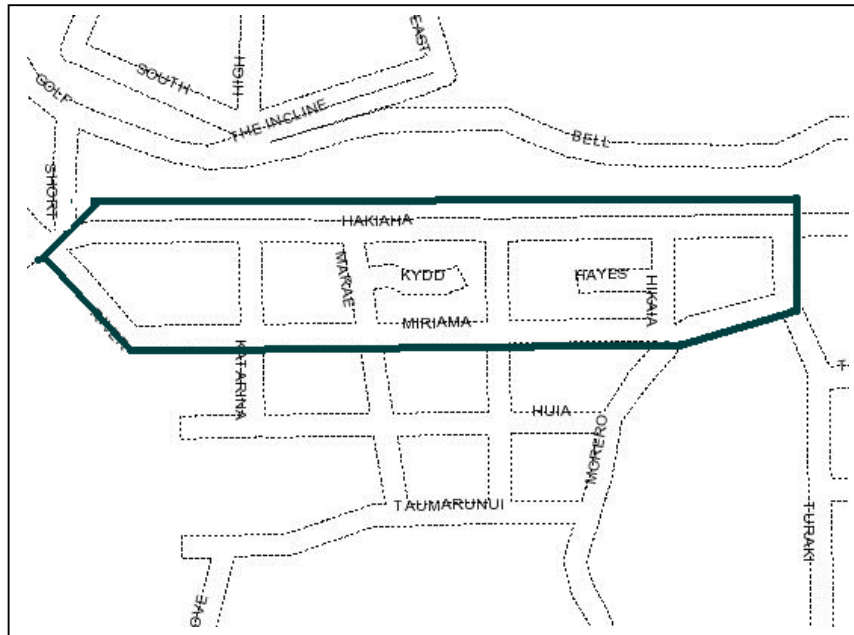
Raetihi Seddon Street from State Highway 4 to Ballance Street.

Schedule 3 – Alcohol Ban Area

Areas and times where alcohol is banned according to Section 14 of the Public Places Bylaw:

- CBD Taumarunui (including Mansons Gardens)
- Hakiaha Street from River Road to Turaki Street
- Miriama Street from River Road to Morero Terrace
- River Road between Hakiaha Street and Miriama Street
- Katarina Street between Hakiaha Street and Miriama Street
- Marae Street between Hakiaha Street and Miriama Street (including Kydd Lane)
- Manuaute Street between Hakiaha Street and Miriama Street
- Hikaia Street between Hakiaha Street and Miriama Street (including Hayes Lane)
- Turaki Street between Hakiaha Street and Morero Terrace
- Morero Terrace between Miriama Street and Turaki Street
- The entire section of Chanwai Lane

Hours of ban 24 hours per day, 7 days per week, all year round, as shown below in Map 1.



Schedule 4 – Prohibited Refuse

Prohibited refuse for the purposes of this Bylaw means:

- (a) Chemicals, toxic substances, dangerous goods of all class, prescription drugs, poison.
- (b) Oils, oil sludge's, liquids, volatile liquids, acids or paints
- (c) Explosives, fireworks, firearms, hot ashes, highly inflammable liquid or materials.
- (d) Empty containers in excess of four litres capacity previously used for chemicals, dangerous goods, toxic substances or fertiliser.
- (e) Pressurised containers unless emptied or made open to the atmosphere.
- (f) Empty drums unless crushed.
- (g) Radio-active materials and pathological waste.
- (h) Hydrocarbon contaminated waste.
- (i) Waste containing hazardous inorganic chemicals (including heavy metals).
- (j) Offal or waste from fish or meat processing premises or from any fish or animal byproducts processing or works.
- (k) Bulk liquid waste of any kind, or emulsions in bulk.
- (l) Dead animals, parts of dead animals, or infectious matter.
- (m) Manure, liquid manure, liquid effluent or septic tank sludge or effluent.
- (n) Any highly odious waste
- (o) Any other hazardous wastes not otherwise described here

Schedule 5 – Hazardous Substances

Hazardous substances for the purposes of this Bylaw mean any matter that:

- (a) Contain substances defined in Section 2 of the Hazardous and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Minimum Degree of Hazard) Regulations 2000; or
- (b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and the NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- (c) Contains corrosive, toxic, biocidal, radioactive, flammable, or explosive materials; or
- (d) Is publicly notified by Council from time to time to be hazardous and requiring special handling for the purposes of collection, transportation and disposal.