



te kaunihera ā-rohe o  
**matamata-piako**  
district council



# Matamata-Piako District Council

## Ture ā-Rohe mō te Haumarutanga o te Hapori 2025 | Community Safety Bylaw 2025

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## Part 1 Kupu Whakataki | Introduction

### 1. Purpose

The purpose of this *Bylaw* is to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained for the safety and enjoyment of citizens, visitors and businesses within the *District*.

### 2. Title and commencement

2.1 This *Bylaw* shall be known as the 'Matamata-Piako District Council Community Safety Bylaw 2025'.

2.2 This *Bylaw* comes into force on 1 July 2025.

### 3. Review

3.1 This *Bylaw* is a full statutory review of the previous Public Safety Bylaw 2014 (Amended 2019).

### 4. Application

4.1 This *Bylaw* applies to all of the Matamata-Piako District.

### 5. Enabling enactments

5.1 This *Bylaw* is made pursuant and subject to the Local Government Act 2002, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, and the Reserves Act 1977.

5.2 Nothing in this *Bylaw* detracts from any provision of, or the necessity for, compliance with all applicable Acts, regulations, *Bylaws*, and the operative Matamata-Piako *District Plan*.

### 6. Delegation

6.1 Any of the powers and functions of the *Council* as detailed and set out in this *Bylaw*, may be delegated by it, to its *Chief Executive* and sub-delegated by the *Chief Executive* to any such other *Authorised Officer*.

### 7. List of schedules

7.1 The following schedules are hereby adopted and form part of this *Bylaw*:

Schedule 1 Restricted areas for skating devices

Schedule 2 Trading in a public place

Schedule 3 Determination of restricted areas for animals in public places

Schedule 4 Determination of numbers of animals allowed to be kept

Schedule 5 Alcohol ban areas (excluding maps – for ease of reference only)

## 8. Explanatory Notes

- 8.1 Sections headed 'Explanatory notes' in this *Bylaw* are for information purposes only, and:
- a) they do not form part of this *Bylaw*; and
  - b) cannot be considered in the interpretation or application of a provision of this *Bylaw*; and
  - c) may be inserted, amended or removed without any formality.

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## 9. Definitions

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

Term	Definition
<i>Agent</i>	means a <i>Person</i> or business authorised to act on another's behalf.
<i>Alcohol</i>	means the same as in section 5(1) of the Sale and Supply of Alcohol Act 2012.
<i>Alcohol ban area</i>	means a place specified in this <i>Bylaw</i> in respect of which the prohibitions and controls in this <i>Bylaw</i> will apply at any specified time, day or <i>Event</i> . It does not include any part of a <i>Public place</i> for which an <i>Alcohol Licence</i> has been issued under the Sale and Supply of Alcohol Act 2012.
<i>Animal</i>	means any mammal, bird, finfish, shellfish, reptile, amphibian, insect, or invertebrate and includes the carcass of constituent parts but does not include dogs and human beings.
<i>Approved or Approval</i>	means <i>Approved</i> in writing by resolution of the <i>Council</i> or by any <i>Authorised Officer</i> so authorised on behalf of the <i>Council</i> , pursuant to this <i>Bylaw</i> or any <i>Enactment</i> .
<i>Authorised Officer</i>	means: <ol style="list-style-type: none"> <li>any <i>Person</i> appointed or authorised by the <i>Council</i> to carry out duties and exercise powers under this <i>Bylaw</i>; and</li> <li>any <i>Person</i> appointed by the <i>Council</i> to enforce the provisions of any <i>Council Bylaw</i> and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.</li> </ol>
<i>Barbed Wire</i>	means any wire that contains barbs, spikes, jagged edges or pointed projections along its length and used to make fences and barriers.
<i>Brothel</i>	means the same as in section 4(1) of the Prostitution Reform Act 2003.
<i>Bylaw or Bylaws</i>	means the Matamata-Piako District Council Community Safety Bylaw 2025 or in the context of more general terms refers to a <i>Bylaw</i> adopted by the <i>Council</i> , made under the provisions of any <i>Enactment</i> or authority enabling the <i>Council</i> to make <i>Bylaws</i> .
<i>Chief Executive</i>	means the <i>Chief Executive</i> appointed pursuant to section 42 of the Local Government Act 2002.
<i>Commercial Sexual Services</i>	means the same as in section 4(1) of the Prostitution Reform Act 2003.
<i>Council</i>	means the governing body of the Matamata-Piako District <i>Council</i> or any <i>Person</i> delegated to act on its behalf.
<i>Council facility</i>	includes any public library, swimming pool, aquatic centre, recreational, cultural or community centre, museum, or hall under the ownership or control of <i>Council</i> .
<i>District</i>	means the <i>District</i> within the jurisdiction and under the control of the Matamata-Piako District Council.
<i>District Plan</i>	means the Matamata-Piako District Council <i>District Plan</i> .
<i>Dwelling or Dwelling House</i>	includes any house, tent, <i>Vehicle</i> or other structure, whether permanent or temporary, and whether attached

Term	Definition
	to the soil or not, used in whole or in part for human habitation, and includes the land appurtenant to a <i>Dwelling</i> .
<i>Emergency Vehicle</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Enactment</i>	means the same as in section 13 of the Legislation Act 2019.
<i>Event</i>	means the same as in section 5(1) of the Sale and Supply of Alcohol Act 2012.
<i>Footpath</i>	means the same as in section 1.6 of the Land Transport (Road User Rule) 2004.
<i>Licence or Licensed</i>	means a <i>Licence</i> , permit, consent or <i>Approval</i> under any <i>Bylaw</i> or <i>Enactment</i> .
<i>Licensed premises</i>	means a <i>Premises</i> holding a current <i>Alcohol Licence</i> , including a special <i>Licence</i> , pursuant to the Sale and Supply of Alcohol Act 2012.
<i>Litter</i>	means the same as in section 2(1) of the Litter Act 1979.
<i>Mobile shop</i>	means a <i>Vehicle</i> , stand or stall, whether self-propelled or not, located in a <i>Public place</i> , from which goods, wares, or merchandise are offered or exposed for sale or from which goods, wares, or merchandise may be ordered or from which food is sold. <i>Mobile shops</i> are distinct from other stall types in that there is no requirement to identify a specific site for the activity.
<i>Nuisance</i>	has the meaning as in the Health Act 1956, and includes anything offensive or likely to be injurious to health.
<i>Occupier or Occupied</i>	means the inhabitant <i>Occupier</i> of any property, and in any case where any building, house, tenement, or <i>Premises</i> is or are unoccupied, shall be deemed to include the <i>Owner</i> as defined.
<i>Offence</i>	includes any act or omission in relation to any <i>Bylaw</i> or any part for which any <i>Person</i> can be punished either on indictment or by summary process.
<i>Owner</i>	of any property, or as applied to any land, building, or <i>Premises</i> , means any <i>Person</i> for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent, and where any such <i>Person</i> is absent from New Zealand, shall include their attorney or <i>Agent</i> .
<i>Parking</i>	has the same meaning as in section 2(1) of the Land Transport Act 1998.
<i>Person</i>	includes a corporation sole and a body of <i>Persons</i> , whether corporate or unincorporated.
<i>Portico</i>	includes every awning, porch, veranda, shed, shade, or covering upon, across, or over any public footway or part of a <i>Road</i> , street, private street, or accessway for the purpose of shade or shelter, together with any supports, other than the building against which it shall be.
<i>Poultry</i>	means any live domesticated or farmed bird including but not limited to fowl, duck, goose, turkey, guinea fowl, pheasant, budgerigar, parrot, ostrich, emu and pigeon.
<i>Premises</i>	means either:

Term	Definition
	<ul style="list-style-type: none"> <li>a) property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued and in respect to which a building consent has been or may be issued; or</li> <li>b) a building that has been identified as an individual unit by a cross-lease, or unit title or company lease and for which a Certificate of Title is available; or</li> <li>c) land held in public ownership (e.g. <i>Reserve</i>) for a particular purpose; or</li> <li>d) individual units in buildings, which are separately leased or separately <i>Occupied</i>; or</li> <li>e) buildings and <i>Dwelling Houses</i> to which a separate supply of water is provided.</li> </ul>
<i>Public notice</i>	means the same as in section 5(1) of the Local Government Act 2002
<i>Public performance</i>	<p>includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments, regardless of whether such performance is:</p> <ul style="list-style-type: none"> <li>a) pre-recorded or live; or</li> <li>b) requires public participation; or</li> <li>c) requires payment, donations or is performed gratis.</li> </ul>
<i>Public place</i>	means the same as in section 147 of the Local Government Act 2002.
<i>Reserve</i>	means the same as in section 2(1) of the Reserves Act 1977.
<i>Residential</i>	means land identified for <i>Residential</i> use or development in the <i>District Plan</i> as amended from time to time.
<i>Road</i>	means the same as in section 2(1) of the Land Transport Act 1998.
<i>Sandwich Board</i>	has the same meaning as <i>Sign</i> .
<i>Sign or Signage</i>	<p>means:</p> <ul style="list-style-type: none"> <li>a) a visual message or notice conveyed to the public and visible from a <i>Public place</i> displayed to advertise, identify a product, business, or service, inform, or warn the public, and any frame, supporting device and associated ancillary equipment; and</li> <li>b) includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, <i>Sandwich Board</i>, wind sock, blimp or projection of light to create an advertising image; and</li> <li>c) a bunting that has symbols or messages on it.</li> </ul>
<i>Skating device</i>	means recreational devices, including but not limited to: roller skates, roller blades, inline skates, skateboards, and scooters, but does not include mobility devices including motorised scooters, wheelchairs and the like.
<i>Trading in a Public place</i>	means the sale of goods or services in a <i>Public place</i> or the offering of a commercial service for payment, reward or otherwise, including but not limited to:

Term	Definition
	a) markets and stalls; b) mobile trading ( <i>mobile shop</i> ); c) outdoor dining; d) offering commercial services in a <i>Public place</i> ; and e) outdoor display of goods.
<i>Urban Area</i>	includes all land identified for <i>Residential</i> , business or industrial use in the <i>District Plan</i> as amended from time to time, as well as the settlements of Waitoa, Waihou, Waharoa, Tahuna, Hinuera, Te Poi, Mangateparu, Motumaoho, Rukumoana, and Te Aroha West; and any area where five or more <i>Dwellings</i> are constructed within a 250 metre radius. Note: If the naming or classification of these zones changes in the District Plan, this definition will apply to the equivalent new zones.
<i>Vehicle</i>	means the same as in section 2(1) of the Land Transport Act 1998.
<i>Watercourse</i>	means the same as in section 2 of the Land Drainage Act 1908.

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## Part 2 Haumarutanga I ngā Wāhi | Safety in Public Places

### Explanatory notes:

The purpose of Part 2 of this *Bylaw* is to promote public safety and the enjoyment of *Public places* by inhabitants and visitors by managing and regulating the use of *Public places*.

## 10. Conduct in a public place

### 10.1 No *Person* shall in any *Public place*:

- a) act in a manner that interferes with the safety, use or enjoyment to any users, causes a *Nuisance*, or interferes with any *Person's* right to use the *Public place*; or
- b) place or leave *Litter* or any materials or object or substance, which are likely to be hazardous or injurious to any *Person*, or likely to create a *Nuisance*. *Litter* shall be deposited in public *Litter* receptacles where these are provided. Where public *Litter* receptacles are not provided, *Litter* shall be removed and disposed of in an appropriate manner; or
- c) deposit in or around a public *Litter* receptacle any household or trade refuse;
- d) interfere with any refuse, which is awaiting collection by an authorised collector; or
- e) drive any *Vehicle* except on a formed *Road*, or drive in a manner that is dangerous or inconsiderate to pedestrians or other *Vehicles*; or
- f) leave any work, hole or excavation in a *Public place* in a manner that could be a danger to anyone entering or using that *Public place*; or
- g) take off or land any aircraft, hot air balloon, hang glider, parachute, remotely piloted aircraft system (also known as unmanned aerial vehicles or drones) or similar aircraft except in an emergency or in a location *Approved* by an *Authorised Officer*, or
- h) play any game or use any object including skateboards, roller blades, roller skates, bicycles, mobility scooters or motorised scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a *Nuisance* to any *Person* in the *Public place*, or damage the *Public place*; or
- i) loiter or remain in or on a *Public place* after being directed to move on by an *Authorised Officer*.

### Explanatory notes:

Anyone wishing to fly a drone or an unmanned aerial vehicle (UAV) over *Council* managed land must obtain prior *Approval* from the *Council*. For flights over private land, it is the responsibility of the operator to seek permission from the landowner or *Person* in charge of that area.

- 10.2 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place*:
- a) solicit any subscription, collection or donation or provide a *Public performance* in a way that does or is likely to create a *Nuisance*; or
  - b) distribute any printed or written material advertising any product, service or public entertainment in a way that does or is likely to create a *Nuisance*. Any *Person* distributing printed or written advertising material in a *Public place* shall be responsible for the removal of any *Litter* attributable to the distribution of the advertising material; or
  - c) set off fireworks or explosive material in or on a *Public place*, or so near thereto in a way that does or is likely to create a *Nuisance*; or
  - d) erect or place any structure on, over or under a *Public place* except in compliance with any other part of this *Bylaw*.

**Explanatory notes:**

The above rules focus on actions that directly affect community health and safety. Illegal activities such as drug use and sale are outside the scope of this *Bylaw* and are enforced by the New Zealand Police.

## **11. Restrictions on vehicles in parks and reserves**

- 11.1 No *Person* shall in any park or *Reserve* under the ownership or control of Council:
- a) drive or park any *Vehicle* carelessly, negligently or dangerously or without due consideration for *Persons* using the park or *Reserve*; or
  - b) fail to comply with any direction for the regulation of *Vehicles* given by an *Authorised Officer*, a member of the New Zealand Police or a traffic *Sign*; or
  - c) fail, after the *Vehicle* has been involved in an accident within any park or *Reserve* to give their name and address and the name and address of the owner of the *Vehicle* to any *Person* having reasonable grounds for requiring them; or
  - d) fail forthwith to report to an *Authorised Officer* any accident in which the *Vehicle* has been involved within any park or *Reserve*.
- 11.2 Except with the prior permission of the *Council*, no *Person* shall bring any *Vehicle* into any park or *Reserve* where this is prohibited by a notice exhibited at the entrance or in some other conspicuous position.
- 11.3 *Vehicles* may only be driven in a park or *Reserve* on access ways which are open to vehicular traffic and park only in designated *Parking* areas.
- 11.4 No *Vehicle* shall be driven at a greater speed than indicated on any *Road* in a park or *Reserve*, and in any other direction other than indicated by traffic notices. In the absence of speed limit *Signs*, no *Vehicle* may be driven at a speed greater than 30 kilometres an hour in any park or *Reserve*.
- 11.5 Clause 11.4 will not apply to a *Vehicle* used at the time to save or protect life or health, or prevent injury or serious damage to property.

### **Explanatory notes:**

The *Council* has a Freedom Camping *Bylaw* which identifies areas where people can't freedom camp (prohibited areas) and areas where people may freedom camp (restricted areas), with a maximum number of self-contained *Vehicles* that can stay in each location. Please see *Council's* website to check if you are allowed to camp in a *Public place* in the Matamata-Piako District.

## **12. Obstructions in Public Places**

- 12.1 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place*:
- a) obstruct any entrance to or exit from a *Public place*; or
  - b) place or leave any material or object on a *Public place* that could obstruct the public right of passage or interfere with the free flow of movement on the *Public place*; or
  - c) allow any gate or door on property abutting a *Public place* to swing over or across the *Public place* or any part thereof; or
  - d) erect, construct or place any building or other structure or erection whatsoever or any part thereof under, upon, over or across any *Public place*; or
  - e) carry out any work on any *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.
- 12.2 Except with the prior *Approval* of the *Council*, no *Person* shall allow a *Portico*, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, vegetation or other obstruction or projection of any kind whatsoever in, on, over or under a *Public place* or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any *Public place*.
- 12.3 Clause 12.2 shall not apply to a structure erected pursuant to a requirement of the *District Plan*.
- 12.4 If any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this *Bylaw* and which is contrary to any *Bylaw* in force, the *Council* may upon application *Approve* the continued existence of such projection or obstruction.

## **13. Assembly in a Public Place**

- 13.1 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place*:
- a) organise, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a *Public place* so as impede traffic or cause an obstruction to, or impede, annoy or inconvenience any *Person*; or

- b) participate in any assembly or associate with other *Persons* in such a way as to impede pedestrian or vehicular traffic or to prevent or hinder ready access to *Premises* from the *Public place*.

#### **Explanatory notes:**

The management of large assemblies in *Public places*, including directing individuals or groups to move on, is primarily a matter for the New Zealand Police. If issues arise that require enforcement beyond the scope of this *Bylaw*, contacting the New Zealand Police is recommended.

## **14. Damage to a Public Place**

- 14.1 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place* cause or permit to be done any act whatsoever by which damage is caused to any *Public place* including but not limited to:
  - a) interfere with, destroy, deface or disfigure, damage, pollute, apply graffiti, posters or advertising devices to any:
    - i. natural feature, *Animal* or plant including grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
    - ii. ornament, statue, building, structure or facilities;
    - iii. name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building; or
  - b) remove any sand, soil or other naturally occurring material found in a *Public place*; or
  - c) open any drain or sewer on, or disturb or remove the surface of, any *Public place*.
- 14.2 No *Person* shall place or leave or cause or permit to be placed or left any material or object, including *Signage* or items for sale or hire, on any *Public place* unless:
  - a) such a *Person* has obtained the prior *Approval* from the *Council*; or
  - b) such action is taken for the purpose of regular refuse or other collections authorised by the *Council* or is otherwise authorised by law; or
  - c) such action is allowed pursuant to any *Bylaw*, the *District Plan*, or has been *Approved* under the provisions of a Reserve Management Plan.
- 14.3 Any *Person* carrying out authorised works on a *Public place* shall provide reinstatement of the works to a standard *Approved* by the *Council*.
- 14.4 Every *Person* must, on the request of an *Authorised Officer*, immediately cease any behaviour, activity or remove any material or thing on or in any *Public Place* which, in the *Authorised Officer's* opinion:
  - a) is dangerous; or
  - b) is likely to damage the *Public place* or anything in it; or
  - c) is causing a *Nuisance*.

### **Explanatory notes:**

Under section 175 of the Local Government Act 2002, anyone who intentionally or carelessly damages, or interferes with *Council* property is liable to pay for repairs, removal costs, or any related expenses.

## **15. Awnings and blinds**

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

## **16. Fires in a Public Place**

16.1 Except with the prior *Approval* of the *Council*, no *Person* shall in any *Public place* light a fire, except at fireplaces specifically provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed on the lighting of fires.

## **17. Electrical or barbed wire fencing**

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

- a) the placing of such *Barbed Wire* at a height of not less than 2 metres or electrified fencing not less than 3 metres from the level of the ground of such *Public place*; or
- b) the placing of such *Barbed Wire* or electrified fencing on the side of the boundary line that abuts the land or building and shielded in a manner to prevent access thereto from a *Public place*.

17.2 Clause 17.1 shall not apply within an area zoned 'Rural' under the *District Plan*, except when the fence abuts or adjoins a *Footpath*.

17.3 The *Council* may from time to time specify by resolution conditions that will apply to temporary electric fences.

## **18. Skating devices**

18.1 No *Person* shall ride a *Skating device* in any area or at any time in breach of any prohibition or restriction specified in Schedule 1.

18.2 It shall be an *Offence* to ride a *Skating device* on any *Footpath* in a manner that endangers any *Person* or property.

### **Explanatory notes:**

Mobility devices, e.g. mobility scooters are not included in the definition of *Skating device* however users must comply with relevant Land Transport Rules which detail how to use mobility devices safely. This includes:

- riding carefully and to be considerate of others; and
- to not ride at speeds that put other *Footpath* users at risk.

All users of mobility devices are encouraged to travel at walking speed within our town centres and to be considerate of other *Footpath* users, ensuring a safe and accessible environment for all.

## **19. Road and building identification**

- 19.1 Notwithstanding that a building or property is identified by other means, the *Owner* or *Occupier* of every building, or group of buildings forming part of a complex, or of a property shall mark such building complex or property with numbers, being in no case less than 50 millimetres in height for *Residential* buildings and not less than 150 millimetres in height for all other buildings. Numbers shall be as allocated or *Approved* by the *Council* and displayed in a position on the building, complex or property so as to be readily visible from the *Road* to which it has frontage.
- 19.2 Numbers required by clause 19.1 shall be maintained by the *Owner* or *Occupier* in such a manner so as to readily identify the property at all times.
- 19.3 The *Council* may alter the number of a building, complex or property when it is necessary or advisable to do so.

## **20. Water**

- 20.1 No *Person* shall in any *Public place*:
- a) place any obstruction or allow any such obstruction to remain in or upon any *Watercourse*, stream, dam, pond or fountain on any *Public place* which does or is likely to obstruct the free flow of water therein; or
  - b) place, throw or leave any material or thing or substance which is likely to be offensive or create a *Nuisance* in any *Watercourse*, stream, dam, pond or fountain on any *Public place*; or
  - c) pollute or otherwise render unfit for human or *Animal* consumption any water supply on any *Public place*; or
  - d) permit or cause the wastage of water on any *Public place* or permit any water tap to flow for longer periods than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes.

## Part 3 Hokohoko I ngā Wāhi | Trading in Public Places

### Explanatory notes:

The purpose of Part 3 of this *Bylaw* is to outline the requirements for obtaining a license to sell goods or conduct *Trading in a Public place*.

### 21. Mobile Shop licence required

- 21.1 No business, organisation, group or individual shall operate a *Mobile shop* from a *Public place* without first obtaining a *Mobile shop Licence* issued by an *Authorised Officer*.
- 21.2 *Mobile shops* shall trade in accordance with Schedule 2, Annexure C of this *Bylaw*.

### 22. Approval required to occupy a public place

- 22.1 No business, organisation, group or individual shall trade in a *Public place* without having obtained prior *Approval* from the *Council*. The following activity types apply to this clause:
- a) fundraising and appeals for charitable purposes in a *Public place* (short term); and
  - b) commercial and promotional activities in a *Public place* (short term); and
  - c) performing in a *Public place* (short term); and
  - d) commercial and promotional activities (excluding dining) in a *Public place* (long term); and
  - e) placing of tables, chairs or related items for dining in a *Public place* (long term).
- 22.2 The activities listed in clause 22.1 shall trade in accordance with Schedule 2, Annexures A and B of this *Bylaw* (as applicable).

### 23. Decision on granting a licence or approval to occupy a public place

- 23.1 In assessing an application made under clauses 21.1 and 22.1 of this *Bylaw*, the *Authorised Officer* will consider:
- a) the time and place of the activity;
  - b) any potential adverse effects on the amenity value of the area;
  - c) any previous non-compliance;
  - d) potential adverse visual effects;
  - e) the effects on any business, organisation, group or individual that an *Authorised Officer* deems to be affected;
  - f) the duration of the activity;
  - g) the types of goods to be sold or displayed;
  - h) pedestrian and *Vehicle* safety and access;
  - i) effects of any proposed *Signage*;
  - j) the noise likely to result from undertaking the activity;
  - k) the potential generation of *Litter* and any reduction in the cleanliness of the area.

23.2 The *Council* may grant, modify, or decline any application received under clauses 21.1 and 22.1 of this *Bylaw* at its discretion.

**24. Conditions of licence or approval to occupy a public place**

24.1 In granting any *Licence* or *Approval* under clauses 21.1 and 22.1 of this *Bylaw*, the *Authorised Officer* may impose conditions.

24.2 Conditions imposed on any *Licence* or *Approval* granted under clauses 21.1 and 22.1 of this *Bylaw*, may be in relation but not limited to, the following matters:

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

**Explanatory notes:**

The *Council* recommends that the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* obtains public liability insurance. If they are unsure if public liability insurance is required, professional advice should be sought from a lawyer.

If damage is caused to *Persons*, private property or *Council* property (whether that be intentional or accidental) the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* will not be covered by *Council's* insurance. This means that they could be liable to repay the cost of any damage or loss to *Council*, *Council's* insurers, or a third party that has suffered a loss as a result of the incident. Even if *Council's* insurance does cover an incident or damage, the *Council* insurers may still pursue the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* for the cost of any damage or loss and any third party (or their insurers) may choose to do the same as well.

Public liability insurance helps to reduce the risk to the *Mobile shop Licence* holder and/or the *Occupier* of a *Public place* by providing cover for these types of situations.

## Part 4 Ngā Kararehe I ngā Wāhi Tūmatanui | Animals in Public Places

### Explanatory notes:

The purpose of Part 4 of this *Bylaw* is to regulate the presence and behaviour of *Animals* in *Public places* to ensure public safety, cleanliness, and the protection of public property. This promotes a safe and enjoyable environment for all users of *Public places*.

### 25. General instructions for animals in public places

- 25.1 No *Person* shall take or allow any *Animal* under that *Person's* care or control onto any *Public place* if the *Council* has by resolution in Schedule 3 of this *Bylaw* prohibited entry of that type of *Animal* to that *Public place*.
- 25.2 A *Person* in control of an *Animal* on any *Public place* shall ensure that the *Animal* is kept under proper control, with consideration for other *Persons* using the *Public place*.
- 25.3 A *Person* in control of an *Animal* on any *Public place* shall ensure that the *Animal* is kept under proper control to ensure that no damage is caused to the *Public place*, any part thereof or to any object thereon.
- 25.4 A *Person* in control of an *Animal* on any *Public place* shall immediately remove any faeces deposited by that *Animal* and dispose thereof in a sanitary manner.
- 25.5 No *Person* shall in any *Public place*:
- break in, train, clean, shoe, bleed, dress or expose for show, hire or Sale any *Animal* on any *Public place* without the prior *Approval* of the *Council*; or
  - allow any vicious biting *Animal* to stand or be on any *Public place*, unless properly and securely muzzled.
- 25.6 No *Person* shall in any *Public place*, without the prior *Approval* of the *Council* tether or otherwise put or place any *Animal* for the purpose of grazing.
- 25.7 If any *Animal* is found on any *Public place*, or on any land not separated from any *Public place* by a fence considered by the *Council* to be sufficient to prevent that *Animal* from accessing or damaging such a *Public place*, without any *Person* having charge thereof, the *Owner* shall be guilty of an *Offence* against this *Bylaw*, and the *Animal* may be impounded.

### Explanatory notes:

The provisions in this *Bylaw* do not cover dogs. For information about the rules on dogs in our *District*, please see the *Council's* Dog Control Bylaw and Policy on Dogs.

## Part 5 Te Whakahaere I ngā Tohu Pānui | Control of Signage

### Explanatory notes:

The purpose of Part 5 of this *Bylaw* is to maintain the visual amenity and civic values of *Public places* for the benefit of the public.

### 26. Prohibition of signage

26.1 No *Sign* shall be placed, erected or displayed that is not provided for under this *Bylaw*.

### 27. General restriction on the placing of signs

27.1 No *Person* shall place, erect or display:

- a) a *Sign* that does not meet the prescribed minimum standards applicable to *Signs* in that category as prescribed in Schedule 6 of this *Bylaw*; or
- b) a poster on any building or structure without the permission of the *Owner* or the *Occupier* of that building or structure unless it is a designated poster board; or
- c) a *Sign* which explicitly or implicitly:
  - i. is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993; or
  - ii. is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993; or
  - iii. is offensive, threatening or insulting; or
  - iv. incites or counsels any *Person* to commit any *Offence*.

27.2 *Signs* for *Brothels* or *Commercial Sexual Services* must only display the business name, be modest in size (1 metre x 0.3 metres), free of offensive content, avoid flashing/neon lights, and be well-maintained.

### 28. Signs affecting traffic safety

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

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

**29. Signs on or over Roads, Footpaths and Public Places**

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

**30. Minimum standards for signs**

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

30.2 The categories of *Signs* and the minimum standards that apply to *Signs* shall be prescribed in Schedule 6 of this *Bylaw*.

**31. Powers to remove non-complying signs**

31.1 *Signs* erected in breach of this *Bylaw* may be removed.

31.2 Subject to evidence to the contrary, it may be presumed that a *Sign* erected in breach of this *Bylaw* has been erected by or on behalf of the *Person* deriving the benefit thereof.

**32. Exemption to this bylaw**

32.1 This *Bylaw* does not apply to:

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

**Explanatory notes:**

Nothing in this *Bylaw* authorises any matters/activities which will result in a non-compliance with the *District Plan*. The *District Plan* contains general controls relating to *Signs* including amenity and size restrictions.

## Part 6 Ngā Whenua Rāhui me ngā Taiwhanga o te Kaunihera | Reserves and Council Facilities

### Explanatory notes:

The purpose of Part 6 of this *Bylaw* is to specify rules for access to *Reserves*, ensuring their protection and proper maintenance. It also promotes the safe use of *Reserves* and *Council* facilities, allowing everyone to enjoy these spaces responsibly.

### 33. Access and use of reserves

- 33.1 The *Council* may fix charges for the entry to a *Reserve* in accordance with the Reserves Act 1977 and it shall be an *Offence* against this *Bylaw* to enter a *Reserve* without having paid the proper charge for entry, if a charge is payable.
- 33.2 The *Council* may close or restrict entry to, or any portion of, a *Reserve* at such times as are considered necessary to prevent damage to, or allow maintenance of the *Reserve*. Such closure shall be advertised by *Signs* at the entrances to the *Reserve*. It shall be an *Offence* against this *Bylaw* to access a *Reserve* at any time when it is closed to public entry.
- 33.3 A *Person* committing a breach of the provisions of clause 33.1 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.
- 33.4 A *Person* ordered to leave a *Reserve* as provided for in clause 33.3 shall still be liable to be prosecuted for the breach of this *Bylaw*.

### Explanatory notes:

The *Council* has developed Reserve Management Plans to guide the management and protection of parks and *Reserves* in the Matamata-Piako District. These plans are available on the *Council's* website.

### 34. Access and use of Council facilities

- 34.1 The use of all *Council facilities* shall be in accordance with acceptable behaviour standards as deemed by the *Council*. The *Council* reserves the right to ask any *Person* to leave the *Premises* if their behaviour is deemed inappropriate or disruptive or is causing a *Nuisance* to other *Council facility* users.
- 34.2 The *Council* reserves the right to require any *Person* to leave any *Council facility* if it is determined by an *Authorised Officer* that the behaviour poses a risk to the safety and enjoyment of others.
- 34.3 The *Council* may exclude any *Person* from using any *Council facility* until notice is given for that *Person* to return if it is determined by an *Authorised Officer* that their continued behaviour poses a risk to the safety and enjoyment of others.

## Part 7 Whakararuraru i runga ngā Rawa Tūmataiti | Nuisance on Private Property

### Explanatory notes:

The purpose of Part 7 of this *Bylaw* is to facilitate the enjoyment of living in and visiting the Matamata-Piako District by managing and regulating certain activities on private property.

### 35. Prohibited Conduct

#### 35.1 No *Person* shall:

- a) burn, or cause or permit to be burnt, any matter or thing in such a manner as to create a *Nuisance*; or
- b) being the *Owner* or *Occupier* of *Premises* use, or permit to be used or to remain on *Premises* a lavatory other than a flush toilet, unless it be so maintained as to prevent the creation of a *Nuisance*; or
- c) so deposit in or discharge, or so cause or permit the deposit or discharge into a stream, *Watercourse*, pond, lagoon, open drain, gutter or channel, any *Litter*, *Animal* or other offensive matter or thing as to create or be likely to create a *Nuisance*; or
- d) being the *Owner* or *Occupier* of *Premises* so cause or permit offensive liquid or matter to remain in or on, or flow from those *Premises* so as to create or be likely to create a *Nuisance*; or
- e) being the *Owner* or *Occupier* of *Premises*, cause or permit any fixture which is intended to be used for sanitation on those *Premises* to be in such a state or defective condition as to create or be likely so to create a *Nuisance*; or
- f) being the *Owner* or *Occupier* of *Premises* to cause or permit conditions on those *Premises* likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

### 36. Fires in the open air

#### 36.1 No *Person* shall light any fire in open air where the location, wind, or other conditions cause or are likely to cause the fire to become:

- a) a smoke or ash *Nuisance* to any *Person*, and/or
- b) an odour or fumes *Nuisance* to any *Person*.

#### 36.2 Where a fire has been lit or allowed to burn in contravention of clause 36.1 of this *Bylaw*, an *Authorised Officer* or *Agent* of the *Council* (including Fire and Emergency New Zealand) may extinguish any such fire or direct the *Occupier* of *Premises* on which the fire is located, or the *Person* who lit the fire, to extinguish such fire.

#### 36.3 *Persons* responsible for causing a *Nuisance* under clause 36.1 may be prosecuted under the provisions of either the Health Act 1956 or the *Bylaw*.

#### 36.4 Where an *Authorised Officer* or *Agent* of the *Council* has extinguished a fire pursuant to clause 36.2 of this *Bylaw*, the *Council* may recover any costs incurred

in extinguishing the fire from the *Occupier of Premises* on which the fire was located, or the *Person* who lit the fire.

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

**Explanatory notes:**

Check before you light a fire. The Fire and Emergency New Zealand [website](#) has information on fire seasons and whether a fire ban is in place.

Avoid burning anything that creates excessive smoke or could harm people's health. Be considerate of your neighbours—smoke and strong odours can quickly become a *Nuisance*. *Council* may take action if smoke causes a public health risk, disturbance or *Nuisance*.

**Explanatory notes:**

The *Council's* responsibilities relate to smoke *Nuisance* in *Residential* areas.

Waikato Regional Council (WRC) investigate environmental incidents in the Waikato Region affecting the air, water and land under the Resource Management Act (RMA). WRC can respond to:

- Objectionable odours;
- Unlawful outdoor burning;
- Unlawful agrichemical application;
- Other unlawful discharges to air.

## Part 8 Te Tiaki Kararehe (Hāunga ngā Kuri) | Keeping of Animals (Excluding Dogs)

### Explanatory notes:

The purpose of Part 8 of this *Bylaw* is to protect promote and maintain public health by:

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

### 37. Determination of numbers of animals allowed to be kept

37.1 The *Council* may from time to time determine by resolution as prescribed in Schedule 4 of this *Bylaw* the maximum number of *Animals* of particular species permitted to be kept on any property in the *District*.

### 38. Keeping of pigs

38.1 No *Person* shall keep any pigs on any property in the *Urban area* without the prior written permission of the *Council*.

38.2 No *Person* shall keep more than the number of pigs prescribed in Schedule 4 on any property outside the *Urban area* without the prior written permission of the *Council*.

38.3 No *Person* shall keep any pigs in a manner that:

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

38.4 Except with the prior *Approval* of the *Council*, no *Person* shall construct or allow any pigsty to remain or any pigs to be at large or to range at less distance than 50 metres from any *Dwelling*, dairy, or any wholly or partly *Occupied* building, or any *Road* or *Public place* or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property.

### 39. Keeping of poultry

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

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

39.3 Except with the prior *Approval* of the *Council* no *Person* shall keep:

- a) more than the number of head of *Poultry* prescribed in Schedule 4 in any *Poultry* house or *Poultry* run on any property in the *Urban area*; or

- b) more than the head of *Poultry* prescribed in Schedule 4 on any property outside the *Urban area*.
- 39.4 Every *Poultry* run of whatever size shall be enclosed to confine the *Poultry* within the *Poultry* run.
- 39.5 Notwithstanding anything hereinbefore contained, no *Person* shall keep *Poultry* on any property so as to cause or be likely to cause a *Nuisance* or any condition injurious to health or offensive because of the overcrowding of the property with such *Poultry* or because of the state of repair of the *Poultry* house or *Poultry* run.
- 39.6 If a *Nuisance* is created as a result of any *Poultry* house or *Poultry* run or the keeping of *Poultry*, the *Council* may serve a notice on the *Owner* or the keeper of the *Poultry* house, *Poultry* run or *Poultry* requiring that *Person* to abate the *Nuisance* and the *Nuisance* shall be abated in accordance with the notice.

#### **40. Keeping of bees**

- 40.1 Except with the prior *Approval* of the *Council*, no *Person* shall keep bees or cause or permit bees to be kept at or on any property in the *Urban area*.
- 40.2 Every *Person* keeping bees or causing or permitting bees to be kept on private property must ensure that:
  - a) the bees do not create nor are likely to create a *Nuisance* or cause distress to any *Person*; and
  - b) the bees are not kept in such conditions that create or are likely to create a *Nuisance* or cause distress to any *Person*.

#### **41. General nuisance created by animals**

- 41.1 Every *Person* who owns or keeps any *Animal* on private property must ensure that the *Animal*:
  - a) does not create a *Nuisance* to any *Person*; and
  - b) does not cause a threat to public health or safety.
- 41.2 If, in the opinion of an *Authorised Officer*, the keeping of *Animals* on a *Premises* is or is likely to cause or become a *Nuisance*, the *Authorised Officer* may take such actions as may be considered by the *Council* to reduce the *Nuisance* effects.

#### **42. Shelter for animals**

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

##### **Explanatory notes:**

The *Council* encourages responsible pet ownership to promote the health and wellbeing of *Animals* and to minimise potential impacts on the community and local wildlife.

The *Council* recommends desexing of domestic cats to prevent unwanted litters and reduce behaviours such as roaming, aggression, and spraying. Microchipping is also recommended, as it provides a reliable method of identification, helping lost or injured cats to be reunited with their owners.

## Part 9 Waipiro I ngā Wāhi Tūmatanui | Alcohol in Public Places

### Explanatory notes:

The purpose of Part 9 of this *Bylaw* is to enhance the feeling of safety in *Public places* and the confidence of the public in being able to visit *Public places* at any time, by enabling the *Council* to apply *Alcohol ban areas*.

### 43. Alcohol ban areas

43.1 A *Person* must not at all times in any *Public place*:

- a) bring *Alcohol* into an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within; or
- b) consume *Alcohol* in an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within or in a *Vehicle* within an *Alcohol ban area*; or
- c) have *Alcohol* in their possession in an *Alcohol ban area* or in a *Vehicle* that is in an *Alcohol ban area* specified in Schedule 5 of this *Bylaw* and illustrated in the maps within.

43.2 *Alcohol ban areas* are made pursuant to the specific empowering provisions in the Local Government Act 2002 and as such these provisions should be read in conjunction with this *Bylaw*.

### 44. Empowering provisions

44.1 Part 9 of this *Bylaw* is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for *Bylaws* for alcohol control purposes. This *Bylaw* does not repeat or paraphrase those statutory provisions, and accordingly, those provisions should be read in conjunction with this *Bylaw*. In particular, the following provisions are noted:

- a) section 147 empowers the *Council* to make this *Bylaw*.
- b) section 169 provides the Police with the powers of arrest, search and seizure in relation to alcohol bans.
- c) section 170 sets out certain conditions relating to the Police powers of search under section 169 such as informing the *Person* in possession of alcohol they have the opportunity to remove it from the *Public Place* and providing the person with a reasonable opportunity to remove it from the *Public Place*.
- d) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

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

### **Explanatory notes:**

The New Zealand Police are responsible for the enforcement of *Alcohol ban areas* contained in this *Bylaw*. Powers of arrest, search and seizure in relation to *Alcohol ban areas* are outlined in sections 169 and 170 of the Local Government Act 2002.

## **45. Temporary alcohol bans**

- 45.1 In addition to clause 43.1, the *Council* may from time to time, resolve under the Local Government Act 2002 to include additional area(s) as an *Alcohol ban area* for a particular time period relating to a specified *Event* or a particular time of the year. The same prohibitions in clause 43.1 apply for the period of the temporary ban.
- 45.2 Where a temporary *Alcohol ban area(s)* applies, a minimum of seven days of *Public notice* of the temporary *Alcohol ban area(s)* shall be given prior to the *Event* or particular time of the year, specifying the additional *Alcohol ban area(s)* and the time period when the provisions of this *Bylaw* shall apply. *Public notices* shall be affixed in or adjacent to these *Alcohol ban area(s)* at such times that the provisions of this *Bylaw* apply.

## **46. Special licences**

- 46.1 This *Bylaw* does not limit any *Person* from obtaining a Special *Licence* pursuant to the Sale and Supply of Alcohol Act 2012, in which case sections 43 and 45 shall not apply.

## **47. Dispensations**

- 47.1 The *Council* may, on application by any *Person* grant a waiver, dispensation or *Licence* to do or refrain from doing anything which would otherwise be in breach of Part 9 of this *Bylaw* for the purpose of enabling possession and/or consumption of *Alcohol* in a *Public place* at the time of any special *Event*.

## **48. Exemptions**

- 48.1 As provided for in section 147(4) of the Local Government Act 2002, Part 9 of this *Bylaw* does not prohibit, in the case of *Alcohol* in an unopened bottle or-container:
- a) the transport of the *Alcohol* from *Licensed Premises* next to a *Public place*, if—
    - i. it was lawfully bought on those *Premises* for consumption off those *Premises*; and
    - ii. it is promptly removed from the *Public place*; or
  - b) the transport of the *Alcohol* from outside a *Public place* for delivery to *Licensed Premises* next to the *Public place*; or
  - c) the transport of the *Alcohol* from outside a *Public place* to *Premises* next to a *Public place* by, or for delivery to, a resident of the *Premises* or their bona fide visitors; or
  - d) the transport of the *Alcohol* from *Premises* next to a *Public place* to a place outside the *Public place* if—
    - i. the transport is undertaken by a resident of those *Premises*; and

- ii. the *Alcohol* is promptly removed from the *Public place*.
- 48.2 Part 9 of this *Bylaw* does not apply to any areas or activities where the sale or consumption of *Alcohol* is authorised by any *Licence* issued under the Sale and Supply of Alcohol Act 2012, including:
- a) any *Public place* which is part of a *Licensed Premises'* outdoor area, where permission to occupy the area has been granted by the *Council*;
  - b) any *Public place* that is subject to a special *Licence* issued by the *Council* for the term of that *Licence*;
  - c) any *Vehicle* in a *Public place* to which a *Licence* under the Sale and Supply of Alcohol Act 2012 applies;
  - d) any *Event* held in a *Public place* at which *Alcohol* is served pursuant to a caterer's *Licence* endorsed in accordance with section 38 of the Sale and Supply of Alcohol Act 2012.

#### **49. Signage**

- 49.1 Where it is practicable and reasonable to do so, the *Council* will erect *Signage* within *Public places* covered by this *Bylaw* to provide information to the public about the restrictions imposed under the *Bylaw*. The size, location and terms of the *Signage* will be at the *Council's* discretion.
- 49.2 To avoid any doubt, the absence of *Signage* in any *Public place* does not authorise a breach of this *Bylaw* and is not a defence against breach of this *Bylaw*.

### **Part 10 Te Whakahaere I te Ture ā-Rohe | Administration of Bylaw**

#### **Explanatory notes:**

The *Council* has the authority to take action to protect the safety, enjoyment, and maintenance of *Public places*. The purpose of Part 10 is to detail the *Offences* and penalties available to the *Council* in the administration of this *Bylaw*.

#### **50. Fees and charges**

- 50.1 The *Council* may from time to time determine and recover fees in accordance with sections 150 and 151 of the Local Government Act 2002.

## 51. Enforcement

- 51.1 Where there is a breach of this *Bylaw*, the *Council* may take any of the enforcement action provided for in the Local Government Act 2002 and any other *Enactment* under which the *Council* has powers in the event this *Bylaw* is breached.

### Explanatory notes:

*Bylaws* can be enforced by *Council* staff or external agencies such as the New Zealand Police.

We investigate *Bylaw* breaches that we see or that are reported to us. Where appropriate, we use a range of compliance methods to respond to *Bylaw* breaches. These include:

- Advice and education;
- Verbal and written warnings;
- Seizure of property and remedial action;
- Infringement notices (where this is provided for in legislation);
- Prosecution.

## 52. Offences

- 52.1 Any *Person* who breaches this *Bylaw* commits an *Offence*.
- 52.2 Any *Person* who breaches this *Bylaw* must immediately, upon the request of an *Authorised Officer*.
- a) cease an activity;
  - b) leave the *Public place* concerned; and
  - c) remove any *Sign*, structure, stall, equipment, tables and chairs, object or other work from any *Public place*.
- 52.3 Every *Person* who obstructs or hinders any *Authorised Officer* in the exercise of their powers under this *Bylaw* shall be liable to prosecution for an *Offence* against this *Bylaw*.

### Explanatory notes:

The community may report a breach of this *Bylaw* to the *Council* for review and action.

## 53. Penalties

- 53.1 Every *Person* who fails to comply with this *Bylaw* commits an *Offence* and shall be subject to the penalty provisions outlined in the *Offences*, penalties, infringement and legal proceedings provisions of the Local Government Act 2002, the Health Act

### Explanatory notes:

The *Council* has the authority to enforce this *Bylaw* under applicable legislation. Breaching this *Bylaw* constitutes an *Offence* and may result in a summary conviction with a fine not exceeding \$20,000 as specified in the Local Government Act 2002.

1956, the Reserves Act 1977, and any other enabling *Enactments* and shall be subject to the penalty set out in section 242 of the Local Government Act 2002 and the enabling *Enactment*.

## 54. Exemptions

- 54.1 The prohibitions and restrictions contained in this *Bylaw* do not apply to:
- a) any *Authorised Officer* when engaged in the performance of their regular duties;
  - b) any *Emergency Vehicle* at the time of being engaged in urgent official emergency business;
  - c) any *Vehicle* being used for an *Event* or activity with an *Approved* traffic management plan where operation of the *Vehicle* is compliant with that traffic management plan;
  - d) any *Vehicle* carrying out, or involved in the delivery of a public work where:
    - i. no other practicable alternatives to the activity are available;
    - ii. the *Vehicle* is being used with due consideration to the other *Road* users;
    - iii. the activity is one that the *Council*, at its discretion, considers is reasonably necessary for the purposes of the public work.

This *Bylaw* was made pursuant to a resolution passed by Matamata-Piako District Council on X, resolution number X.

## 55. Record of bylaw review and amendments

Activity	Date
Public Safety Bylaw (renamed to Community Safety Bylaw) – reviewed and <i>Approved</i> by <i>Council</i>	June 2025 (TBC)
Next review required by:	June 2035 (TBC)

## Part 11 Whakaritenga | Schedules

### Schedule 1 – Restricted Areas for Skating Devices

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



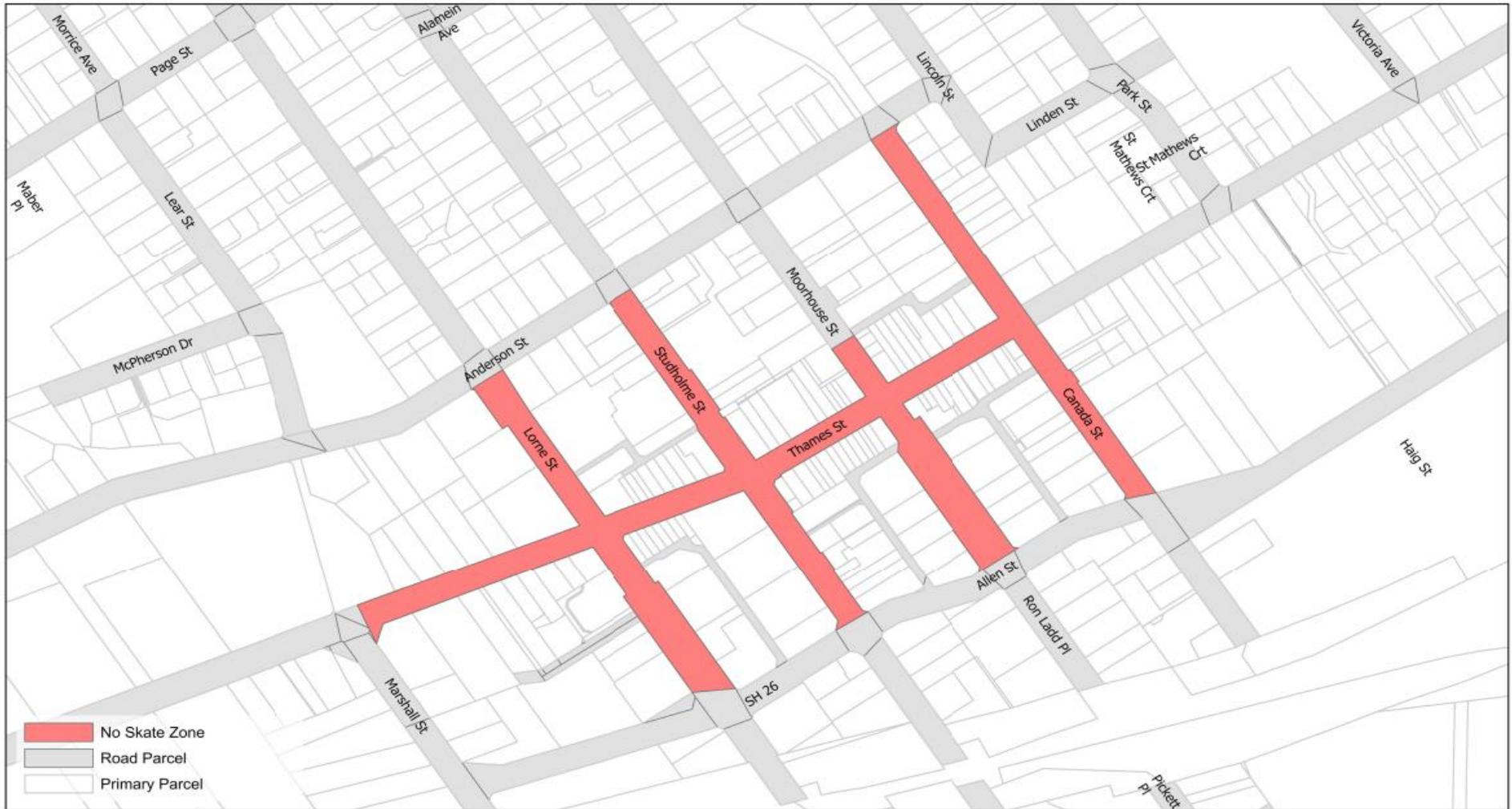
## Matamata - No Skate Zone

November 26, 2024

Scale: 1:2 000



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## Morrinsville - No Skate Zone

November 26, 2024  
Scale: 1:3 000



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## Te Aroha - No Skate Zone

November 26, 2024

Scale: 1:3 000



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## Schedule 2 – Trading in a Public Place

### Annexure A: Occupation of a Public place for fundraising, promotional, commercial or dining activities

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

#### Clearway

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

Width of <i>Footpath</i>	Width of Clearway
Less than 3.5 metres	1.5 metres
Over 3.5 metres	2 metres

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

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

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

Access from *Vehicles* parked beside the kerb must not be obstructed.

#### Affected Persons

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

#### Objects associated with the activity

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

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

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

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

costs incurred by *Council* in undertaking any remedial work will be recovered from the *Occupier*.

### **High standard of cleanliness**

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

### **Access to Premises**

A clear access of not less than 1.5 metres shall be maintained through the *Occupied* area into any *Premises* at all times. In addition, access must comply with any statutory requirements for access to the *Premises*, as if the *Occupied* area was part of the *Premises*.

If vehicular access is required, it must be no less than 3 metres wide and provide safe clearances to *Occupied* areas.

### **Licensed Premises**

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

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

### **Signage**

The *Signage* provisions of the *District Plan* and the Matamata-Piako District Council Community Safety Bylaw 2025 shall be complied with at all times.

### **Permission term and lapse**

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

### **Occupation permitted at Council's discretion**

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

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

## **Powers of entry**

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

## **Production of permission**

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

## **Fees**

All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 22.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.

## **Annexure B: Performing in a Public place**

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

### **Access**

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

### **Affected Persons**

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

### **Noise**

The use of amplifiers is not permitted unless prior *Approval* of their use has been granted by an *Authorised Officer*.

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

### **Occupation permitted at Council's discretion**

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

### **Permission term and lapse**

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

### **Production of permission**

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

### **Fees**

All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 22.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.

## **Annexure C: Mobile Shops**

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

### **Number of Licences required**

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

### **Licence jurisdiction**

*Mobile shop Licences* issued under clause 21.1 of this *Bylaw* only allow the *Licence* holder to trade from *Roads* under the jurisdiction of the *Council*. *Roads* under the jurisdiction of the *Council* exclude sections of state highway where the posted speed limit is over 50 kilometres per hour (km/hr). Additional permission will therefore need to be obtained from the New Zealand Transport Agency to trade from sections of state highway where the posted speed limit exceeds 50 km/hr.

### **Restrictions on trading locations**

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

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

*Mobile shops* and all associated objects are excluded from areas set out in the series of maps attached to Schedule 2, annexure C of this *Bylaw*.

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

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

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

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

### **Objects**

Any objects to be used or displayed shall not create a risk of injury or an impediment to pedestrians and shall be maintained in good condition and to a high standard of cleanliness at all times. The requirements for Occupational Safety and Health shall be observed at all times.

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

## **Noise**

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

## **High standards of cleanliness**

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

## **Signage**

*Signage* will be restricted to two *Signs*, each with a maximum area of 1.2m<sup>2</sup> and a maximum width of 1 metre. *Signage* must be located within 10 metres of the *Vehicle* or structure from which goods are being sold. Lettering heights must comply with the provisions of the *District Plan*.

## **Trading Hours**

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

## **Suspension or revocation of Licence**

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

## **Licence period and lapse of Approval**

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

## **Production of Licence**

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

## **Fees**

All fees prescribed in the *Council Fees and Charges* document for any activity described in clause 21.1 of this *Bylaw* must be paid to the *Council* prior to commencement of the activity.





## Morrinsville - Mobile Shop Exclusion Area

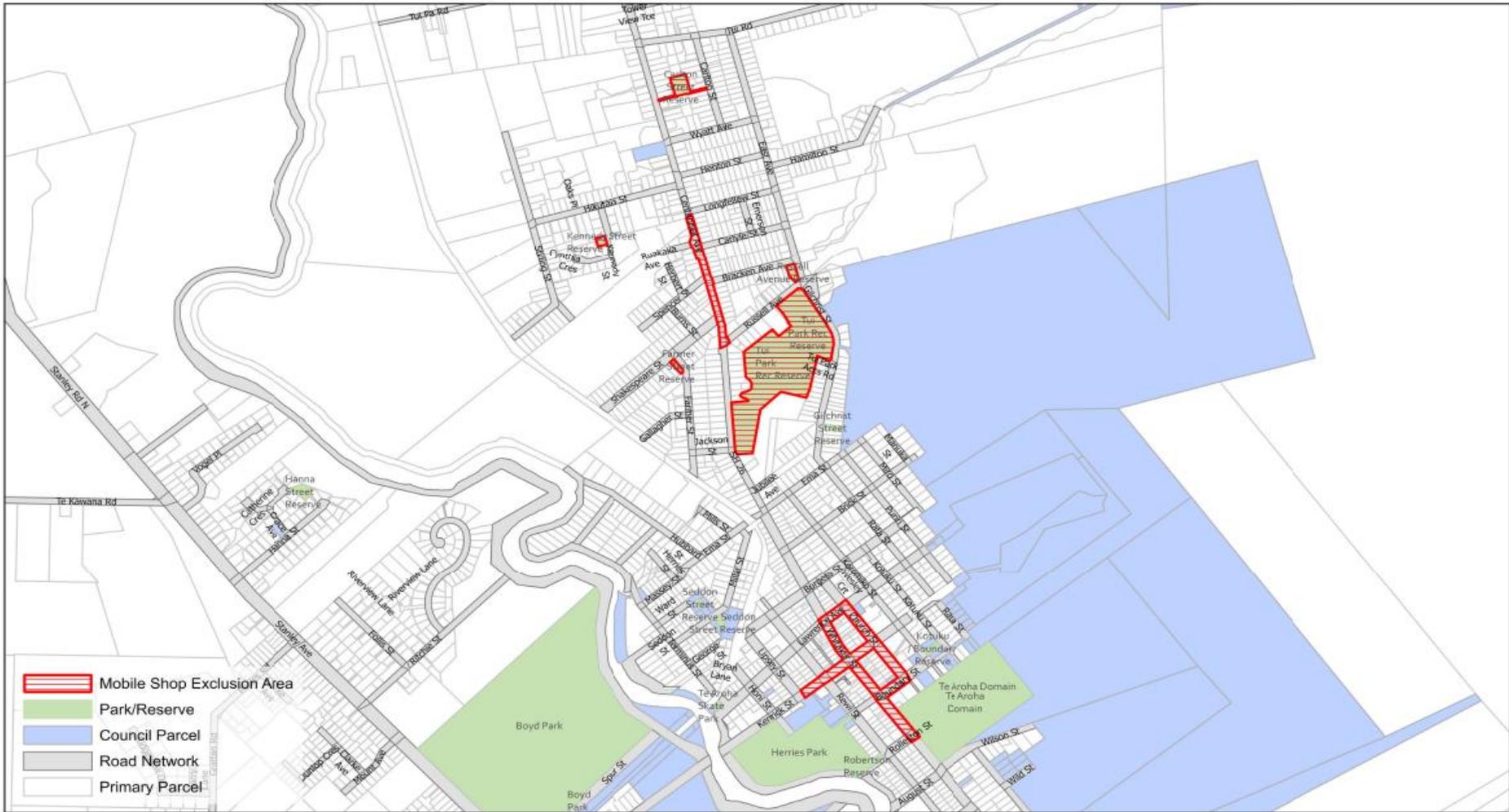
November 26, 2024

Scale: 1:18 000



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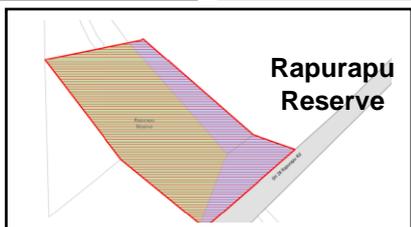
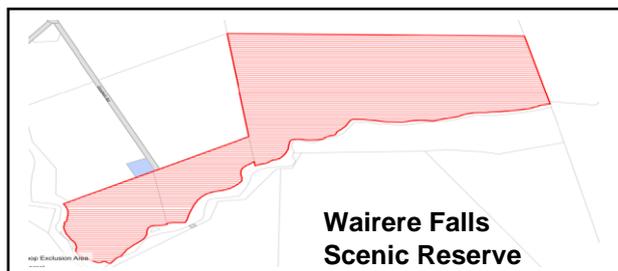
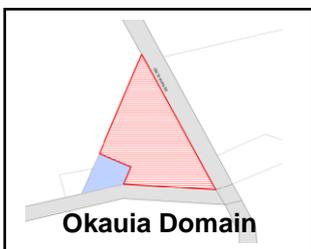
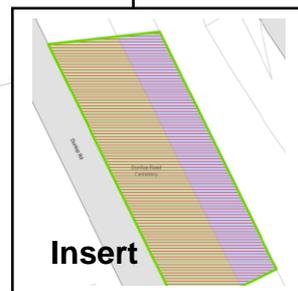
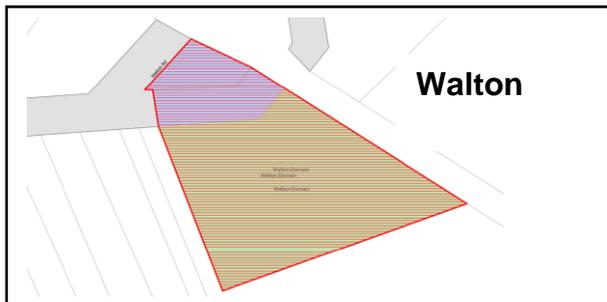
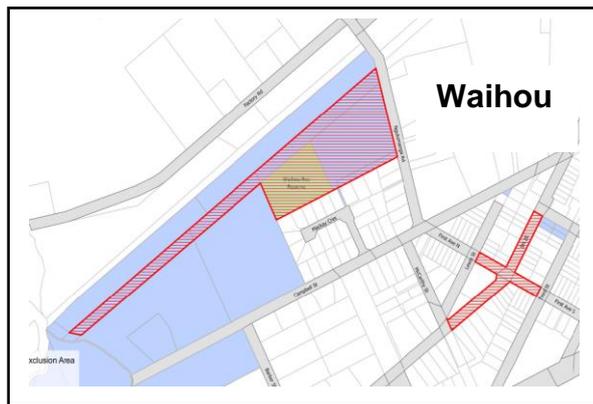
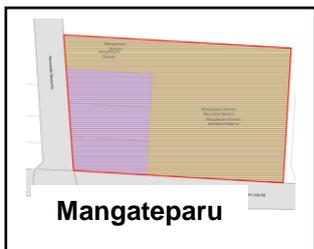
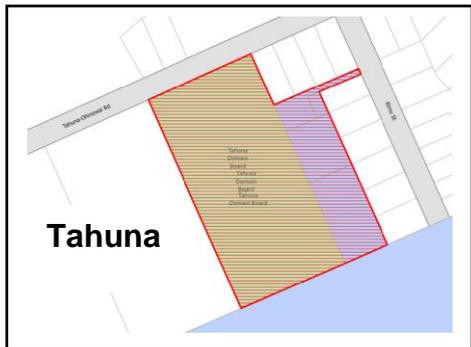
## Te Aroha - Mobile Shop Exclusion Area

December 3, 2024  
Scale: 1:12 000



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## Further areas excluded from Mobile Shop Trading



### **Schedule 3 – Determination of restricted areas for animals in public places**

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

No determination by *Bylaw*.

### **Schedule 4 – Determination of numbers of animals allowed to be kept**

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

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

### **Schedule 5 – Alcohol ban areas**

The areas identified in this schedule are those areas which have been classified as *Alcohol ban areas* in which Part 9 of this *Bylaw* applies.

#### **Matamata Alcohol Ban Area**

All *Public places* including *Roads* and *Reserves* at all times within areas of the Matamata township listed below:

- Within the 50 kilometre (or below) speed limit areas of Matamata township;
- Within the 70 kilometre speed limit of Waharoa Road West;
- Within the 70 kilometre speed limit of Mangawhero Road;
- Within the 70 kilometre speed limit of Firth Street, beginning at Haig Road;
- Within the 70 kilometre speed limit of Burwood Road; and
- Within the 70 kilometre speed limit of Banks Road.

#### **Morrinsville Alcohol Ban Area**

All *Public places* including *Roads* and *Reserves* at all times within areas of the Morrinsville township listed below:

- Within the 50 kilometre (or below) speed limit areas of Morrinsville township;
- Within the 70 kilometre speed limit of Thames Street;
- Within the 70 kilometre speed limit of West Street;
- Within the 80 kilometre speed limit of Avenue Road South, beginning at the Waitakaruru Stream;
- Within the 70 kilometre speed limit of Avenue Road North; and
- Within the 70 kilometre speed limit of Snell Street.

#### **Te Aroha Alcohol Ban Area**

All *Public places* including *Roads* and *Reserves* at all times within areas of the Te Aroha township listed below:

- Within the 50 kilometre (or below) speed limit areas of Te Aroha township;
- Within the 70 kilometre speed limit of Grattan Road;
- Within the 70 kilometre speed limit of Bosson Road, beginning at the Aroha View Avenue Intersection.

### **Waharoa Alcohol Ban Area**

All *public Places* including *Roads* and *Reserves* at all times within areas of the Waharoa township listed below –

- Within the 50 kilometre (or below) speed limit areas of Waharoa township.

The attached maps show the *alcohol ban areas* as described in Schedule 5 for ease of reference only. The maps are not part of this *Bylaw* and if there is any conflict or inconsistency between the maps and the areas listed, the areas listed in Schedule 5 will prevail. The maps may be amended or removed without any formality.



All *Public places* including *Roads* and *Reserves* at all times within areas of the Matamata township listed below –

- Within the 50 kilometre (or below) speed limit areas of Matamata township;
- Within the 70 kilometre speed limit of Waharoa Road West;
- Within the 70 kilometre speed limit of Mangawhero Road;
- Within the 70 kilometre speed limit of Firth Street, beginning at Haig Road;
- Within the 70 kilometre speed limit of Burwood Road; and
- Within the 70 kilometre speed limit of Banks Road.



### Matamata - Alcohol Ban Area

November 26, 2024  
 Scale: 1:17 000

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All *Public places* including *Roads* and *Reserves* at all times within areas of the Morrinsville township listed below –

- Within the 50 kilometre (or below) speed limit areas of Morrinsville township;
- Within the 70 kilometre speed limit of Thames Street;
- Within the 70 kilometre speed limit of West Street;
- Within the 80 kilometre speed limit of Avenue Road South, beginning at the Waitakaruru Stream;
- Within the 70 kilometre speed limit of Avenue Road North; and
- Within the 70 kilometre speed limit of Snell Street.



 Park/Reserve  
 Alcohol Ban Area



### Morrinsville - Alcohol Ban Area

November 26, 2024  
Scale: 1:17 000



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## Te Aroha - Alcohol Ban Area

November 26, 2024  
 Scale: 1:18 000



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All public Places including Roads and Reserves at all times within areas of the Waharoa township listed below –

- Within the 50 kilometre (or below) speed limit areas of Waharoa township.

 Park/Reserve  
 Alcohol Ban Area

	<h2>Waharoa - Alcohol Ban Area</h2> <p><small>Data is provided as at December 2024 (pursuant to the Local Government Official Information and Meetings Act 1987). While every effort has been made to ensure accuracy of the data, MPDC cannot guarantee its accuracy or suitability for any specific purpose. MPDC is not responsible for the misuse or misinterpretation of the data supplied. Under no circumstances shall MPDC be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the MPDC be liable for any other consequences from any such reliance. Copyright © 2024 Matamata-Piako District Council. Cadastral information derived from Land Information NZ Crown copyright reserved.</small></p>	<p>December 3, 2024</p> <p>Scale: 1:7 000</p>  
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## **Schedule 6 – Conditions applicable to sandwich board signs**

Unless otherwise permitted, *Sandwich Board Signs* must:

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

An application may be made in writing to the *Council* to allow for an exemption to the number and location of *Sandwich Boards*. An exemption may be granted at the discretion of an *Authorised Officer*.