

Hamilton City Council BYLAWS

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Date In Force: 25 February 2016	Review Date: 25 February 2021
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Hamilton City Trading in Public Places Bylaw 2016 (amended 202X)

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts.

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~~This bylaw repeals The Hamilton City Public Places Bylaw 2009.~~

1. Purpose

- 1.1. The purpose of this bylaw is to:
- Protect the public from nuisance.
 - Protect, promote, and maintain public health and safety.
 - Minimise the potential for offensive behaviour in public places.
 - Regulate trading in public places.
 - Regulate, control, or prohibit signs.

2. ~~Title~~, ~~APPLICATION~~ application and commencement

- 2.1. ~~This bylaw is known as the Hamilton City Trading in Public Places Bylaw 2016.~~
- 2.2. ~~This bylaw applies to any public place within the Hamilton City Council boundary.~~
- 2.3. ~~This bylaw repeals The Hamilton City Public Places Bylaw 2009.~~
- 2.4. ~~This bylaw comes into force on 25 February 2016.~~
- 2.1.2.5. ~~Amendments to this Bylaw comes into force XX XXX 2026.~~

3. ~~Definitions~~ Interpretation

- 3.1. The following definitions apply to this bylaw, except where inconsistent with the context:

Council	means Hamilton City Council.
~~Enforcement Officer~~	~~means an employee or contractor of the Hamilton City person appointed by Council appointed to exercise the carry out general or specific duties arising from the provisions of this bylaw; and includes powers of an enforcement officers appointed and warranted by Council in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.~~
~~Authorised Officer~~	~~means the Council General Manager responsible for the administration and enforcement of this Bylaw.~~
General Manager	means the Council General Manager responsible for the administration and enforcement of this Bylaw.
Person	includes an individual, a corporation sole, or a body of persons whether corporate or otherwise.
Public Place	means any place or space ~~that is owned or controlled by~~ <u>which is under the control of Council and which that at any time is open to or is being used by the public, whether free or on payment of a charge, and includes and any road whether or not it is controlled by the Council, and reserve (as defined in the Reserves Act, 1977). but excludes reserves which are regulated by the Parks, Domains and Reserves Bylaw 2007 (including any amendments to that bylaw)</u>
Road	means: a road defined in s315 of the Local Government Act 1974 and includes any street, motorway, beach, place to which public have access whether as of right or not;

- Any bridge, culvert, ferry, ford forming part of a road or street or motorway to which the public have access whether as of right or not;
- All sites at which vehicles may be weighed for the purpose of the Land Transport Act 1998 or any other Act; and
- Any service land or mall forming part of a road.

Sign a sign is any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to: any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.

Explanatory Advisory note: Please refer to Schedule 2 of the [Trading in Public Places Policy](#) for detail.

Trade or trading Means any activity that involves includes but is not limited to the exchange, sale, or purchase, or sale of goods; the provision of goods, services, or entertainment in a public place, and includes, but is not limited to:

- a. the exchange, purchase, or sale of goods;
- b. the provision of entertainment in return for donations;
- c. activities in return for donations; keeping the operation of a mobile shop;
- d. busking or; hawking;
- e. the operation of a micro-mobility device rental scheme;
- f. the establishment locating and operation of a stall, or market; -
- g. the displaying of merchandise; and
- a-h. setting out the placement and use of street furniture.

3.2. Explanatory Advisory notes are for information only. They do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time without a formal process. do not form part of this bylaw and may be inserted, changed or removed without any formality.

4. Public places

4.1. Persons occupying or using public places should take all reasonable steps to:

- f) Protect the public from nuisance.
- g) Protect, promote, and maintain public health and safety.
- h) Minimise the potential for offensive behaviour in public places.

5. Trading in public places

5.1. No person shall trade in a public place without permission from Council under clause 9 of this bylaw.

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6. Signage for trading activities or other purposes

4.2.6.1. No person may install or display signage for trading activities, or other purposes in, on or affixed to a public place without permission from Council under clause 9 of this bylaw, except where expressly permitted under the Trading in Public Places Policy.

5.7. Activities that may cause an adverse affect on public health or safety in a public place

5.1.7.1. Any person intending to undertake any activity in a public place which is not specified in Council's Trading in Public Places Policy and which may cause an adverse effect on public health or safety in that public place, must obtain approval from Council to undertake the activity.

5.2.7.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public's health and safety.

6.8. Activities that may cause a nuisance in a public place

6.1.8.1. Any person intending to undertake any activity in a public place which is not specified in Council's Trading in Public Places Policy and which may cause nuisance in that public place must obtain approval from Council to undertake the activity.

6.2.8.2. The General Manager will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

7.9. ~~PERMIT~~Permissions

7.1.9.1. A person must hold a permit issued by Council to undertake in a public place any trading or to collect donations for charity as set out in the Trading in Public Places Policy.

7.2.9.2. Any permit granted is personal to the person and is not transferable.

7.3.9.3. Council may revoke a permit if the holder fails to comply with the permit conditions and may refuse to issue that person with a new permit.

7.4.9.4. Council may waive any application under this bylaw if an approval is granted through another existing mechanism such as signs permitted by the District Plan Rule or a resource consent.

7.5. ~~A person must hold a permit issued by Council to erect any sign in, on or over any public place~~

8.10. Fees

10.1. The Council may charge fees for permits, including fees to process an application, to review an existing approval and to inspect activities and charges for the period of that approval.

10.2. Council may charge fees to access public places for the purpose of trading.

9.11. Offences

9.1.11.1. Any person who does not comply with this bylaw commits an offence.

9.2.11.2. The following are offences against this bylaw:

- a) Obstructing emergency vehicles from gaining access to a public place.
- b) Obstructing service vehicles from gaining access to a public place.
- c) Trading in a public place without a valid permit.
- d) Failure to produce a permit to an authorised officer upon request.
- e) Failure to comply with the conditions of a permit issued.
- f) Trading or carrying ~~out~~ an activity in a public place in such a way that causes nuisance or affects public health and safety.

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- g) Erecting a sign in, on or over any public place without a valid permit.

10.12. Penalties and powers

- 12.1. Under section 242 of the Local Government Act 2002, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 12.2. Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for an injunction restraining a person from committing a breach of this Bylaw.
- 10.1. Under section 176 of the Local Government Act 2002 any person who has been convicted of an offence under this bylaw is liable to pay the Council the costs of remedying any damage caused in the course of committing the offence.

Advisory note: enforcement powers

As at [date adopted], the Local Government Act 2002 contains powers for enforcing bylaws including court injunction (section 162), seizure, impounding and disposal of property (Sections 164, 165 and 168), and the power to request name and address (Section 178).

~~The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:-~~

Councillor: _____

Councillor: _____

Chief Executive: _____