



**Public Safety and Nuisance Bylaw 2013**  
**Te Ture ā-Rohe Marutau ā-Iwi me te Whakapōrearea**  
**2013**

26 May 2014

**Governing Body of Auckland Council**

**Resolution in Council**

22 August 2013

Pursuant to Local Government Act 2002, the Local Government (Auckland Council) Act 2009 and the Health Act 1956, the Governing Body of Auckland Council revokes and replaces bylaws about nuisance and public safety with the following bylaw.

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- 1 Title**  
This bylaw is the Public Safety and Nuisance Bylaw 2013.
- 2 Commencement**  
This bylaw comes into force on 26 May 2014.
- 3 Application**  
This bylaw applies to Auckland.

**Part 1**  
**Preliminary provisions**

- 4 Purpose**
- (1) The purpose of this bylaw is to:
- (a) protect the public from nuisance, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places;
  - (b) manage and protect from damage or misuse land, structures, property and assets owned, managed or under the control of the council;
  - (c) regulate the display of street names and the identification and numbers of premises.
- 5 Interpretation**
- (1) In this bylaw, unless the context otherwise requires,—

**Act** means the Local Government Act 2002.

**Aircraft** means a fixed wing aircraft, helicopter, glider, dirigible, hot air balloon, parachute, hang glider, para glider, kite or model aircraft, whether powered or not powered.

**Animal** means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes their young or eggs and the carcass or its constituent parts, but does not include humans or dogs.

**Auckland** has the meaning given by the Local Government (Auckland Council) Act 2009.

*Explanatory note: section 4(1) states: "Auckland means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))."*

**Beach** means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.

**Coastal marine area** has the meaning given in the Resource Management Act 1991.

**Council**, for the purposes of this bylaw, means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

*Explanatory note: the governing body may delegate its decision-making responsibilities to local boards for any decisions under this bylaw, in accordance with section 31 of the Local Government (Auckland Council) Act 2009.*

**Council controlled organisation** has the same meaning as **substantive council controlled organisation** in the Local Government (Auckland Council) Act 2009.

*Explanatory note: section 4(1) states: “substantive council-controlled organisation”—*

- (a) means a council-controlled organisation that is either wholly owned or wholly controlled by the Council and either—*
- (i) is responsible for the delivery of a significant service or activity on behalf of the Council;*
- or*
- (ii) owns or manages assets with a value of more than \$10 million; and*
- (b) includes Auckland Transport.”*

**Mind altering substance** means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- (a) medically prescribed substances ingested by the person for whom they were prescribed;
- (b) substances purchased from a pharmacy without a medical prescription;
- (c) nicotine;
- (d) alcohol as defined in the Sale and Supply of Alcohol Act 2012.

**Nuisance** has the same meaning as Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

*Explanatory note: section 29 states: Without limiting the meaning of the term nuisance, a nuisance shall be deemed to be created in any of the following cases, that is to say:*

- (a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:*
- (c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:*
- (d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:*
- (e) [Repealed]*
- (f) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:*
- (g) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:*
- (h) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:*
- (i) where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:*
- (j) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:*

- (k) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:*
- (ka) where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:*
- (l) where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:*
- (m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:*
- (n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:*
- (o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:*
- (p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:*
- (q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.*

**Park means-**

- (a) any land vested in or administered by the council under the provisions of the Reserves Act 1977; or
- (b) any park, domain or recreational area under the control or ownership of the council.

**Parks management plan** means an adopted management plan for any regional or local park.

**Person** includes a corporation sole, a body corporate, and an unincorporated body.

**Premises** means any separately occupied land, building, or part of the same.

**Public place—**

- (a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

**Road** has the meaning given by the Local Government Act 1974.

*Explanatory note: section 315 states: Road means the whole of any land which is within a district, and which—*

- (a) immediately before the commencement of this Part was a road or street or public highway; or*
- (b) immediately before the inclusion of any area in the district was a public highway within that area; or*
- (c) is laid out by the council as a road or street after the commencement of this Part; or*
- (d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or*

- (e) *is vested in the council as a road or street pursuant to any other enactment;— and includes—*
- (f) *except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*
- (g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;— but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989*

**Vehicle** has the meaning given by the Land Transport Act 1998.

*Explanatory note: section 2(1) states: Vehicle-*

- (a) *means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*
- (b) *includes a hovercraft, a skateboard, in-line skates, and roller skates; but*
- (c) *does not include-*
  - (i) *a perambulator or pushchair;*
  - (ii) *a shopping or sporting trundler not propelled by mechanical power;*
  - (iii) *a wheelbarrow or hand-trolley;*
  - (iv) *a pedestrian-controlled lawnmower;*
  - (v) *a pedestrian-controlled agricultural machine not propelled by mechanical power;*
  - (vi) *an article of furniture;*
  - (vii) *a wheelchair not propelled by mechanical power;*
  - (viii) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;*
  - (ix) *any rail vehicle.*

**Waahi tapu** means a place sacred to Māori.

- (2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- (3) Unless the context requires another meaning, a term or expression that is defined in the Act and used in this bylaw, but not defined, has the meaning given by the Act.
- (4) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.
- (5) The Interpretation Act 1999 applies to this bylaw.

## Part 2

### Public Safety, Nuisance, General Behaviour and Street Naming and Numbering

#### 6 Nuisances, safety and behaviour in any public place

- (1) A person must not use a public place to:
  - (a) wilfully obstruct, disturb or interfere with any other person in their use or enjoyment of that public place;

- (b) create a nuisance through the use or playing of any instrument (musical or otherwise), any type of public address system or any type of amplified sound system, or from making any excessive sound or noise;
  - (c) use any material or thing (including a vehicle, bicycle, motorised scooter, model aircraft, skateboard, roller skates or roller blades, shopping trolley or similar object) recklessly or in a manner which may intimidate, be dangerous, be injurious to or cause a nuisance to any person;
  - (d) install or maintain a fence (including a razor-wire and electric fence) in a manner that may cause an injury or nuisance to any person;
  - (e) consume, inject or inhale or distribute or offer for sale any mind-altering substance;
  - (f) beg, in a manner that may intimidate or cause a nuisance to any person;
  - (g) wash or offer to wash a vehicle or any part thereof, in a manner that may be unsafe or intimidate or cause a nuisance to any person, or cause an obstruction to traffic.
- (2) Except at a facility or site specifically provided, or with the prior written approval of the council or a council controlled organisation, a person must not use a public place to:
- (a) display or fix any graffiti, posters, signs or advertising devices on any property that is under the control of the council or a council controlled organisation;
  - (b) light a fire (except in an appliance designed for outdoor cooking subject to any restriction imposed by the council on the lighting of fires).
- (3) A person must not set off fireworks, flares or any other explosive material:
- (a) In a public place, except with the prior written approval of the council or a council controlled organisation; and
  - (b) In any other place, in a way that does or is likely to create a nuisance or endanger any person, property, dog or other animal in a public place.

## **7 Damage in any public place**

- (1) Except with the prior written approval of the council or a council controlled organisation, a person must not cause damage on a public place including but not limited to:
- (a) damaging, removing, disturbing or interfering with any property that is under the control of the council or a council controlled organisation, including:
    - (i) any archaeological, heritage, historic or waahi tapu site; and
    - (ii) any structure, street furniture, artefact, surface, natural feature, grass plot, flowerbed, tree, shrub or plant; and
    - (iii) any furnishing, fitting or equipment in a building accessible by the public;
  - (b) polluting, damaging, placing any obstruction in, or interfering with any water course or stormwater drain or channel;
  - (c) placing a structure, opening a drain or disturbing a surface that is likely to be injurious to or cause a nuisance to any person or to cause damage to that public place;
  - (d) depositing, moving or removing rock, shingle, sand, vegetation, or any material or artefact; or
  - (e) removing or damaging any tree, shrub or plant of any kind or part thereof or planting, sowing or scattering the seed of any tree, shrub or plant of any kind.
- (2) This clause does not prevent any person from maintaining the grass verge on any road adjacent to their premises.

- (3) Clause 7(1) does not apply to work by a network utility operator that it is entitled by statute to undertake in a public place and provided all otherwise necessary authorisation is obtained.

## **8 Obstructions in any public place**

- (1) Except with the prior written approval of the council or a council controlled organisation, a person must not use a public place to:
- (a) place or leave any material, object, thing or structure;
  - (b) erect, construct, or place a building, structure, tent or projection of a building structure or tent or any part thereof, on, under, over or across a public place;
  - (c) allow vegetation to encroach over a public place in a manner that may cause a nuisance to any person or an obstruction to traffic;
  - (d) hang a door or gate on any premises capable of being swung over or across or otherwise encroaching on a public place;
  - (e) store or pack goods on a public place.
- (2) Clause 8(1)(b) does not apply to tents or similar structures and any supporting fixtures (including ropes and pegs) that are erected temporarily for the purposes of providing shade and:
- (a) do not impede or obstruct the movement of any vehicles or person or cause a nuisance; and
  - (b) are of a size that do not create a visual obstruction.

## **9 Additional controls for parks and beaches**

- (1) The council may restrict or close entry to all or any portion of a park or beach during such times as are considered necessary to prevent damage to, ensure public safety in or around, or allow maintenance of the park or beach.
- (2) The council may temporarily set aside whole or part of a park or beach for the exclusive use of particular groups or for specified activities during set times. The council may charge for the exclusive use of any or part of a park or beach.
- (3) The council may make controls to prohibit or restrict any recreational activity on the whole or part of any beach, during such times and/or seasons as are considered necessary, to ensure public safety and prevent nuisance. Recreational activities include:
- (a) fishing activities (for example, set-netting and surfcasting); and
  - (b) other activities that may cause a nuisance or endanger public safety.
- (4) The council must ensure public notice is given of any control made under subclause (3), in a manner that the council considers appropriate in the circumstances.
- (5) In addition to any other control that applies to a public place, a person must not:
- (a) enter a park or beach or any part thereof that is closed to the public;
  - (b) except in the case of an emergency, or with the prior written approval of the council:
    - (i) land or take off in an aircraft from a park or beach;
    - (ii) use an aircraft to set down, pick up, or recover any person, animal, carcass, or article of any description on or from a park or beach.
  - (c) engage in any recreational activity that is prohibited or restricted by the council on a park or beach, or any part thereof;
  - (d) enter in or remain on any part of a park or beach marked out for a recreational activity while that recreational activity is in progress unless that person is a competitor, participant or official taking part in the recreational activity;



*Parks*

- (e) drive, ride, propel or wheel any vehicle on a park except on places specified by the council for the driving or riding of vehicles and subject to any controls that the council specifies;
- (f) park any vehicle except in a place set aside on a park by the council for parking and subject to any controls that the council may specify;
- (g) engage in any activity on a park that is prohibited or restricted by a parks management plan;
- (h) enter or remain on a park for the purpose of carrying out any activity for which approval from the council is required under a parks management plan or other regulation without that approval;
- (i) leave any gate on a park in a different position from that which that person finds it. Gates found open must be left open and gates found closed must be left closed;
- (j) stop or stand a vehicle or leave a bicycle on a park in such a place that it causes or is likely to cause obstructions to any entrance, thoroughfare, path or track;
- (k) possess or use any weapon, trap or instrument of a dangerous nature on a park.
- (l) remove, harm or kill any animal or release or lose control of any animal under that person's control.

*Beaches*

- (m) except in the case of an emergency, or with the prior written approval of the council, drive, ride, propel or wheel or park any vehicle on a beach. This restriction does not apply to any person driving a vehicle by a direct route at a speed not exceeding 10km/h on a beach where vehicular access is permitted, to deposit or retrieve a boat in the water. Every vehicle must be removed from the beach immediately upon retrieval or depositing of the boat;
  - (n) leave a boat on a beach –
    - (i) in any place that is prohibited or restricted by the council; or
    - (ii) in a way that causes an obstruction or a nuisance;
  - (o) obstruct access to boat ramps or boat launching facilities on a beach;
  - (p) clean or leave any fish or fish offal on a beach;
  - (q) except in the case of an emergency, or with the prior written approval of the council use or interfere with any lifesaving equipment or warning device or notice on a beach;
- (6) Clause 9(5) does not apply to council officers or other authorised persons undertaking the council's functions, duties and powers.
- (7) Any control specified by the council under this clause may:
- (a) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
  - (b) apply to all park and beaches, a specified park or beach or any specified part of a park or beach;
  - (c) apply to Auckland or to a specified part of Auckland;
  - (d) apply at all times or at any specified time or period of time.

**10 Street naming and numbering on buildings**

- (1) For the avoidance of doubt, no person except Auckland Transport may paint, erect or affix a name on a road.
- (2) For the avoidance of doubt, Auckland Transport has the exclusive right to paint, erect or affix on a conspicuous part of a building, the name of the road to which it has frontage.
- (3) No person may wilfully or maliciously destroy, pull down, obliterate, or deface the name of a road or public place or the number of any premises.

- (4) Every allotment of land issued with a computer register under the Land Transfer Act 1952 that is occupied by a person or building must be marked by the owner, manager or occupier with a street number approved by the council.
- (5) The following exceptions apply to subclause (4):
  - (a) For any unit pursuant to the Unit Titles Act 2010, at least one street number must mark the land comprising all the units and common property within the unit plan deposited under the Land Transfer Act 1952;
  - (b) For any contiguous allotments of land under single management for a common purpose including an educational institution, industrial complex, or shopping mall, at least one street number must mark the contiguous allotments and must be accompanied by the name of the institution, complex or other such common purpose.
- (6) Every number and name under this clause must be:
  - (a) legible and clearly visible from the public place to which the premises has frontage;
  - (b) in characters not less than 75 millimetres in height for residential buildings and not less than 150 millimetres in height for all other buildings;
- (7) Numbers of premises must be maintained by the owner, manager or occupier in a manner that clearly identifies the premises.

### **Part 3 Enforcement Powers**

#### **11 Compliance with the bylaw**

- (1) The council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

#### **12 Removal of material or things**

- (1) In addition to the powers conferred on it by any other enactment, the council may remove or cause to be removed from any public place any material or thing using that public place in breach of the bylaw.
- (2) The council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.

#### **13 Removal of construction**

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

### **Part 4 Offences and Penalties**

#### **14 Bylaw breaches**

- (1) A person who fails to comply with Part 2 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.
- (2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

### **Part 5 Savings and transitional provisions**

## 15 Savings and transitional provisions

- (1) This clause applies to:
  - (a) Auckland Regional Council Parks Bylaw 2007;
  - (b) Auckland City Council No 20 - Public Places Bylaw (2008);
  - (c) Franklin District Council Public Places Bylaw 2007;
  - (d) Franklin District Council Beach Control Bylaw (2006);
  - (d) Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;
  - (e) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;
  - (f) Part 2 (Public Places) of the North Shore City Council Bylaw 2000;
  - (g) Papakura District Council Public Places Bylaw 2008;
  - (h) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;
  - (i) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;
  - (j) Waitakere City Council Public Places Bylaw 2010.
- (2) Any resolution or other decision made under the bylaws referred to in clause 15(1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.
- (3) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 15(1) continues in force but:
  - (a) expires on the date specified in that approval; or
  - (b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective; and
  - (c) can be renewed only by application made and determined under this bylaw.
- (4) Any application for a licence, consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 15(1) that was filed before the day on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.

## Additional Information to Public Safety and Nuisance Bylaw 2013

This document contains matters for information purposes only and do not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

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**Section 1**  
**History of Bylaw**

Action	Description	Date of Decision	Decision Reference	Commencement
Make	<p>Following public safety and nuisance bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council</p> <p>(a)Auckland Regional Council Parks Bylaw 2007;</p> <p>(b)Auckland City Council No 20 - Public Places Bylaw (2008);</p> <p>(c)Franklin District Council Public Places Bylaw 2007;</p> <p>(d)Franklin District Council Beach Control Bylaw (2006);</p> <p>(e)Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008;</p> <p>(f) Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008;</p> <p>(g)Part 2 (Public Places) of the North Shore City Council Bylaw 2000;</p> <p>(h)Papakura District Council Public Places Bylaw 2008;</p> <p>(i) Chapter 8 (Public Places) of the Rodney District Council General Bylaw 1998;</p> <p>(j) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998;</p> <p>(k)Waitakere City Council Public Places Bylaw 2010.</p>	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke	<p>The following clauses in</p> <p>(a)Auckland Regional Council Parks Bylaw 2007;</p> <p>1.0, 1.1, 1.2, 1.3, 1.4, 2.0, 2.1, 3.0, 3.1 (a) – (c), (e) – (f), 4.0, 4.1 (b) – (k) 4.2, 4.3, 5.0, 5.1 (a) – (e), 6.0, 6.1 (a), (c), (e), (g), 6.2, 6.3, 7.0, 7.1 (a) – (d)</p> <p>(b)Auckland City Council No 20 - Public Places Bylaw</p>	22 August 2013	GB/2013/84	26 May 2014

Action	Description	Date of Decision	Decision Reference	Commencement
	<p>(2008); 20.1, 20.1.1 (excludes definition of 'event', 'public place' 'street trading', 'street performance' and 'temporary activity'), 20.1.2, 20.2, 20.2.1(a), (b),(c),(d),(e), 20.2.2 (a),(b),(c), 20.2.3(a) - (b); 20.3, 20.3.1 (a),(b),(c),(d),(e),(f),(h),(i), (j), (k),(l),(m),(n),(o),(p),(q),(r),(s), (t),(w),(x), 20.3.2, 20.3.3,20.3.4(a),(b), 20.4, 20.4.1(a)(i) (ii),20.4.1(b),20.5,20.5.1,20.5.2(a),(b),20.5.3 (a) - (c) , 20.5.4, 20.5.5, 20.5.6, 20.5.7.</p> <p>(c)Franklin District Council Public Places Bylaw 2007; 1, 2, 2.(1), 2.(2), 2.(3), 3, 3.1, 3.2, 4, 5, 5.(1) (a) – (k), 5.(2), 5.(3), 5.(4), 5.(5)(a), 6 (a) – (d), 7.(1) (a) – (i) , 7.(2), 8(a) – (c), 12(a) – (b), 13, 14(1) – (3), 15.(1) – (3), 16(1) – (2), 18(1) – (5), 19.</p> <p>(d)Franklin District Council Beach Control Bylaw (2006); Except for First Schedule and clause 5 (4) and (5).</p> <p>(e) Franklin District Council Trading in Public Places Bylaw (2008) 6 (1)</p> <p>(f) Chapter 7 (Events and Trading in Public Places and Parks) of the Manukau City Consolidated Bylaws 2008; 3.1 (a)</p> <p>(g)Chapter 9 (General Nuisance Safety Behaviour) of the Manukau City Consolidated Bylaw 2008; 1, 1.1, 2, 2.1, 3, 3.1 (a) – (k), 5, 5.1 (a) – (j), 6, 6.1 (a) –</p>			

Action	Description	Date of Decision	Decision Reference	Commencement
	<p>(g),6.2, 7, 7.1(a) – (n), 8.1 9a) – (d)</p> <p>(h)Chapter 17 (Street Names and Numbering of Premises) of the Manukau City Consolidated Bylaw 2008. ALL</p> <p>(i) Part 2 (Public Places) of the North Shore City Council Bylaw 2000; 2.1 (a) – (e) , 2.2, 2.2.1 (a) – (d) , (f), 2.2.3 (a) – (c), 2.2.4 (a) - (c), 2.3, 2.3.1 ( a) – (f) , 2.3.1 (i) , 2.3.2 ( a) – (b), 2.3.3 ( a) – (b), 2.4, 2.4.1 ( a) – (h), 2.5, 2.5.1( a) – (e), 2.5.1 (g), 2.5.1 (i) - (k) , 2.5.1 (m) – (r), 2.5.2 (a), - (d), 2.5.3 ( a) – ( d), 2.6, 2.6.1 ( a) – (b) , 2.6.2 ( a) – ( c) , 2.6.3, 2.6.4, 2.7, 2.7.1, 2.7.2 ( a) – (c) -, 2.7.3, 2.7.4, 2.8,2.8.1 ( a) – ( b), 2.8.2 ( a) – (b), 2.8.3, 2.9, 2.9.1 ( a) – ( c) , 2.9.2 ( a) – (c), 2.10, 2.10.1 ( a) - ( d), 2.12, 2.12.1, 2.12.2, 2.12,3 ( a) – (b), 2.12.4, 2.12.5 ( a) – (b), 2.12.6, 2.12.7</p> <p>(j) Part 3 – Trading in Public Places of the North Shore City Council Bylaw (2000) Bylaw 3.5.1</p> <p>(k) Papakura District Council Public Places Bylaw 2008; 1, 2, 3, 3.1(a) – (f) , 3.2 ( a) – (c), 3.3, 3.4(a), 4, 4.1 (a) – (d), 5, 5.1 (a) – (g), 5.2, 5.3, 10, 10,1, 11, 11.1, 11.2, 11.3, 12.2, 13, 13.1, 13.2, 13.3, 13.4, 15, 15.1, 16, 16.1, 16.2, 16.3, 16.4, 17, 17.1, 17.2, 17.3, 17.4, Second schedule</p> <p>(l) Chapter 8 (Public Places) of the Rodney District Council</p>			

Action	Description	Date of Decision	Decision Reference	Commencement
	<p>General Bylaw 1998; 1.0. 1.1, 2.0, 3.0, 3.1,(a), - (c), 3.1 (e), 3.2, 4.0, 4.1(b) – (d) , 4.2 (b), 5.0, 5.1, 6.0, 6.1 (b) – (c), 6.1 (e) – (j)</p> <p>(m) Chapter 9 (Road Crossings and Numbering of Premises) of the Rodney District Council General Bylaw 1998; 1.0, 1.1, 2.0, 2.1, 2.2, 2.3, 3.0, 3.1, 7.0, 7.1, 8.0, 8.1, 8.2, 9.0, 9.1, 9.2, 9.3</p> <p>(n) Waitakere City Council Public Places Bylaw 2010. 1, 2, 3, 3.1, 4, 4.1, 4.2, 5, 5.1 (a) – (c), 5.1 (f) – (j), 5.1 (n), 5.1 (p) – (r), 5.1 (t) ,5.2, 6, 6.1 ( a) – (h), 6.1 (j) – (l), 6.1 (n) – (s), 7, 7.1 (b) – (e), 7.2 (a) – (e), 8, 8.1, 8.2 (a) – (c), 9, 10, 10.1 (a), (c) – (h), 11, 11.1 ( a) – (c), 14.1 (b), 15.1 (a) – (b); 15.2 ( a), (c), 15.3 (a), 15.4(a) , 16.1, 16.2, 16.3 ( a) – (b), 16.4 (a) – (b), 16.5 ( a) – (b), 16.6, 16.7, 16.8.</p>			
Make	Public Safety and Nuisance Bylaw 2013	22 August 2013	GB/2013/84	26 May 2014

## Section 2

### Related Documents

Document Title	Description of Document	Location of Document
Appointment of Hearings Panel for an Auckland Council Public Safety and Nuisance Bylaw	Report to the Hearings Committee	<a href="http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/committees/hearingscommittee/meetings/hearingcommitteemin20121116.pdf">www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/committees/hearingscommittee/meetings/hearingcommitteemin20121116.pdf</a>
Public Safety and Nuisance Bylaw Review Statement of Proposal	Provides background to the public safety and nuisance bylaw	<a href="http://www.aucklandcouncil.govt.nz/EN/licencesregulations/Bylaws/Pages/publicsafetynuisancebylaws">http://www.aucklandcouncil.govt.nz/EN/licencesregulations/Bylaws/Pages/publicsafetynuisancebylaws</a> .
Decision Minutes and Agenda	Decisions on submissions to proposed public safety and nuisance bylaw	<a href="http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/hearings/hgsagnuisancebylaw20130520.pdf">http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/hearings/hgsagnuisancebylaw20130520.pdf</a>



Document Title	Description of Document	Location of Document
Background report for the Hearing of Submissions to the Public Safety and Nuisance Bylaw 2013.	Background and summary of submissions to proposed public safety and nuisance bylaw	<a href="http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/hearings/hgsrptnuisancebylaw20130520.pdf">http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/hearings/hgsrptnuisancebylaw20130520.pdf</a>
Report of the Hearings Panel on the proposed Public Safety and Nuisance Bylaw 2013.	Hearings Panel report to the Governing Body.	<a href="http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/governingbody/governingbodyag20130822.pdf">http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/governingbody/governingbodyag20130822.pdf</a>
	Governing Body Resolution of 22 August 2013.	<a href="http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/governingbody/governingbodymin20130822.pdf">http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/governingbody/governingbodymin20130822.pdf</a> <a href="#">Resolution number GB/2013/84</a>
	Public notice of the approval of the Public Safety and Nuisance Bylaw 2013.	
Long Term Plan	Outlines financial plans	<a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>
The Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
The Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government (Auckland Transitional Provisions) Act 2010	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretation Act 2009	Provides for certain matters related to the interpretation of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

### Section 3

#### Delegations

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
All	All powers,	Licensing and	22 August	GB/2013/84	26 May 2014

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
	duties and functions.	Compliance department - Tier 6 (enforcement officers)	2013		
9 (1) – (2) Additional controls for parks and beaches	Restricting or closing entry or portion of a beach / park	Tier 6 Parks Officers / Rangers Parks, Sports and Recreation.  Tier 6 (enforcement officers) Licensing and Compliance departments	22 August 2013	GB/2013/84	26 May 2014
9 (3) – (4) Additional controls for parks and beaches	Making controls to prohibit/restrict recreational activities in a beach	Tier 6 Parks Officers / Rangers Parks, Sports and Recreation.  Tier 6 (enforcement officers) Licensing and Compliance departments Tier 4 Manager Parks, Sports and Recreation  Tier 4 Manager Licensing and Compliance	22 August 2013	GB/2013/84	26 May 2014
9 (5) – (6) Additional controls for parks and beaches	Other activities on parks and beaches	Tier 6 Parks Officers / Rangers Parks, Sports and Recreation.	22 August 2013	GB/2013/84	26 May 2014

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
		Tier 6 (enforcement officers) Licensing and Compliance departments			
10	Power to name streets and allocate numbers	Local boards	22 August 2013	GB/2013/84	26 May 2014

**Section 4:  
Register of controls**

Action	Description	Date of decision	Decision reference	Commencement
Control	Control made under the Public Safety and Nuisance Bylaw 2013 for an annual seasonal set net control (in effect from 20 December to 31 March) in Army Bay and Te Haruhi Bay within Shakespear Regional Park. The prohibited area extends 200m offshore but does not apply to Okoromai Beach.	17 November 2014	RBC/2014/55	20 December 2014
Control	Control made under the Public Safety and Nuisance Bylaw 2013 for an annual seasonal set net control (in effect from Labour Weekend to Easter) in Arkles Bay. The	13 October 2015	RBC/2015/39	1 November 2015

Action	Description	Date of decision	Decision reference	Commencement
	<p>prohibited area extends 200m offshore. The ban does not apply to:</p> <ul style="list-style-type: none"> <li>• other forms of shore-based fishing such as surfcasting, rock fishing or gathering shellfish</li> <li>• customary fishing rights in accordance with the Fisheries (Kaimoana Customary Fishing) Regulations 1988.</li> </ul>			
Control	<p>Control made under the Public Safety and Nuisance Bylaw 2013 for an annual seasonal set net control (in effect from Labour Weekend to Easter) in Omaha Beach. The prohibited area extends 200m offshore. The ban does not apply to:</p> <ul style="list-style-type: none"> <li>• customary fishing rights in accordance with the Fisheries (Kaimoana Customary Fishing) Regulations 1988.</li> </ul>	19 July 2016	RBC/2016/19	4 October 2016

**Section 5  
Enforcement Powers**

Legislative Provision	Description of Legislative Provision
Part 8 of Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 163 Removal of works in breach of bylaws 164 Seizure of property not on private land 165 Seizure of property from private land 168 Power to dispose of property seized and impounded 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 183 Removal of fire hazards 185 Occupier may act if owner of premises makes default 186 Local authority may execute works if owner or occupier defaults 187 Recovery of cost of works by local authority 188 Liability for payments in respect of private land
Health Act 1956	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 65 General provisions as to bylaws 66 Penalties for breach of bylaws 137 Offences punishable on summary conviction

**Section 6  
Offences and Penalties**

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
cl 14(1)	A person who fails to comply with Part 2 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.	Under section 242 of the Local Government Act 2002 person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.  Under section 66 of the Health Act 1956, an person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.	nil	
cl14(2)	A person who commits a breach	Under section 15(1) of the Litter Act 1979, in	\$100 - \$400 (Regulatory and	Under section 15(2) of the Litter

Legislative provision	Description of offence	Fine	Infringement fee	Other penalty
	<p>of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.</p>	<p>the case of an individual, to a fine not exceeding \$5,000 or, in the case of a body corporate, to a fine not exceeding \$20,000,</p> <p>Under section 15(2) of the Litter Act 1979, if it is of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it-</p> <p>(a) in the case of an individual, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding \$7,500, or to both; or</p> <p>(b) in the case of a body corporate, to a fine not exceeding \$30,000</p>	<p>Bylaws Committee Resolution number RB/2012/22 dated 10 October 2012)</p>	<p>Act 1979 to imprisonment for a term not exceeding 1 month,</p>