



# Public Places Bylaw 2015

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# 1. Title

This Bylaw may be cited as the "Gisborne District Public Places Bylaw 2015".

# 2. Commencement and Application

This 2015 Bylaw shall come into force as amended on the 22 May 2015 and shall apply to the whole of the Gisborne District.

# 3. Repeals

The Gisborne District Public Places Bylaw 2008 is hereby repealed.

# 4. Enabling Enactments

This Bylaw is made pursuant and subject to the Local Government Act 2002, the Local Government Act 1974, the Litter Act 1979, the Transport Act 1962, the Land Transport Act 1998 and the Regulations and Rules made pursuant to these Acts.

# 5. Definitions and Interpretation

5.1 The Interpretation Act 1999 shall apply to this Bylaw.

5.2 In this Bylaw, unless the context otherwise requires:

<b>Act</b>	Means the Local Government Act 2002.
<b>Animal</b>	Means fish, bird, stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.
<b>Approval</b>	Means approval by Council or any Authorised Officer so authorised on behalf of the Council and any approval may include conditions.
<b>Authorised Officer</b>	Means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority.
<b>Beach</b>	Means that part of the foreshore landwards from the mean high water mark that is under the control of the Council.
<b>Combined Regional Land and District Plan</b>	Means the Combined Regional Land and District Plan adopted by the Council pursuant to the Resource Management Act 1991.
<b>Council</b>	Means the Gisborne District Council or any Committee of the Council or officer authorised to exercise the authority of Council.
<b>Cycle, Cycle Path and Cycle Lanes</b>	Have the same meanings as in the Land Transport (Road User) Rules 2004.
<b>District</b>	Means the territory of Council.
<b>Drain</b>	Means the same as in Section 2 of the Land Drainage Act 1908.
<b>Drive</b>	Means to operate or direct the course of a vehicle or animal and includes riding.
<b>Enactment</b>	Means the same as in Section 29 of the Interpretation Act 1999.

<b>Footpath</b>	Means the same as in the Land Transport (User Rules) 2004.
<b>Household Refuse</b>	Means refuse originating from residential premises.
<b>Liquor</b>	Means the same as in Section 2 of the Sale of Liquor Act 1989.
<b>Litter</b>	Means the same as in Section 2 of the Litter Act 1979.
<b>Mind Altering Substance</b>	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: <ul style="list-style-type: none"> <li>a. medically prescribed substances ingested by the person for whom they were prescribed;</li> <li>b. substances purchased from a pharmacy without a medical prescription;</li> <li>c. nicotine;</li> <li>d. alcohol as defined in the Sale of Liquor Act 1989.</li> </ul>
<b>Motor Vehicle</b>	Means the same as it has in Section 2(1) of the Land Transport Act 1998.
<b>Permit</b>	Means a permit issued by Council granting approval to operate in terms of this Bylaw.
<b>Permit Holder</b>	Means the holder or holders of a permit issued in terms of this Bylaw.
<b>Person</b>	Includes a corporation and also a body of persons whether corporate or unincorporated.
<b>Police Officer</b>	Means a member of the New Zealand Police.
<b>Public Place</b>	Means the same as in Section 147(1) of the Local Government Act 2002.  Public place—  (a) means a place that 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 it; but  (b) does not include licensed premises.
<b>Public Notice</b>	Means the same as in the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings. A public notice setting forth the object, purport, or general effect of a document shall in any case be sufficient notice of that document.
<b>Recycling Material</b>	Includes cardboard, paper, plastics, glass and any other material collected for reprocessing for reuse.
<b>Refuse</b>	Includes any litter, refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, waste matter or any other thing of like nature.
<b>Road</b>	Means the same as in section 315 of the Local Government Act 1974.
<b>Sale or Sell</b>	Have the same meanings as in section 4 of the Food Act 1981 and also includes the extended meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974.

<b>Sewer</b>	Means a pipe or series of pipes constructed or laid for the conveyance of sewage, sullage, effluent, or stormwater.
<b>Sign</b>	Means every advertising device or advertising matter of whatever kind, whether consisting of a specially constructed device, structure, erection or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle or erection of any kind whatsoever.
<b>Skating device</b>	Means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby carriage, motorised scooter or cycle.
<b>Trade refuse</b>	Means refuse originating from a commercial or industrial premises or business.
<b>Vegetation</b>	Means the same as in Section 2 of the Forest and Rural Fires Act 1977.
<b>Vehicle</b>	Means the same as in Section 2(1) of the Land Transport Act 1998.
<b>Watercourse</b>	Means the same as in Section 2 of the Land Drainage Act 1908.
<b>Work</b>	Means any excavation or disturbance.

- 5.3** Words importing the singular number include the plural number, and words importing the plural number include the singular number.
- 5.4** For the purposes of this Bylaw the word 'shall' refers to practices that are mandatory for compliance with the Bylaw, while the word 'should' refers to practices which are advised or recommended.
- 5.5** The headings to the clauses of this Bylaw shall not affect the construction thereof.
- 5.6** Every Schedule to this Bylaw shall be deemed to form part of the Bylaw provided that any such schedule may be altered from time to time by Council resolution publicly notified.

## 6. Public Safety and Nuisance

- 6.1** No person shall, without the prior written approval of the Council:
- a. Undertake any work in a public place;
  - b. Take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft in a public place except in an emergency;
  - c. Set off fireworks or explosive material in or on a public place, or so near there to create a nuisance;
  - d. Cause, permit or suffer the drippings of the eaves or other projections from any structure to fall upon a public place;
  - e. Solicit any subscription, collection or donation;
  - f. Sing, play any musical instrument, preach, read aloud, lecture, perform, use a loud speaker, amplifier or similar device on any public place in a way that does or is likely to create a nuisance;
  - g. Distribute any printed or written material advertising any product, service or entertainment on any public place 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;
  - h. Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles.

**6.2** No person shall in a public place:

- a. Play any game or use any object including skating devices, cycles or motorised scooters recklessly or in a manner which may intimidate, cause annoyance or inconvenience, be dangerous or injurious or cause an obstruction or nuisance to persons in the public place, or damage the public place;
- b. Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles;
- c. Loiter or remain in that public place after being directed to move on by an Authorised Officer or a Police Officer;
- d. 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;
- e. Consume, inject or inhale or distribute or offer for sale any mind-altering substance.

**6.3** Any person undertaking construction or maintenance adjacent to a public place shall ensure that the public is protected from any damage or falling material or equipment.

## 7. Damage

**7.1** No person shall in a public place, without the prior written approval of the Council:

- a. Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- b. Damage or interfere with, destroy or remove any notice board, sign, label or tablet used to indicate or exhibit any notice, name, regulation or bylaw;
- c. Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building structure, or facilities. Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;
- d. Damage or interfere with any natural feature, animal or plant;
- e. Remove any sand, soil or other naturally occurring material found in a public place;
- f. Open any drain or sewer on, or disturb or remove the surface of, any public place;
- g. Uproot or injure any tree, shrub or other vegetation or take any cuttings, pluck or pick any flowers or ferns or greenery;
- h. Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place.

**7.2** Any person carrying out authorised works in a public place shall provide reinstatement of the works to a standard approved by Council.

## 8. Fires in Public Places

No person shall in any public place light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by Council on the lighting of fires.

## 9. Litter

**9.1** A person shall not in any public place:

- a. Place, throw or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to be offensive or create a nuisance on any public place. Litter may be deposited in public litter receptacles where these are provided;

- b. Interfere with any refuse or recycling material which is awaiting collection by an authorised collector;
- c. Deposit in or around a public litter receptacle on any public place any household refuse or trade refuse.

**9.2** No person shall cause, permit or suffer any litter or other material whatever to escape from any receptacle or vehicle onto any public place.

## 10. Water

**10.1** No person shall:

- 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;
- 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;
- c. Pollute or otherwise render unfit for human or animal consumption any water supply on any public place;
- 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.

## 11. Obstructions

**11.1** No person shall, without the prior written approval of the Council:

- a. Obstruct the entrances to or exits from a public place;
- b. Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage;
- c. Erect, construct or place any building or other structure or erection whatsoever or any part thereof under, upon, over or across any public place;
- d. Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof.

## 12. Placing of Articles

**12.1** 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 written 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 or the Combined Regional Land and District Plan.

## 13. Exposing Articles for Trade

No person shall in a public place, without the prior written approval of the Council conduct trade, provide a service to the public, or expose for sale any article or service in a public place.

## 14. Animals in Public Places

**14.1** A person in control of an animal on any public place shall ensure that the animal is kept under proper control:

- a. So as not to create a danger or a nuisance for other persons using the public place; and
- b. To ensure that no damage is caused to the public place, any part thereof or to any object or other animal thereon.

**14.2** A person in control of an animal on any public place in any area designated "urban" or "township" in the Combined Regional Land and District Plan shall immediately remove any faeces deposited by that animal and dispose thereof in a sanitary manner.

**14.3** No person shall:

- a. Break in, train, clean, shoe, bleed, dress or expose for show, hire or sale any animal on any public place without the prior written approval of the Council;
- b. Allow any vicious biting animal to stand or be on any public place, unless properly and securely muzzled.

**14.4** No person shall in a public place, without the prior written approval of the Council tether or otherwise put or place any animal for the purpose of depasturing or grazing.

**14.5** If any animal is found on any public place, or on any land not separated from any public place by a fence considered by an authorised officer 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.

## 15. Access to Beach

Any person wishing to gain access to a beach from a public place shall use a designated access where this is available.

## 16. Assembly

**16.1** No person shall in a public place, without the prior written approval of the Council:

- a. Participate in any assembly or associate with other persons in a public place in such a way as to pose a threat to the safety of any person, impede pedestrian or vehicular traffic or to prevent or hinder ready access to shops or premises facing onto the public place;
- b. Organise, hold or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place so as to pose a threat to the safety of any person, impede traffic or cause an obstruction to, or impede any person.

## 17. Skating Devices

**17.1** No person shall ride a skating device in any area defined in Schedule 1 of this Bylaw.

**17.2** No person shall ride a skating device on any footpath outside areas defined in Schedule 1 of this Bylaw, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.

**17.3** The Council may from time to time by resolution publicly notified, amend Schedule 1 of this Bylaw, to add, delete or amend the areas to which the provisions of this Bylaw shall apply.

## 18. Projections

**18.1** No person shall in a public place, without the prior written approval of the Council allow a drain, sewer, portico, sign, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, 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 or likely to cause injury to pedestrians or traffic upon any public place.

**18.2** Clause 18.1 shall not apply to any obstruction or projection erected or allowed pursuant to a requirement of the Combined Regional Land and District Plan.

**18.3** No person, except for the purpose of inspection, maintenance or egress in the case of fire, shall be on any verandah erected over a public place, which verandah has not been approved by the Council pursuant to the Building Act 2004 or any earlier enactment.

## **19. Barbed Wire and Electrified Fences**

**19.1** No person shall in a public place, without the prior written approval of the Council erect any electrified fencing or barbed wire fencing along the boundary, or within one metre of a public place, provided that this sub-clause shall not prohibit:

- a. The placing of such barbed wire at a height of not less than two metres or electrified fencing not less than 3 metres from the level of the ground of any such public place;
- 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.

**19.2** –

- a. Clause 19.1 shall not apply within an area zoned “rural” under the Combined Regional Land and District Plan, except when the fence abuts or adjoins a footpath.
- b. The Council may from time to time specify conditions that will apply to temporary electric fences.

## **20. Road Building and Identification**

**20.1** 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 50mm in height for residential buildings and not less than 150mm 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.

**20.2** Numbers required by clause 20.1 shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

**20.3** The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.

## **21. Offences and Breaches**

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

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

**21.3** Any person commits a breach against this Bylaw who:

- a. Does, or causes to be done, or permits or suffers to be done, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
- b. Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done by them at the time and in the manner therein provided; or
- c. Does not refrain from doing anything which under this Bylaw they are required to abstain from doing; or
- d. Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in this Bylaw; or
- e. Refuses or neglects to comply with any notice duly given to him under this Bylaw; or
- f. Obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred by this Bylaw; or
- g. Fails to comply with any notice, direction given under this Bylaw.

**21.4** Any person commits a breach of this Bylaw who:

- a. Having constructed, affixed or provided or caused to be constructed, affixed, or provided any building or any part of a building, or any work, appliance or material of any description whatsoever, contrary to, or otherwise than in accordance with the provision of this Bylaw; or
- b. Having omitted to construct, affix, or provide any work, appliance, or materials as required thereby, and who does not within a reasonable time after notice in writing has been given to them by the Council or any Authorised Officer, fails to carry out the remedial action specified in that notice.

**21.5** The Council or any Authorised Officer may require any person who breaches or fails to comply with the provisions of this Bylaw or the conditions of a permit issued pursuant to it, to remedy the breach or comply with the same by giving such person notice in writing.

**21.6** The notice issued under Clause 21.3 or 21.4 or 21.5 shall state the time within which the remedial action is to be carried out, and may be extended from time to time by written authority of an Authorised Officer.

**21.7** The provisions of Clause 21.4 shall also apply to any building, part of a building, work, appliance, or material that has, before the coming into force of this Bylaw, been constructed, affixed, or provided or omitted contrary to otherwise than as provided by any provision of any bylaw hereby repealed, but re-enacted, or re-enacted in substance in this Bylaw. Notice as aforesaid may be given and renewed in respect of any such building, part of a building, work, appliance, or material.

**21.8** The Council may pursuant to Section 175 of the Act recover the amount of the destruction or damage, the cost incurred by the Council in removing the stoppage or obstruction or any loss or expenses incurred by the Council by the stoppage or obstruction or interference by any person who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with any works or property owned, constructed, acquired, or used by the Council.

## **22. Penalties for Breach of the Bylaw**

**22.1** Every person who fails to comply with any part of this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act and the enabling enactment.

**22.2** Where any person is alleged to have committed an infringement offence, that person may either:

- a. Be proceeded against summarily for the offence; or
- b. Be served with an infringement notice as provided in the Act or the enabling enactment.

- 22.3** The Council may in accordance with section 162 of the Act apply for an injunction restraining a person from committing a breach of this Bylaw or an offence against the Act.
- 22.4** The Council may in accordance with section 176 of the Act recover the costs of remedying any damage caused in the course of committing an offence against this Bylaw.
- 22.5** The continued existence of any work or object in a state contrary to this Bylaw shall be deemed a continuing offence within the meaning of this clause.

## **23. Removal of Encroachment**

- 23.1** –
- a. If any building, structure or object or any part thereof has been erected, constructed or placed upon, under, over or across any public place; or
  - b. If any vegetation is permitted or allowed to encroach onto or over any public place to obstruct or interfere with the free movement of or likely to cause injury to persons using that public place without the approval of the Council;

THEN the Council may by notice in writing require the owner of such building, structure, object or vegetation to remove the same or such part thereof as specified in the notice.

- 23.2** Any notice issued under clause 23.1 may require such precautions to be taken as Council thinks necessary for the safety of the public and for the proper securing of such building, structure, object or vegetation after such removal.

## **24. Removal of Works**

- 24.1** The Council may pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing erected or being in contravention of this Bylaw, section 357 of the Local Government Act 1974 or section 163 of the Act.
- 24.2** The Council may recover from any person responsible for the erection or from any person permitting the continued existence of any such work material or object all costs incurred by it, in connection with such pulling down, removal or alteration.
- 24.3** The exercise of this authority shall not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such work, material or object.

## **25. Transfer of Approval or Permit**

The permit or approval given by the Council to a person named in that permit or approval shall not be transferable to any other person and no permit or approval shall authorise any person other than the person named therein to act in any way under its terms or conditions.

## **26. Suspension and Revocation of Permit or Approval**

- 26.1** Except as may be otherwise provided in any empowering enactment referred to in clause 4 of this Bylaw:
- a. If the holder of a permit or approval is convicted of an offence constituting a breach of the terms of, or conditions included in that permit or approval, or of an offence touching his character as a permit holder or person who has been approved to

undertake an activity restricted by this Bylaw, the Council may revoke that permit or approval or suspend it for as long as the Council thinks fit.

- b. If the holder of a permit or approval:
  - i. Acts in a manner contrary to the true intent and meaning of this Bylaw; or
  - ii. Fails to observe or comply with the terms of or any conditions included in a permit or approval; or
  - iii. Acts in a way which in the opinion of the Council renders the holder unfit to hold a permit or approval;

OR

- c. If any premises under this Bylaw:
  - i. Are no longer being used for the purpose stated in the permit or approval; or
  - ii. Have fallen into a state of disrepair or are not being kept or maintained in accordance with the permit or approval; or
  - iii. That in any other manner the provisions of this Bylaw or any Regulations applicable in respect of those premises are not being observed in accordance with their true intent and meaning;

THEN the Council may, by notice served upon the holder of a permit or approval or the occupier or owner of the licensed premises, as the case may be, require that person to appear before the Council or its nominated Committee at a time and place specified in that notice, to show cause that permit or approval should not be revoked or suspended.

## 27. Serving of Orders and Notices

- 27.1** Except where otherwise provided for in any enactment, in any case in which it is provided by this Bylaw, that an order may be made upon or notice be given to any person requiring them to do or abstain from doing anything, or any notice is required by this Bylaw to be given or sent to any person, such order or notice shall be delivered to such person and may be delivered to them either personally or by sending the same, by courier, post, fax or electronic means, to them at their last-known place of abode or business.
- 27.2** If such person is absent from New Zealand the order or notice may be sent to their agent instead of to such person, in the manner mentioned in clause 27.1.
- 27.3** If such a person is not known, or is absent from New Zealand, and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land, as the case may require, may be served on the person in occupation thereof, or left with some other resident of the abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.
- 27.4** Where an order or notice is sent by post it shall be sent so as to arrive on or before the latest time on which such order or notice is required to be served.
- 27.5** Unless evidence indicates the contrary where an order or notice is sent by:
  - a. Post it will be deemed received on the first day (excluding weekends and public holidays) after posting;
  - b. Facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will

- be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report;
- c. Courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet.

## 28. Officers to Continue in Office

- 28.1 All officers appointed by the Council under or for the purpose of the repealed Gisborne District Council Public Places Bylaw 1995, and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw.
- 28.2 Any Police Officer may exercise the powers of an Enforcement officer in relation to offences against, and infringement offences under this Bylaw pursuant to the Act.

## 29. Delegation and Appeal

- 29.1 Where pursuant to this Bylaw any powers or duties are imposed on the Chief Executive or any authorised officer that officer may, with the consent of the Chief Executive delegate any of those powers or duties delegated to him, generally or particularly to any other officer of the Council.
- 29.2 In all cases where this Bylaw provides for the issue of any order, notice or permit or approval, such order, notice or permit or approval shall be deemed to be issued in compliance with this Bylaw if the same is issued by any officer of the Council authorised by the Council for that purpose.
- 29.3 –
  - a. There shall be a right of appeal by an affected party from any decision by a delegated authority to the original holder of the power and duty. Provided that the original holder of the power and duty may, after consultation with the Chief Executive refer the appeal to the Council when in his opinion this is justified.
  - b. Where the original holder of the delegated power and duty is the Council the right of appeal may be to a committee of the Council or authorised officer appointed for this purpose, who shall be the final arbitrator of the merits of the matter.

## 30. Dispensing Power

- 30.1 Where in the opinion of the Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.
- 30.2 The Council may, after consideration of any representation by affected persons and if in its opinion it is justified, extend, withdraw or amend the dispensation granted in terms of clause 30.1
- 30.3 Except if expressly granted otherwise, the dispensation by the Council in terms of clause 30.1 shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by the Council and such dispensation will not constitute a justification for the breach of the provisions of this Bylaw outside the expressed terms of the dispensation.

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## 31. Fees and Charges

The Council may from time to time determine and recover fees in accordance with sections 150 and 151 of the Act.

## 32. Areas Where Riding a Skating Device is Prohibited

- 32.1** As shown on the appended map, all public places except on a roadway within the area bounded by:
- a. Customhouse Street between Gladstone Road and Childers Road.
  - b. The Gladstone Road side of Childers Road between Customhouse Street and Cobden Street.
  - c. Cobden Street from Childers Road to Palmerston Road.
  - d. The Gladstone Road side of Palmerston Road from Cobden Street to Peel Street.
  - e. Reads Quay from Peel Street to Gladstone Road.
- 32.2** Roadway means that portion of the road used or reasonably useable for the time being for vehicular traffic in general.

Area Where Skateboards, Skates and Rollerblades are Prohibited.

