

# INVERCARGILL CITY COUNCIL

## BYLAW 2011/1 – SIGNIFICANT EVENTS

The following Bylaw was duly made by the Invercargill City Council by:

- Resolution of Section 155, Local Government Act 2002 matters on 19 April 2011.
- Resolution to consult on the Draft Bylaw using the special consultative procedure on 31 May 2011.
- Resolution to adopt the Bylaw on 19 July 2011 and that it come into force on 1 August 2011.
- Public Notice in The Southland Times on 23 July 2011.

THE COMMON SEAL of the INVERCARGILL )  
CITY COUNCIL was hereto affixed to the following )  
Bylaw (Bylaw 2011/1 – Significant Events) at the offices )  
of and pursuant to the resolution of the Invercargill )  
City Council in the presence of: )

Mayor: .....

Chief Executive Officer: .....



# **Invercargill City Council**

## **Bylaw 2011/1 – Significant Events**

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## Invercargill City Council Bylaw 2011/1 - Significant Events

Pursuant to the powers vested in it under Section 145 and Section 146 of the Local Government Act 2002, the Invercargill City Council makes this bylaw.

### 1. SHORT TITLE AND COMMENCEMENT

This bylaw is Invercargill City Council Bylaw 2011/1 - Significant Events. This bylaw comes into force on 1 August 2011.

### 2. OBJECT OF BYLAW

This bylaw enables the management of Street Trading, Distribution of free products or advertising material, Advertising and Trading/Retailing from both public and private property within the Invercargill District during the hosting of significant events. It seeks to provide reasonable controls for specified time periods to protect the public from nuisance, enable the Council to meet contractual obligations and to promote the Invercargill District as a host region.

### 3. INTERPRETATION

In this Bylaw, unless the context requires otherwise –

|                       |   |
|-----------------------|---|
| Clean area            | means an area free from commercial activities, with an exception where commercial activities are undertaken by an existing organisation continuing to carry out its ordinary activities.  |
| Commercial Activities | includes: <ul style="list-style-type: none"><li>• Trading, which includes selling, hiring, or displaying for sale any goods or services;</li><li>• Advertising goods, services or events, including the distribution of free product;</li><li>• Busking and street performing;</li><li>• Other activities undertaken for payment or reward.</li></ul> |
| Council               | means the Invercargill City Council.  |
| District              | means the area controlled by the Invercargill City Council.   |
| Enforcement Officer   | means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of the bylaws of Council.   |
| Judicial Officer      | means a District Court Judge, duly authorised Justice of the Peace, community magistrate, or Registrar of a District Court; but does not include a Justice of the Peace who is the mayor, an elected member or an employee of the Council.  |
| Offence               | means a breach of this bylaw.   |
| Person                | includes a natural person, incorporated company and a body of persons whether incorporated or not.  |

Public Place

means a place that is

- (a) under the control of Council;
- (b) open to, or being used by, the public, whether or not there is a charge for admission; and includes
  - a road, whether or not the road is under the control of Council; and
  - any part of a public place; and
  - the airspace above any public place.

#### **4. SIGNIFICANT EVENT**

The Council may declare, by resolution publicly notified, that an event to be hosted within the District is a "Significant Event". Upon the Council declaring an event to be a significant event the provisions of this Bylaw will apply to that event.

#### **5. CLEAN AREAS**

The Council may, by resolution publicly notified, declare an area to be a clean area in respect of a significant event and the period of time over which the area is to be a clean area.

Within clean areas those sponsors or organisations that have been approved by both the event organiser and Council may advertise and undertake commercial activities which would otherwise be prohibited by this bylaw, without requiring further consent from Council.

#### **6. SOLICITING DONATIONS**

No person shall solicit any subscription, collection or donation in any area declared to be a clean area.

#### **7. MOBILE TRADING LICENCES**

Any person holding a licence to trade as a Mobile Shop or Hawker of Goods and / or of Food, is not permitted to operate within an area declared to be a clean area.

#### **8. REMOVAL, ALTERATION OR SEIZURE OF PROPERTY IN BREACH OF BYLAW**

An enforcement officer may remove or alter a work or thing that is, or has been, constructed in breach of this bylaw.

The Council may recover the costs of removal or alteration from the person who has committed the breach.

An enforcement officer may seize and impound property that is on a public place if the property is materially involved in an offence and it is reasonable in the circumstances to seize and impound the property. An enforcement officer will comply with section 164 of the Local Government Act when seizing or impounding property.

Prior to seizing and impounding property the enforcement officer must

- (1) Direct the person committing the offence to stop committing the offence; and
- (2) Advise the person committing the offence that if they do not stop committing the offence the enforcement officer has the power to seize and impound the property; and



- (3) Provide the person with a reasonable opportunity to stop committing the offence.

An enforcement officer may apply to a judicial officer for a warrant authorising an enforcement officer, accompanied by a member of the police, to enter private property involved in the commission of an offence and seize and impound property.

## **9. TEMPORARY ROAD CLOSURES**

Under the Local Government Act 1974 the Council has the ability to temporarily close a road for the duration of an event. Council will use these powers to ensure public safety during the significant event and ensure that parties affected by temporary road closures are given adequate notice and an opportunity to make a submission.

If a road is temporarily closed by Council for the hosting of a significant event, the continuous period of temporary closures may be up to 72 hours.

When a road is temporarily closed by Council for the hosting of a significant event Council may restrict, alter or deny parking or access, and may remove any vehicle that is parked or stopped on the temporarily closed road. Any intention to restrict parking or tow vehicles from the temporarily closed road will be advertised under Public Notices of the local newspaper.

In the event of a vehicle being towed from within the clean area Council will endeavour to notify the registered owner that the vehicle has been towed and where the vehicle may be recovered. Invercargill Police will also be notified if a vehicle is towed.

## **10. OFFENCES AND PENALTIES**

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 pursuant to Section 242(4) of the Local Government Act 2002.