

WANGANUI DISTRICT COUNCIL

STREETS INFRASTRUCTURE BYLAW 2008

EXPLANATORY NOTE

This Bylaw aims to control activities affecting streets within the Wanganui District so that the public's health, safety and convenience are protected. Specific reference is made to vehicle crossings, overhanging trees, property numbering and the erection of barbed wire, razor wire and electric fences.

The Local Government Act 2002 and 335 of the Local Government Act 1974 empowers Wanganui District Council to require the owner of any section of land which adjoins a public road, to have installed a properly constructed vehicle crossing for the purpose of providing vehicular access to and from that land to the public road.

This Explanatory Note is for information purposes only and does not form part of this Bylaw.

Terms used in this Part are defined in Part 1 By-law Administration.

CONTENTS

1. Interpretation	3
2. Exemptions	3
3. Vehicle Crossings	4
4. Infrastructure Bond	6
5. Overhanging Trees	7
6. Property Numbering	8
7. Barbed/Razor Wire/Electric Fences/Projections	8
8. Construction in Public Place	9
9. Powers of Council	9
10. Breaches	10
11. Offences	11
12. Serving of Notices, Documents etc	11

1. INTERPRETATION

- 1.1. **APPROVED VEHICLE CROSSING INSTALLER** means a person who has met the requirements of Council and who is listed as an approved installer;
- 1.2. **AUTHORISED OFFICER** means a duly warranted Officer of Council or a warranted Officer acting on behalf of Council;
- 1.3. **COUNCIL** means the Wanganui District Council or any staff member acting under Council's delegated authority;
- 1.4. **PUBLIC PLACE** means a place that is owned by or under the control of the Wanganui District Council and that is open to, or being used by, the public. It includes Council controlled reserves, parks, civic areas, beaches and roads (including footpaths and carriageways).
- 1.5. **RESERVE** means land vested in or administered by the Council under the provisions of the Reserves Act 1977; or any park, domain or recreational area under the control or ownership of the Council.
- 1.6. **STREET DAMAGE** means damage to any road carriageway, planted or sealed berm, cycle path, footpath, lighting standards, or other Council property sustained during building or land development operations and includes the undermining of any road due to excavation on adjacent property and collapse of any adjacent property onto a road.
- 1.7. **TEMPORARY VEHICLE CROSSING** means a temporary form of vehicle crossing designed to protect the road berm, footpath, and entrance to the road carriageway from damage associated with building or land development operations prior to the installation of a vehicle crossing.
- 1.8. **VEHICLE CROSSING** means a vehicular entrance providing access between any premises and the carriageway of the road fronting those premises, constructed over a footpath, kerb, berm, water channel or drain.
- 1.9. **VEHICLE CROSSING CONSENT** includes the written approval of an Authorised Officer.
- 1.10. **VEHICLE CROSSING CONSTRUCTION STANDARD** means the standard that is set by resolution of Council from time to time and made publicly available.

2. EXEMPTIONS

- 2.1. Nothing in this bylaw limits Council, its authorised officers or agents from undertaking works and services in public places, or restricts work authorised by Council in public places.

3. VEHICLE CROSSINGS

Prohibition on Use

- 3.1. No person shall drive or propel any motor vehicle along or across any kerb, footpath, grass plot, flower bed, accessways, walkway, cycle track or any public place except over a vehicle crossing constructed in accordance with this Bylaw or a vehicle crossing installed prior to this Bylaw.

Damage or Interference

- 3.2. No person shall use a vehicle on a road reserve in such a manner as to cause or be likely to cause damage to the road reserve or any part thereof.
- 3.3. No person shall damage or interfere with a vehicle crossing without the written consent of an authorised officer.
- 3.4. If, in the opinion of an authorised officer, vehicles are being driven or are likely to be driven from the formed road across the road reserve to adjoining land in a manner that causes or is likely to cause damage to the road reserve, an authorised officer may, by written notice, either require the owner of the adjoining land to pay to the Council within 30 days of receipt of the notice the cost of construction of a vehicle crossing or have installed a vehicle crossing by an approved .

Vehicle Crossing Consent

- 3.5. No person shall install a vehicle crossing or alter an existing vehicle crossing unless they have:
- 3.5.1. obtained a vehicle crossing consent from the Council; and
 - 3.5.2. paid the prescribed fees and charges for the consent and for any vehicle crossing inspection; and
 - 3.5.3. installed or altered it in compliance with the requirements of the vehicle crossing consent.

Building or Development Work

- 3.6. Every person who undertakes building or development work on any premises for which a vehicle crossing has not been installed may be required, by an authorised officer to:
- 3.6.1. obtain a consent for a temporary vehicle crossing; and
 - 3.6.2. pay the prescribed fees and charges for the consent and any vehicle crossing inspection; and
 - 3.6.3. install the temporary vehicle crossing in compliance with the requirements of the temporary vehicle crossing consent; and
 - 3.6.4. remove it or replace it with a complying vehicle crossing within six (6) months from the date of the installation of the temporary vehicle crossing.

Danger or Obstruction

- 3.7. An application for a vehicle crossing shall be refused if, in the opinion of authorised officer, the vehicle crossing may cause danger or obstruction in any public place, contravenes Council's policy or District Plan, or does not comply with the approved standard.

Construction Standard

- 3.8. Every vehicle crossing consent shall include but not be limited to conditions concerning thickness, dimensions, reinforcement and materials as approved of by the Council or an authorised officer as considered reasonably necessary to:
- 3.8.1. protect the road, including any footpath or berm, adjacent to the vehicular crossing; ensure the vehicle crossing can withstand the weight of vehicles likely to use it;
 - 3.8.2. ensure safe and convenient use of the road by pedestrians and vehicles.

Approved Vehicle Crossing Installer

- 3.9. Subject to the issuing of the vehicle crossing consent a vehicle crossing shall only be installed by an approved vehicle crossing installer in accordance with the current construction standard and shall be installed as soon as practicable.
- 3.10. Council shall maintain a list of approved vehicle crossing installers and may, at its discretion, remove installers or add new installers.

Unsafe, State of Disrepair or Not to Construction Standard

3.11. If, in the opinion of an authorised officer, a vehicle crossing is unsafe, or in a state of disrepair, or fails to meet Council's vehicle crossing construction standard an authorised officer may give written notice to the owner or occupier of the premises to which the crossing provides access:

- 3.11.1. to repair the vehicle crossing; or
- 3.11.2. to remove and reconstruct the vehicle crossing; or
- 3.11.3. to pay to Council such sum of money as shall be necessary to repair or remove and reconstruct the vehicle crossing.

Non-Compliance

3.12. Every owner who fails to comply with a notice, given under this section of the Bylaw, within the specified period commits an offence against this Bylaw.

3.13. Nothing in this Bylaw shall restrict the Council's powers under section 335 of the Local Government Act 1974.

4. INFRASTRUCTURE BOND

Building work requires Infrastructure Bond and Infrastructure Inspection Fee

4.1. No person shall undertake any building work requiring a building consent or a consent without having first paid to the council:

- 4.1.1. an infrastructure bond; and
- 4.1.2. a pre-work Infrastructure Inspection Fee (unless that person agrees that the condition of the road reserve is at least as good as that which exists on either side of the work site); and
- 4.1.3. a post-work Infrastructure Inspection Fee.

Refund of Deposit

4.2. Council shall refund every Infrastructure Bond:

- 4.2.1. upon completion of the building work; and
- 4.2.2. where appropriate, the issuing of the Code Compliance Certificate; and
- 4.2.3. Council inspection has verified that no damage has occurred or that all damage has been repaired and reinstatement completed in accordance with Council's standards.

- 4.3. Council may deduct from the Infrastructure Bond unpaid inspection fees incurred and unpaid costs incurred by Council, including any reasonable administrative costs, to repair any damage to the road reserve arising from any building or site work.

Notification of Prior Damage

- 4.4. It is the responsibility of every owner or occupier of any premise, prior to the commencement of any building or development work on the premises to notify Council of any damage to Council's infrastructure including footpaths and roads adjacent to the premises.

Damage and Reinstatement

- 4.5. In every case where a footpath, road or other Council property has been damaged in association with building or development work on any premise:
- 4.5.1. the owner or occupier must repair the damage and reinstate the asset in accordance with the Council's standards; or
 - 4.5.2. when the owner or occupier fails to complete such a repair within the time specified by Council and to the required standard of Council, then Council may undertake such repair and the owner or occupier will be liable to meet the cost of the repair, less the value of any Infrastructure Bond held by Council in respect of that premise.

Waiving of deposit

- 4.6. An authorised officer may waive the requirement for the payment of a street damage deposit charge in whole or in part, where he or she determines that the building work, site work or excavation work proposed is unlikely to cause damage to the road reserve.

5. OVERHANGING TREES

Impede, Obstruct, Endanger, Cause Damage, Impair Views

- 5.1. No owner or occupier of any land shall allow trees, shrubs or vegetation growing thereon to overhang or encroach by their roots or branches onto any public area where it is likely to impede, obstruct, or endanger pedestrians or traffic; or cause damage to drains or pipes or impair views from a public place.

Council may Remove or Trim

- 5.2. Council may partly or fully remove or trim back to the property boundary all trees or shrubs overhanging or encroaching at the discretion of the authorised officer.

6. PROPERTY NUMBERING

Property Number Allocation

- 6.1. Pursuant to section 319B of the Local Government Act 1974 Council may allocate a number to any area of land or building or part of a building within its district and may change the number allocated to any such area of land or building for electoral, postal, and other purposes.

Display of Property Number

- 6.2. The owner or occupier of every property which has been allocated a number pursuant to section 319B of the Act shall display that number so that it is clearly visible from the formed road providing emergency services with easy location of the property in an emergency.

7. BARBED/RAZOR WIRE/ELECTRIC FENCES/PROJECTIONS

Barbed/Razor Wire Fence

- 7.1. No person shall, in an urban area, erect any fence composed wholly or partly of barbed or razor wire or any similar wire where the fence fronts or abuts any road, footpath, right-of-way, accessways, whether public or private, unless the barbed or razor wire is attached greater than two (2) metres above ground level.

Electric Fences

- 7.2. No person shall, in an urban area, erect or use a fence containing any electrified component as a boundary fence fronting or abutting any road, footpath, right-of-way, or accessways, whether public or private, unless the electrified component is attached greater than 2 metres above ground level.
- 7.3. Except as provided in clause 7.2 no person shall in an urban area erect or use a fence containing any electrified component unless the electrified component is at least 600mm inside an adequate fence constructed in accordance with the Second Schedule of the Fencing Act 1978.

NB: A fence as detailed in 7.1 & 7.2 may require a resource consent and/or a building consent. Please refer to the Wanganui District Plan for details.

Projections into any Public Place

7.4. No person shall:

- 7.4.1. attach to any building or property any object or material which could cause injury to persons in a public place.

8. CONSTRUCTION IN PUBLIC PLACE

8.1. No person shall:

- 8.1.1. place or leave, or cause or permit to be placed or left in, on or under a public place any building material, rubbish, debris, soil or other thing associated with or arising from any building activity;
- 8.1.2. make or dig, or cause or permit to be made or dug, in a public place any hole or excavation; or
- 8.1.3. blast any rock, stone, earth, timber, or other such material in, on, or near a public place; , unless they hold a consent issued by the Council.

9. POWERS OF THE COUNCIL

9.1. Council may, from time to time, by resolution:

- 9.1.1. approve the construction standard for vehicle crossings as determined by Council's Infrastructure Services provider;
- 9.1.2. determine the location of a vehicle crossing or a temporary vehicle crossing;
- 9.1.3. determine the matters to be considered for a vehicle crossing consent when deciding whether to grant a vehicle crossing consent required by this Bylaw;
- 9.1.4. determine any conditions that may be imposed in any vehicle crossing consent.

9.2. The Council may from time to time by resolution prescribe fees and charges for:

- 9.1.1. vehicle crossing consents and temporary vehicle crossing consents;

- 9.1.2. deposit against street damage;
- 9.1.3. inspections of vehicle crossings; and
- 9.1.4. inspections of street damage.

10. BREACHES

10.1. Every person commits a breach of this By-law who:

- 10.1.1. does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything contrary to this Bylaw;
- 10.1.2. omits or neglects to do, or permits or suffers to remain undone, anything which according to this Bylaw ought to be done at the time and in the manner therein provided;
- 10.1.3. does not cease doing anything which that person is required to cease doing under this Bylaw;
- 10.1.4. knowingly permits or allows any condition or thing to exist or continue to exist contrary to this Bylaw;
- 10.1.5. fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;
- 10.1.6. prevents, obstructs or impedes any Officer or other person duly authorised or employed for the purpose of carrying out any provision of or under this Bylaw from carrying out any such provision;
- 10.1.7. fails to comply with any notice, direction, or condition contained in any licence; or
- 10.1.8. impersonates any officer.

10.2. Except where it is expressly otherwise provided by any Act, any person (including a member of the Police) may lay an information for an offence against this Bylaw.

11. OFFENCES

11.1. Every person who commits an offence against this bylaw is liable to an infringement fee of \$300.00.

12. SERVING OF NOTICES, DOCUMENTS ETC

12.1. Except where otherwise expressly provided for in any Act, in any case where it is provided for in this Bylaw that an order may be made upon or notice given

to any person requiring that person to do or abstain from doing anything, or any notice is required by this Bylaw to be given or sent to any person, the order or notice shall be served in accordance with the provisions of the Local Government Act 2002.

This By-law was confirmed at the Ordinary Meeting of the Council held on the 16th day of March 2009, when it was ordered to come into force on the 17th day of March 2009.

**THE COMMON SEAL OF THE
MAYOR, COUNCILLORS AND
CITIZENS OF THE DISTRICT
OF WANGANUI** was affixed

hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer