

WAIKATO DISTRICT RESERVES AND BEACHES BYLAW 2008

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

1.0 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 The bylaw shall be known as the "Waikato District Council Reserves and Beaches Bylaw 2008".
- 1.2 The bylaw shall apply to the Waikato District, (*with the exception of the Taitua Arboretum and Hamilton Zoo which are controlled and administered by the Hamilton City Council*).
- 1.3 Nothing in this bylaw shall restrict the Council in the carrying out of its duties to manage its reserves.
- 1.4 The bylaw shall come into force on 1 May 2008.

2.0 REVOCATION

- 2.1 The following bylaws are hereby revoked from the day this new bylaw comes into force:
Waikato District Council (General) Bylaw No. 1 (1990) -
 Chapter 17:1972 - Parks and Reserves
 Chapter 19:1972 - Beaches: Bathing and Control

3.0 DEFINITIONS

- 3.1 In this bylaw, unless inconsistent with the context:

Approved means approved by the Council or by any officer of the Council appointed or authorised for the purpose.

Authorised Officer means any person appointed by the Council to act on its behalf and with its authority.

Beach means any land adjacent to any sea, coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the local authority and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore and dunes is vested in the Council, includes the foreshore and dunes.

<i>Council</i>	means the Waikato District Council.
<i>Foreshore</i>	means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.
<i>Person</i>	includes a natural person, corporation and any body of persons, whether incorporated or not.
<i>Reserve</i>	means any open space, plantation, park, garden, beach, wharf, jetty, ground, track or land set apart for public recreation, enjoyment, conservation, beautification, education, or research, and under the management or control of the Council.
<i>Vehicle</i>	means any motor vehicle, motorcycle, bicycle, trailer, land yacht, skateboard or any other contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.

4.0 PROHIBITED AND RESTRICTED ACTIVITIES ON RESERVES:

4.1 Miscellaneous

- a) No person shall enter or leave any enclosed reserve except through the gateways, entrances and exits provided for that purpose.
- b) No person shall interfere with or disturb, destroy, remove or damage any plants, soil, stones, signs, articles or buildings on any reserve, or plant any plants or trees on any reserve except with the prior written permission of the Council.
- c) No person shall light or cause to remain alight, any fire within any reserve except for a gas barbecue, or with the prior written permission of the Council.
- d) No person shall build or place any buildings or structures of any kind, including but not limited to stalls, tents, or amusement devices, on any reserve and allow those buildings or structures to remain in place overnight, except with the prior written permission of the Council.
- e) No person shall hold any public meetings, concerts or other events, organised sports activities or assemblies of any kind within a reserve, except with the written permission of the Council.
- f) No person shall camp or stay overnight on any reserve, unless it is set aside for that purpose.

- g) No person shall hunt, injure or kill any animal or interfere with birds nests and eggs on a reserve except as authorised under clause 4.7(a), provided that this clause shall not apply to fishing.

4.2 Litter and Pollution

- a) No person shall leave any bottle, tin, glass, paper, remnants of food, or other litter within the limits of any reserve otherwise than in receptacles provided for that purpose.
- b) No person shall place, store or leave any rubbish, trade waste, rubble or debris, or other offensive or dangerous matter on any reserve.
- c) No person shall discharge any offensive or dangerous matter or cause pollution within any reserve or any stream, dam, pond, or fountain therein.

4.3 Interference with Enjoyment

- a) No person shall obstruct, disturb, or annoy any person or interfere with any other person in the use or enjoyment of any reserve, or use abusive or obscene language, or be intoxicated or under the influence of drugs, or be noisy or riotous, or in any way misbehave.
- b) No person shall play musical instruments or sound reproduction equipment on a reserve to the annoyance of others, except as authorised under clause 4.1(e).

4.4 Animals

- a) No person shall bring onto a reserve any dog or allow any dog to be within the area of a reserve other than in accordance with the Council's Dog Control Bylaw 2007 and any subsequent amendments or substitute.
- b) No person shall lead or ride any horse or other animal on any area of a reserve except on those areas set aside specifically for such purpose, or with the prior written permission of the Council.

4.5 Vehicles

- a) No person shall drive or ride any motorised vehicle on an area of any reserve except on accessways, roadways or parking areas provided on reserves for that purpose, either permanently or temporarily, provided that this clause does not apply to emergency vehicles, police vehicles and Council vehicles.
- b) Where the Council has authorised the driving or riding of a vehicle on any area of a reserve, the driver or rider of such a vehicle shall drive or ride the vehicle at a speed and in a manner which does not endanger or cause inconvenience to any person in the reserve area, or damage the reserve.
- c) No person shall park or store any vehicle, boat, vessel or article on a reserve on a periodic, regular or continuous basis except with the prior written permission of the Council provided that this clause shall not apply to life guard boats or other articles used for life saving purposes.

4.6 Aeroplanes and other Airborne Contrivances

- a) No person shall use a reserve for landing thereon or flying therefrom of an aeroplane, hang-glider, balloon, any kind of flying machine, model aeroplane or parachute, except in areas set aside for that purpose or in case of emergency, or with the prior written permission of the Council, provided that this clause shall not apply to kites.
- b) Notwithstanding clause 4.6(a) above, aeroplanes may land on and fly from the Raglan Aerodrome, which is a Local Purpose Reserve (Aerodrome), located at Marine Parade, Raglan.

4.7 Firearms and other Dangerous Articles

- a) No person shall take, carry or use any firearm, air gun, axe, bow and arrow, catapult, or other weapon or dangerous device on a reserve, except with the prior written permission of the Council.
- b) No person shall throw or hit sticks, stones, golf balls, or other missiles in a way likely to be injurious to any person or likely to damage property.
- c) Any authorised officer may take possession of any weapon or other dangerous article and retain the same while the person carrying the same is on any reserve, without being liable for any claim arising therefrom.

4.8 Commercial Activities

- a) No person shall sell or offer for sale any article of food or kind of drink or refreshment or carry on any trade on a reserve, except with the prior written permission of the Council.
- b) No person shall operate a commercial business on any reserve except with the prior written permission of the Council.

5.0 SPECIAL CONDITIONS FOR BEACHES, FORESHORE AND WHARVES

- 5.1 No person shall interfere, remove, destroy or damage any sign, navigation structure or aid, or any lifebuoy or lifesaving apparatus erected or maintained on the beach or on any wharf, jetty or landing place thereon.
- 5.2 No person shall interfere or remove any portion of any protective works or other structures erected on the foreshore for the control of sand or shingle or for the prevention of erosion.
- 5.3 The Council may prohibit bathing on any beach or any portion thereof, and may for this purpose place in prominent positions noticeboards defining the limits within which bathing shall be confined, and any person bathing anywhere on such beach other than within such limits shall be in breach of this bylaw.

6.0 CLOSING OF RESERVES

- 6.1 If for any reason the Council requires a reserve to be temporarily closed, the Council may by public notification declare a particular reserve to be closed to the public during the period or periods specified in the public notice.

7.0 CHARGES FOR SPECIAL EVENTS ON RESERVES

- 7.1 The Council may close all or any portion or portions of any reserve for particular games, events or other recreational activities during such times as it thinks fit, and may fix charges for the right to use such portions as are open to the public.
- 7.2 Any person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge commits an offence against this part of this bylaw.

8.0 CONDITIONS OF USE

- 8.1 Where the Council has given permission to carry out certain activities on the reserve, whether by way of issuing a licence or otherwise, such use shall be carried out in accordance with any conditions the Council may impose. Non-compliance with such conditions shall be an offence under this bylaw.

9.0 SETTING ASIDE OF AREAS OF RESERVES

- 9.1 If the Council considers it desirable and beneficial for the convenience, recreation and enjoyment of the public to set aside certain areas of a reserve for activities otherwise restricted in this bylaw, the Council may from time to time set aside such areas.

10.0 OFFENCES

- 10.1 Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw.

11.0 ENFORCEMENT OF THIS BYLAW

11.1 Prosecutions

Any person who commits an offence under this bylaw shall be liable to be prosecuted.

11.2 Additional Enforcement Measures

- a) If in the opinion of an authorised officer the behaviour or actions of any person in a reserve may endanger the public or animals, or may cause damage in the reserve, the authorised officer may request that person to desist from such behaviour. Any refusal to comply with the request is an offence against this bylaw, and the authorised officer may require that person to leave the reserve immediately.
- b) Any vehicles, boats or articles which are in a reserve in breach of this bylaw, may be removed by any Council officer or Police officer and impounded at the expense of the driver or owner.
- c) The Council may remove any structure or article that has been placed or built on a reserve in breach of this bylaw, and may recover the costs of removal from the person who committed the breach.

11.3 Police Assistance

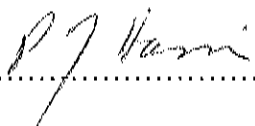
This bylaw authorises any member of the New Zealand Police to assist an authorised officer in the performance of the above additional enforcement measures.

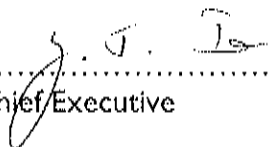
12. PENALTY

Any person who commits an offence against this bylaw shall be liable to a fine not exceeding \$20,000.00.

The above bylaw was made pursuant to a resolution passed by the Waikato District Council on 22 April 2008.

The Common Seal of the Waikato District Council was hereto affixed in the presence of:


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Mayor


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Chief Executive

