

Chapter 7: Parks & Reserves, Beaches & Tracks

Scope

The purpose of this chapter of the bylaw is to allow for the use of parks, reserves, beaches and recreational tracks in a manner that will not impinge upon the enjoyment of others or cause damage to natural areas and improvements.

700. Interpretation

700.1. This Chapter to be read in conjunction with Chapter 1 – Interpretation.

701. Entrances and exits only to be used

701.1. No person shall enter or leave any reserve except through the openings, gateways, entrances, or exits provided for that purpose.

702. Obstruction of entrances, etc

702.1. No person shall obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any reserve, and (where gates are provided) no person shall enter any reserve unless the reserve is open for the admission of the public.

703. Damage and interference

703.1. No person shall interfere with any inscription or any labels attached to or connected with any article, tree, shrub or other plant in any reserve, or any notice used to indicate or exhibit any name, regulation, or bylaw in any reserve.

703.2. No person shall remove, damage, or destroy, or attempt to remove, damage or destroy, any structure or any fitting within any reserve.

703.3. No person shall, without prior permission, in respect of any reserve take, deposit, remove or disturb any soil, shrub, tree or other growth, or take any seed, or cutting or interfere with any flowers, ferns, or greenery.

703.4. No person shall enter any of the enclosures or places set apart for the cultivation of plants in any reserve:

(a) On any portion of the reserve on which the same is forbidden by notice;

(b) On any plantation, flowerbed, or garden.

703.5. No person shall deface by writing or otherwise or in any other manner damage any building or structure in any reserve, or therein act or use these buildings or structures in an inappropriate manner.

704. Litter

704.1. No person shall leave any litter, household refuse or garden waste within the limits of any reserve otherwise than in receptacles provided.

705. Pollution

705.1. No person shall deposit offensive, or dangerous matter or cause pollution within the limits of any reserve, be it to land, water or air.

706. Dogs

706.1. Unless a reserve is specifically identified in Chapter 6 of this bylaw, no person shall take any dog or allow any dog in his / her custody or charge under his / her control to go within the limits of any reserve unless such dog is under effective control at all times. The owner or other person for the time being in charge of any dog that is found in any reserve without being under control as aforesaid shall commit an offence against this chapter of the bylaw.

707. Firearms

707.1. No person shall carry any loaded firearm on or across a reserve or use or discharge any such firearm on any part of a reserve unless specifically authorised by Council.

708. Water

708.1. No person shall permit or cause wastage of water or permit any water tap to flow for a period longer than may be reasonably required for the filling of utensils for drinking, cooking, or washing purpose; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

709. Wandering stock

709.1. No person shall, without the prior permission of Council, turn in or allow any animal to wander or graze within the limits of any reserve.

710. Riding and driving

710.1. No person shall without Council permission park, ride or drive any motor vehicle, or drive, ride, or lead any horse, or other animal on any area of any reserve except on those areas set aside specially for such purpose.

711. Speed

711.1. No person shall drive or operate any vehicle in any reserve at a speed in excess of the speeds indicated on the signs displayed in the reserve or as listed in Chapter 11 of this bylaw.

712. Dangerous and inconsiderate driving and riding

712.1. No person shall drive or ride any animal or drive or operate any motor vehicle, scooter, bicycle or skateboard in any reserve without due care and attention or without reasonable consideration for other persons using the reserve.

712.2. No person shall drive or ride any animal or drive or operate any motor vehicle, scooter, bicycle or skateboard within any reserve in such a manner as to cause damage to the surface or to any part of the reserve.

713. Notices and signs

713.1. No person shall post or interfere with any placard, sign, or notice board in, on, or about any reserve without the prior permission of Council, nor without such permission distribute any handbill or notice in a reserve or at any entrance to a reserve.

714. Bathing

714.1. No person shall bathe or wade within a reserve in any water where such bathing or wading has been prohibited by Council.

715. Lighting fires

715.1. No person shall, without the express permission of Council, light any fire in a reserve except in a place specially provided by Council for that purpose, or set fire to any vegetation in any reserve.

715.2. No person shall light any fire or continue burning the same in a reserve after sunset without the consent of Council or the custodian.

716. Erection of tents and booths

716.1. Except where provided for by the Freedom Camping Act 2011, and with the exception of temporary shade structures with pegs shorter than 150 mm, no person shall put up or erect any stall, tent or structure of any kind within any park or reserve except by permission of an authorised officer of Council, and only then in compliance with every condition under which such permission may have been granted.

717. Trading and intoxicating liquors

717.1. No person shall sell or offer for sale any article of food or merchandise or liquor or drink, or carry on any trade, within any reserve, without permission of Council, and then only in compliance with every condition under which such permission may have been granted.

718. Misbehaviour

718.1. Within the limits of any reserve, no person shall obstruct, annoy, or interfere with any other person in the use or enjoyment of any reserve, or use any obscene language, or be intoxicated or under the influence of drugs or in any way behave in an offensive manner.

719. Destruction of fauna

719.1. No person shall by any means whatsoever destroy or take any animal, fish, bird, nest, or egg, or attempt so to do, in or from any reserve without the prior consent of Council:

Provided that in the case of any animal or bird protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with to Council's satisfaction.

720. Interference with workers

720.1. No person shall in any reserve interrupt or interfere with any person working therein.

721. Sports and games

721.1. Council may prevent any game being played on any reserve or any part thereof which is liable to damage the said reserve or anything therein, or which could otherwise be detrimental to the reserve, or any part thereof.

721.2. Every person who fails upon the request of Council as aforesaid to stop playing or taking part in any such game shall commit an offence against this chapter of the bylaw.

721.3. No person shall play any game in any reserve except upon such areas of the reserve set apart for that purpose.

721.4. No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by Council to leave, or when any notice is erected at the main entrance to such playing ground or reserve or on the particular part thereof bearing the words GROUND CLOSED TO PLAY whether alone or with any other words.

721.5. No person shall play or practise golf on a reserve except on a reserve, or any part thereof, which Council has by resolution set aside for that purpose.

721.6. No person shall place any device, stall, fence, barrier, or any other article within a reserve without the permission of Council.

722. Remotely piloted aircraft (including drones)

722.1. No person shall fly any remotely piloted aircraft (including drones) within a park or reserve without due care and attention or without reasonable consideration for other persons using the park or reserve.

723. Landing of aircraft

723.1. No person shall make use of any part of any reserve for the purpose of the landing thereon or flying there from of an aircraft or of any kind of flying machine or glider except in case of emergency or in accordance with the prior permission of Council.

724. Council Officers

724.1. No act by any officer, employee, or agent of Council when engaged in duties on any reserve shall constitute an offence against this chapter of the bylaw.

725. Times of opening of reserves

725.1. Council may from time to time, by public notice, prescribe the period or periods during which any particular reserve, or any part thereof, shall be open to the public.

725.2. If Council has prescribed such period or periods in the manner aforesaid, no person shall be in or upon or remain in or enter such reserve, or part thereof, otherwise than during such period or periods.

726. Closing in special circumstances

726.1. Council may close any reserve, or parts thereof, as a result of civil disorder, bio-security hazard, natural disaster, safety hazard or such other factor as is deemed necessary.

726.2. No person shall enter or remain in such reserve or nominated part thereof during such period of closing without the prior permission of Council.

727. Charges on special occasions

727.1. Council may close all or any part of any reserve during such times as it thinks fit, and where charges may lawfully be made, may fix charges within legal limits for the right to use such parts of a reserve as are open to the public.

727.2. Council may, by resolution, govern the use of such parts of any reserve, and may fix charges for this purpose. Each area within a reserve shall be used only for the purpose for which it was constructed or set apart, and no person shall enter that part of a reserve unless they shall have first paid the charge fixed for that purpose.

727.3. Every person who on any day for which a charge is payable for admission to any reserve, or part thereof, enters any such reserve, or part thereof, without paying the proper charge commits an offence against this chapter of the bylaw.

727.4. Every person who on any day for which a charge is payable for admission to any reserve, or part thereof, has, before the hour at which any use for which the charge is made is due to commence, entered such reserve, or part thereof, without paying the prescribed charge for admission, shall before the commencement of the activity for which the admission fee has been charged either pay the proper charge for admission or leave the reserve, or that part subject to the admission charge.

728. Breach of bylaw

728.1. Every person committing any breach of the provisions of this chapter of the bylaw shall, upon request by / of Council's officer or agent immediately leave the reserve, park, beach or track and may be prohibited from appearing on the reserve park, beach or track for such times as Council deems fit.

728.2. Any person failing with all reasonable speed to comply with such request shall commit a further offence, that after having been warned under the provisions of the Trespass Act 1980 to leave the reserve, park, beach or track, and having failed to comply with that direction, they may be subjected to being trespassed for a period of not more than two years from that park, reserve, beach or track and / or prosecution under the provisions of that Act.

729. Offenders required to give names

- 729.1. Any person who in the opinion of the Council commits a breach of any of the provisions of this chapter of the bylaw shall if so requested by an authorised officer or Council's agent, supply his / her full name and address.

Beaches

In addition to the above provisions of this chapter of the bylaw, specific provisions for beaches follow:

730. Offences

- 730.1. Except with the prior consent of Council no person shall drive or operate any vehicle on any part of a beach at a speed greater than 20km / h.
- 730.2. Vehicles with the exception of service vehicles are not permitted on the beach at Caroline Bay without permission.
- 730.3. No person shall be or remain upon any part of a beach in view of other persons unless properly and sufficiently clad.
- 730.4. No person shall sell or offer to sell any article upon any part of a beach without the written permission of Council.
- 730.5. No person shall play games in or loiter in any dressing-shed situated on any beach.
- 730.6. No person shall use any dressing shed situated on any beach except for the purposes of dressing or undressing.
- 730.7. No person shall bring or deposit any filth or rubbish in any dressing shed situated on any beach.
- 730.8. No person shall damage, disfigure, or write in or upon any dressing shed or other property situated on any beach.
- 730.9. No person shall bathe from any wharf or pier situated at any beach other than a wharf or pier that is approved for that purpose.
- 730.10. No person shall clean any fish or leave any dead fish or fish offal on any beach, or deposit any dead fish or fish offal in the sea in the vicinity of any beach.
- 730.11. No person shall use, displace or interfere with any appliance or warning device at any beach provided by Council or any life saving club or other agency unless authorised by Council to do so.

731. Conditions

- 731.1. In granting any such permission as is required in clause 730 hereof Council may impose such conditions as to times, speeds, loads, or any other matter whatsoever as it may deem necessary or advisable.

731.2. Any person to whom any such permission has been granted and who fails to comply with any condition as aforesaid shall commit an offence against this chapter of the bylaw.

732. Protection of property

732.1. Except with the prior consent of Council, which may be granted subject to conditions no person shall:

- (a) Remove from any beach any stone, shingle, sand, boulders, silt, mud, or other material above the mean high water springs:
- (b) Use any part of a beach as a hauling-out site for the wintering of boats.

733. Against males trespassing

733.1. No male over the age of five years shall go in any dressing shed set apart by Council for the exclusive use of females, and so indicated by public notice exhibited thereon, except for the purpose of rendering assistance in case of an accident or emergency.

734. Against females trespassing

734.1. No female over the age of five shall go in any dressing shed set apart by Council for the exclusive use of males, and so indicated by public notices exhibited thereon, except for the purpose of rendering assistance in case of an accident or emergency.

735. Prohibition of bathing / swimming

735.1. Council may prohibit bathing or swimming on any beach or any part thereof , and may erect notice boards defining the limits within which bathing or swimming shall be confined, and any person bathing or swimming anywhere on such beach (or part thereof) and outside such limits commit an offence against this chapter of the bylaw.

736. Life saving clubs

736.1. Council may at its discretion authorise any life saving club (whether incorporated or not):

- (a) To provide and use life saving equipment to the standards approved by the New Zealand Surf Life Saving Association;
- (b) To use any such equipment provided by Council; and
- (c) To erect and, as may from time to time be necessary, remove from any place danger notices above the mean high water springs.

737. Hindering life saving

737.1. No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drill or with any person engaged therein.

738. Charges

738.1. Council may fix and / or amend fees for activities occurring on any beach, and for the use of any facilities at any beach, and for the safe custody of valuables.

Tracks

In addition to the above provisions of this chapter, specific provisions for tracks follow:

739. Defined use

739.1. Council may, from time to time, designate certain tracks or walkways for the exclusive use of walkers or cyclists.

739.2. Any such designation imposed under clause 739.1 shall not include a walkway in Waitohi Bush or Claremont Bush, which shall remain for the exclusive use of walking.