



Parks and Reserves Bylaw 2018

DATE MADE: 12 December 2018
COMMENCEMENT: 17 December 2018

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Parks and Reserves Bylaw 2018

PART 1: INTRODUCTION

The Whakatane District Council makes this bylaw made pursuant to sections 145 and 146 of the Local Government Act 2002.

1 SHORT TITLE AND COMMENCEMENT

This bylaw shall be known as the Whakatane District Council Parks and Reserves Bylaw 2018.
This bylaw comes into force on 17 December 2018.

2 REVOCATION

The Whakatane District Council Consolidated Bylaw Part 17: Parks and Reserves is hereby revoked from the day this Bylaw comes into force.

3 PURPOSE

- (1) The purpose of the Parks and Reserves Bylaw is to regulate the use of parks and reserves in the Whakatane District to ensure that they can be used for their intended purpose without users being subject to hazard, annoyance or activities affecting health, safety or wellbeing.
- (2) The Parks and Reserves Bylaw also provides for the protection of all Council infrastructure associated with parks and reserves from damage or loss.
- (3) The Parks and Reserves Bylaw should be read in conjunction, the District Reserve Management Plan and any applicable individual Reserve Management Plans and the following Bylaws:
 - Public Places Bylaw 2018
 - Dog Control Bylaw 2018
 - Traffic and Speed Limits Bylaw 2018
 - Alcohol Control Bylaw 2018

4 INTERPRETATION

In this bylaw, unless the context otherwise requires or where otherwise expressly provided:

AIRCRAFT means any man-made device capable of flight, including but not limited to aeroplanes, helicopters, gliders, hang-gliders, hot air balloons and radio controlled model aircraft; but does not include kites and balloons which are controlled from the ground via strings. (Note: this definition does not include unmanned aerial vehicles, also known as drones.)

AUTHORISED OFFICER means any officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person; and includes any rangers appointed by the Council under the Reserves Act 1977 and any Police Officers.

ANIMAL means any mammal, bird, reptile, amphibian, fish or related organism, insect, crustacean or organism of every kind, but does not include a human being.

BYLAW means the Whakatane District Council Parks and Reserves Bylaw 2018.

COUNCIL means the Whakatane District Council or any Committee, Community Board or elected member of Council or an Officer authorised to exercise the authority of Council.

DISTRICT means the area within the territorial boundary of the Whakatane District Council.

HOUSEHOLD WASTE means any solid waste comprising of garbage and rubbish (such as bottles, cans, clothing, compost, disposables, food packaging, food scraps, newspapers and magazines, and yard trimmings or vegetation of any form) that originates from private homes or apartments.

RESERVE or PARK means:

- (a) Any land which is vested in or administered by the Council under the provisions of the Reserves Act 1977; or
- (b) Any open space, plantation, garden park, domain, foreshore or greenspace area set aside for public recreation or enjoyment which is under the control or ownership of the Council; but
- (c) Does not include any land, park domain or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977; and
- (d) Does not include any land that has been leased unless the Bylaw has been specifically excluded in the lease.

VEHICLE has the same meaning as contained in section 2(1) of the Land Transport Act 1998.

PART 2: ACCESS TO PARKS AND RESERVES

5 ACCESS

- (1) No person shall enter or leave any park or reserve except through the openings, gateways, entrances or exits provided for the purpose.
- (2) No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any park or reserve.
- (3) No person shall enter any park or reserve unless the reserve is open for public admission.

6 OPENING TIMES OF PARKS AND RESERVES

The Council may, from time to time, by public notice, prescribe a period or periods during which any particular park or reserve shall be open to the public. No person shall be in, remain in or enter a park or reserve otherwise than during those periods.

7 CLOSING IN SPECIAL CIRCUMSTANCES

- (1) The Council or an Authorised Officer may close any reserve or part of a park or reserve, as a result of civil disorder, biosecurity hazard, natural disaster, safety hazard or such other factor as is deemed necessary.
- (2) When a park or reserve is closed by Council or an Authorised Officer, no person shall enter or remain in any park or reserve, or any part of a park or reserve without the prior permission of the Council or an Authorised Officer.

PART 3: PROHIBITED AND RESTRICTED ACTIVITIES IN PARKS AND RESERVES

8 DAMAGE AND INTERFERENCE

- (1) No person shall, within any park or reserve shall:
 - interfere with any inscription, signage or any labels attached to or connected with any article, tree, shrub or other plant, or any notice used to indicate or exhibit any name, regulation or bylaw;
 - remove, damage or destroy, or attempt to remove, damage or destroy any structure or fitting.
 - write upon, place stickers on, or paint graffiti on any hard surface within any park or reserve where permanent damage is likely to occur, without permission from Council
 - enter any area set apart for the cultivation of plants and growing of plants, including flowerbeds, nurseries, and planted gardens.
 - take, deposit, remove, or disturb any soil, shrub, tree, or other growth, or take any seed, cutting or interfere with or pick, or otherwise remove any flowers, ferns, or greenery without the permission of Council. This excludes taking from designated areas such as herb gardens, fruit forests or public community gardens.
- (2) No person shall cause harm to any fauna in any park or reserve.

9 VEHICLES

- (1) No person shall, without permission of an Authorised Officer, park, ride or drive any vehicle, motorcycle on any area of any park or reserve except on those areas set aside specially for such purpose.
- (2) Clause 9(1) does not apply to any person using a mobility scooter or bicycle.

- (3) Where permitted, no person shall drive or ride any vehicle or motorcycle in any park or reserve at a speed in excess of 20km per hour.
- (4) Where permitted, no person shall drive or ride any vehicle, motorcycle or bicycle in any park or reserve:
 - (a) without due care and attention or without reasonable consideration for other persons using the reserve; or
 - (b) in such a manner as to cause damage to the reserve.

10 NOTICES AND SIGNS

- (1) No person shall post any placard, sign, plaque or noticeboard in, on or within any park or reserve without the prior permission of Council.
- (2) No person shall distribute any handbill or notice either within or at any of the entrances to the park or reserve without the prior written permission of Council.

11 WASTE AND DISCHARGE OF WATER

- (1) No person shall leave any waste within any park or reserve except in receptacles provided.
- (2) No household waste shall be placed in any waste receptacle in any park or reserve.
- (3) No person shall discharge any water, including wastewater or stormwater, directly onto any park or reserve.
- (4) This restriction does not apply to self-contained motorhomes or caravans dumping waste water into any designated public dump station.

12 ERECTION OF TENTS AND STALLS AND OTHER STRUCTURES

No person shall put up or erect any stall, tent, camp, hammock, booth, swing, amusement device, or structure of any kind within any park or reserve except with the prior written permission of Council and in accordance with any required conditions. This does not include temporary shade protection.

13 SWIMMING OR WADING

No person shall swim or wade in any water within a park or reserve if:

- a notice has been placed there by Council stating that *Swimming or Wading is Prohibited* or similar wording; or
- an Authorised Officer requests that the person keeps out of the water.

14 TRADING AND ALCOHOL

No person shall sell or offer for sale any article of food or merchandise or alcohol, or any kind of drink, or carry on any trade within any park or reserve, without the prior written permission of an Authorised Officer and in accordance with any required conditions.

15 SPORTS AND GAMES

- (1) The Council or an Authorised Officer may prevent or stop any game being played in any park or reserve, if in his or her opinion the game may damage the park or reserve or anything within it, or which in the opinion of the Council or an authorised officer, is in any way undesirable.
- (2) No person shall play at or engage in or practice activities or sports on any playing ground when any notice is displayed at the main entrance to any playing ground, park or reserve stating that the area is *Closed to Play* or similar wording.
- (3) No person shall play or practise golf except on a park or reserve which the Council has by resolution set aside for that purpose.

16 MODEL AEROPLANES AND DRONES

- (1) No person shall fly any model aeroplane in any park or reserve except with the prior written permission of an Authorised Officer and then only in accordance with any required conditions.
- (2) Any drone being flown in a park or reserve must comply with Civil Aviation Authority Guidelines and regulations.

17 LANDING OR FLYING OF AIRCRAFT

No person shall use any part of any park or reserve for the landing, taking off from, or flying of an aircraft except in case of emergency or in accordance with the prior written permission of an Authorised Officer.

PART 4: OTHER MATTERS

18 CHARGES ON SPECIAL OCCASIONS AND FOR PARTICULAR PURPOSES

- (1) The Council may close all or any portion or portions of any park or reserve during any time it chooses, and may by resolution, fix charges for the right to use those portions of the reserve.
- (2) The Council may by resolution, adopt regulations governing the use of portions of any park or reserve and may fix charges for use of those portions. Every area shall be used only for the purpose for which it was constructed or set apart, and no person shall go into that portion of

the park or reserve for any purpose unless he or she has paid the charge fixed for that purpose.

- (3) Every person who, on any day for which a charge is payable for admission, has entered the park or reserve before the time at which the charge is due to commence, without paying the prescribed charge for admission, shall either pay the charge for admission or leave.

19 ORDERING OFF

Every person committing any breach of the provisions of this Bylaw shall, upon request by any Authorised Officer, immediately leave the park or reserve and may be prohibited from being in the park or reserve for such a period as the Authorised Officer deems fit.

20 EXEMPTIONS

This bylaw does not apply to any person who commits an act that is done:

- (a) In their role as officer or employee of the Council;
- (b) In accordance with a valid contract for services with the Council; or
- (c) By a member of the emergency services in the course of carrying out his or her duties as a member of the emergency services.

21 OFFENCES AND PENALTIES

Any person who commits an offence under this bylaw shall be liable to be prosecuted and liable to a fine not exceeding \$20,000.