



***Western Bay of Plenty
District Council***

Recreational and Cultural Facilities Bylaw 2005

Explanatory Note

The objective of this *Bylaw* is to promote the full and proper use and enjoyment by the public of the cultural and recreational facilities and services provided by the *Council* within the *District*.

This Bylaw is made under the powers provided by Part 8 sub part 1 of the Local Government Act 2002.



Western Bay of Plenty District Council

Recreational and Cultural Facilities Bylaw 2005

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Western Bay of Plenty District Council

Recreational and Cultural Facilities Bylaw 2005

Title

This Bylaw may be cited as the Western Bay of Plenty District Council Recreational and Cultural Facilities Bylaw 2005, and shall come into force on 15 June 2005.

Repeal

At the coming into force of this Bylaw the Western Bay of Plenty District Council Consolidated Bylaw (Chapter 8)1996, General Bylaw 1965 Part 8 and any other bylaw made by the Western Bay of Plenty District Council, or made by the former Tauranga County Council, Te Puke Borough Council, or Ohinemuri County Council, and having effect within any part of the Western Bay of Plenty District relating to the matters covered by the Recreational and Cultural Facilities Bylaw are hereby repealed.

Scope

The objective of this Bylaw is to promote good rule and government within the Western Bay of Plenty District.

Works and activities regulated by the Resource Management Act, or any other enactment, must be authorised pursuant to the provisions of those enactments before the works and activities can be carried out notwithstanding any approval given by Council under the Local Government Act 2002, or this or any other bylaw.

This Bylaw comprises sections on "Parks and Reserves" (including beaches, foreshores and sand dunes) and "Library Facilities" and is made under the authority of the Local Government Act 2002.

Recreational and Cultural Facilities Bylaw 2005

Validation

The Western Bay of Plenty District Council Recreational and Cultural Facilities Bylaw 2005 attached was duly made at a meeting of the Western Bay of Plenty District Council held on and ordered to come into force on 2005.

The Common Seal of the Western Bay of Plenty District Council was affixed hereto pursuant to a resolution of Council on 2005 in the presence of:

Chief Executive Officer

Seal

Date _____

Western Bay of Plenty District Council

Recreational & Cultural Facilities Bylaw 2005

1. Introduction

1.1. Definitions

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| 1.1.1 | Throughout the text of all sections of this <i>Bylaw</i> certain words are printed in italics and indicates that those words are included in the definitions set out below. | Definitions |
| 1.1.2. | The headings to the clauses under this <i>Bylaw</i> , and the explanatory notes or marginal notes to any Clauses shall not affect the construction thereof. | Interpretation
General |
| 1.1.3 | Minor amendments to prescribed <i>Bylaw</i> forms are allowed where the meaning and content of the forms remains unchanged. | Forms
prescribed |
| 1.1.4 | Words or expressions not expressly set out in this <i>Bylaw</i> have the definitions shown below: | |
| 1.1.5 | In this <i>Bylaw</i> , unless the context otherwise requires: | |

Appeal – See *Right of Appeal*

Authorised Officer means a Police *Officer* or any person including a parking warden for the time being appointed by the *Council* to carry out or exercise the duties, offices, or powers referred to in or granted by this *Bylaw*, and in acting as provided by this *Bylaw* shall act as agent for the *Council*.

Borrower means any person to whom the *Council* has by registration or otherwise granted any licence or privilege to borrow books or other material from libraries within the Western Bay of Plenty *District*.

Borrower's Card means any card issued by the Librarian as a means of identification of any *Borrower* from the library.

Building shall have the meaning assigned by the Building Act 1991 (or subsequent replacement).

Bylaw means a *Bylaw* of the *Local Authority* for the time being in force, made under the provisions of any Act or authority enabling the *Local Authority* to make *Bylaws*.

Controlling Officer means a person for the time being who is officially in charge of the facility or reserve area.

Council or District Council means the Western Bay of Plenty *District Council* or a duly *Authorised Officer* of the *Council*.

Cycle or bicycle means a vehicle having at least 2 wheels and designed to be propelled solely by the muscular energy of the rider. Children's cycles having wheels less than 355 mm (14") diameter are excluded.

Cycle track or cycle-way means any portion of a *Road* which has been designated by the *Council* under *Section 332* of the Local Government Act 1974 Chapter XXI or this *Bylaw* for the use of cyclists.

District means the area administered by the Western Bay of Plenty *District Council*.

Enforcement Officer means any person appointed by the Western Bay of Plenty District Council to act on its behalf to administer these *Bylaws*.

Facility means any public toilet, library, playing field, park, *Reserve*, public swimming pool, community hall or any other cultural, recreational or administrative *Facility* provided by and /or administered by *Council*, and includes the beaches, foreshores and sand dunes being under the jurisdiction or control of Council.

Foreshore 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 tides.

Guide Dog means a dog certified by the Royal New Zealand Foundation for the blind as being a guide dog or a dog under training as a guide dog.

Horses means any horse, mare, gelding, rig, colt, filly, pony, ass, or mule

Invalid chair means a wheelchair but does not include an invalid carriage as defined in the Transport Act 1998.

Librarian includes any person for the time being appointed to control or manage (or to assist in the control and management of) the library.

Library means any library established and carried on for the time being by the *Council* for use by the public, or any *Section* of the public, and includes every portion of any *Building* used for such purposes, and includes a mobile library.

Licensed means holding a licence, *Permit*, or *Written* approval from the *Council* or other authority under this *Bylaw* or any statute.

Material (when appearing in the Library section of this *Bylaw*) means whether printed or electronic, any book, magazine, newspaper, periodical, pamphlet or manuscript, or map, picture, piece of music including a gramophone record or sound recording, tape or compact disc, computer disc, roadsheet, card, newspaper cutting, photographic or negative film, microfilm or photocopy, whether the property of Council or for the time being under the control of Council.

Motor Cycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a side-car, and includes any vehicle with motor cycle controls declared by the Secretary or Transport to be a motor cycle; but does not include a moped.

Motor Vehicle has the meaning assigned to it from time to time by the Transport Act 1998.

Offence includes any act or omission in relation to this *Bylaw* or any part thereof for which any person can be punished either on indictment or by summary process.

Person/s includes a corporation sole and also a body of persons whether corporate or non-corporate.

Poultry includes geese, ducks, pigeons, turkeys, emus, ostriches and all types of domestic fowls.

Public Notice means a notice published in a newspaper circulated in the District in which the area is situated.

Ramp means any structure made for the purpose of launching vessels into or hauling vessels out of a body of water.

Reserve means any land under the management or control of *Council* and set apart for any public purpose as described from time to time in the *Reserves Act 1977* including parks, gardens, playgrounds, recreation grounds, open spaces and foreshores.

Ride a Skateboard means having either one or both feet or any other part of the body of any person on the skateboard when it is moving.

Right of Appeal means a right of *Appeal* to *Council* against any decision, order, or direction given under any provision of this *Bylaw*

Skateboard means a wheeled device controlled or propelled by gravity, or by the muscular energy of the rider, (or by any other means of propulsion), and also includes roller-skates, in-line skates, scooters or any similar device, but does not include any bicycle, tricycle, wheelchair, baby or invalid carriage.

Stock means:

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule or water buffalo that is not in a wild state.
- (b) any deer, goat, thar, rabbit, possum or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Temporary Sign means an advertising device to announce or advertise an event, function, or sale of product, erected or displayed only for such a limited period of time as is stipulated on the granting of a *Permit*.

Territorial Authority means any *Territorial Authority* within the meaning of the Local Government Act 2002.

Territorial Authority District means any territory over which the *Territorial Authority* has jurisdiction.

Toxic Substances shall have the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Vehicle has the meaning set out in the Transport Act 1998, but does not include -

- (a) A pram or pushchair;
- (b) A shopping or sporting trundler not propelled by mechanical power;
- (c) A wheelbarrow or hand-trolley;
- (d) A child's toy, including a tricycle and a bicycle, provided, in either case, no *Road* wheel (including any tyre) has a diameter exceeding 355mm;
- (e) A pedestrian-controlled lawnmower; or any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- (f) Any article of furniture;

- (g) Any invalid wheel-chairs not propelled by mechanical power;
 (h) Any other contrivance specified by notice in the Gazette not to be a vehicle;

Vessel means any ship or boat.

Writing, Written or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be *Written* it may be partly in writing and partly in printing.

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| 1.1.7 | Words importing the singular number include the plural number and words importing the plural number include the singular number; and words importing the masculine gender include the feminine gender. | Number and Gender |
| 1.1.8 | Words referring to any <i>District</i> , locality, place, person, office, <i>Officer</i> , functionary, party or thing shall be construed distributively as referring to each <i>District</i> , locality, place, person, office, <i>Officer</i> , functionary, party, or thing to whom or to which the provision is applicable. | Construed Distributively |
| 1.1.9 | The headings of the clauses of this <i>Bylaw</i> shall not affect the construction thereof. | <i>Bylaw</i> Headings |
| 1.1.10 | Every Schedule to this <i>Bylaw</i> shall be deemed to form part of this <i>Bylaw</i> . | <i>Schedules</i> |
| 1.1.11 | All <i>Officers</i> appointed by the <i>Local Authority</i> under or for the purpose of any repealed <i>Bylaw</i> , and holding office at the time of the coming into operation of this <i>Bylaw</i> , shall be deemed to have been appointed under this <i>Bylaw</i> . | <i>Officers</i> To Continue In Office |
| 1.1.12 | Nothing in this Part of this <i>Bylaw</i> shall derogate from any provision of, or the necessity for, compliance with any relevant Act of Parliament or any regulations or rules made thereunder. | Compliance With Parliamentary Acts and Regulations |

1.2. Application of Bylaw to the District

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| 1.2.1 | Except as herein expressly provided this <i>Bylaw</i> shall apply to the whole of the Western Bay of Plenty District Council Facilities as defined in clause 1 of this <i>Bylaw</i> . | Scope of <i>Bylaw</i> |
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1.3. Licences

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| 1.3.1 | Any person doing or proposing to do anything or to cause any condition to exist for which a licence or approval from the <i>Council</i> is required under this <i>Bylaw</i> or any other enactment shall first obtain a licence or approval from the <i>Council</i> . | |
| 1.3.2 | The granting of any licence or the giving or the imposing of any directions or conditions in respect of any licence by the <i>Council</i> or any <i>Officer</i> of the <i>Council</i> shall not render the <i>Council</i> or such <i>Officer</i> liable in respect of any damage caused by or arising out of any act done or omitted in pursuance of or in connection with such licence. | <i>Council</i> not liable for damages |



1.3.3	The <i>Council</i> may attach to any licence such terms or special terms or conditions as it thinks fit.	Conditions
1.3.4	No application for a licence or <i>Permit</i> from the <i>Council</i> , and no payment of or receipt for any fee paid in connection with such application, licence, or <i>Permit</i> shall confer any right, authority or immunity on the person making such application or payment and the <i>Council</i> shall be under no obligation to grant any such licence or <i>Permit</i> .	No rights conferred.
1.3.5	Except as may be otherwise provided in any enactment or in this <i>Bylaw</i> , should it be brought to the notice of the <i>Council</i> that the holder of any licence granted hereunder : (i) Has acted or is acting in a manner contrary to this <i>Bylaw</i> ; or (ii) Has failed to comply with any of the conditions of such licence; or (iii) Is in any way unfit to hold such licence; (iv) Has allowed the <i>Premises</i> covered by such licence to be used for any purpose other than that stated in the licence, or has failed to maintain the <i>Premises</i> in the condition required by such licence	Failure to comply with Conditions of Licence
	then the <i>Council</i> may by notice in writing call upon him/her to appear before the <i>Council</i> or a Committee of the <i>Council</i> at a time and place stated in the notice, and show cause why his/her licence should not be revoked or suspended. The <i>Council</i> or Committee may, if it considers the allegations correct or if there is no appearance by the holder of a licence, revoke the licence or suspend the same for as long as it may think fit.	Suspension and Revocation of Licence
1.3.6	Any person whose licence has been suspended, and any <i>Premises</i> in respect of which the licence has been suspended, shall, during the period of such suspension, be deemed to be unlicensed.	
1.4.	Dispensations	
1.4.1	The <i>Council</i> may grant a dispensation from full compliance with any provision in this <i>Bylaw</i> or any other <i>Bylaw</i> enacted by it, in a case where the <i>Council</i> is of opinion that full compliance would needlessly and injuriously affect any person or business, without a corresponding benefit to the public or any section of it.	Grounds for Dispensation
1.4.2	<i>Written</i> application for a dispensation shall be made to the <i>Council</i> , giving full details of the relief sought and the reasons why the relief is sought.	Application for dispensation
1.4.3	The <i>Council</i> may either refuse the application, or grant it subject to such conditions as it may consider appropriate.	Determination of Dispensation Application



1.5. Offences and Breaches

- 1.5.1 Every person commits a breach of this *Bylaw* who: *Offences and Breaches*
- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this *Bylaw*;
 - (b) Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this *Bylaw* ought to be done at the time and in the manner therein provided;
 - (c) Does not cease any action which the person is required to cease under this *Bylaw*;
 - (d) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this *Bylaw*;
 - (e) Fails, refuses or neglects to comply with any notice duly given to that person under this *Bylaw*;
 - (f) Obstructs or hinders any *Officer* of the *Council* or other person appointed, employed or authorised by the *Council* in the execution or performance or attempted execution or performance of any duty to be discharged by such person under or in the exercise of any power conferred by this *Bylaw*; Obstruction
 - (g) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the *Council*.
- 1.5.2 (a) Whenever any person fails to comply with a lawful notice, request, or order, given by an *Authorised Officer* of the *Council* under any of the provisions of this *Bylaw* the failure, whether wilful or otherwise, to comply with such notice, request, or order shall be a separate *Offence* upon each day that such person fails to comply with the notice, request, or order. Failure to Comply with Notice
- (b) The provisions of this clause shall not be construed to relieve any person from any penalty which he or she may have incurred before receiving such notice.
- 1.5.3 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*. Right to lay information.
- 1.5.4 Any person who in the opinion of an *Authorised Officer* of the *Council* is committing or has committed an *Offence* under any of the provisions of this *Bylaw* shall if so required by such *Officer* desist from such *Offence* and also upon request give his or her full name and address. Name and address to be Given



1.6. Serving of Notices, Documents Etc

- 1.6.1 Except where otherwise expressly provided for in any Act, in any case where it is provided by this *Bylaw* or any Part thereof, 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 delivered to that person either personally or by sending it to the person's last known address, place or abode or business, and in the case of a company to its registered office, by messenger or by ordinary post. Serving of Orders and Notices.
- 1.6.2 If that person is absent from New Zealand, the order or notice may be sent to that person's agent instead of to that person in any manner mentioned in clause 6.1. Service on Persons Absent from New Zealand
- 1.6.3 If that person is not known, or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or *Building*, the order or notice, addressed to the owner or occupier of the land or *Building*, as the case may require, may be served on the inhabitant or occupier of that property, or left with some person residing therein, or, if there is no occupier, may be put up on some conspicuous part of the land or *Building*. It shall not be necessary in any such notice to name the occupier or the owner of the land or *Building*. Service on Persons not Known
- 1.6.4 If that person is deceased the order or notice shall be served in any such manner as aforesaid on that person's personal or legal representative or executor. Service on Deceased Persons
- 1.6.5 Where an order or notice is sent by post it must be sent so as to arrive in the due course of post on or before the latest time on which the order or notice is required to be served and shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post. Service by Post

1.7. Right of Appeal

- 1.7.1 Any person who claims to be unfairly or adversely affected by any decision, order, or direction, given by a duly *Authorised Officer* of *Council* shall have the right of *Appeal* to the *Council*.
- 1.7.2 Such *Appeal* shall be in writing setting out the reasons for the *Appeal* and shall be lodged within fourteen (14) days of the date on which the decision, order, or direction was given.
- 1.7.3 *Council* may appoint any standing committee of *Council* to consider the *Appeal* and to hear *Written* or personal submissions from the appellant if the committee so decides

- 1.7.4 The committee, after considering such evidence as it thinks necessary, may revoke, confirm, or modify the decision, order, or direction giving rise to the *Appeal*.

1.8. Penalties

Any person who is alleged to have committed an offence under this Bylaw may either:

Penalties
General

- (a) be proceeded against under the Summary Proceedings Act 1957 or,
- (b) be served with an infringement notice under the Local Government Act 2002.

And be subject to the penalties set out in Section 242(4) of the Local Government Act 2002.

1.9. Officers

- (a) For any of the purposes of this *Bylaw*, any *Officer* or other person duly appointed, employed or authorised by the *Council* in that behalf may at all reasonable times enter upon any land, *Building* or *Premises* in order to carry out an inspection thereof and may execute thereon any works or actions authorised under or pursuant to this *Bylaw*.
- (b) All *Inspectors* or other *Officers* appointed by the *Council* under or for the purpose of any repealed *Bylaw* and holding office at the time of the coming into operation of this *Bylaw* shall be deemed to have been appointed under this *Bylaw*.
- (c) Every person commits an *Offence* against this *Bylaw* by impersonating any person who is charged with the administration of this *Bylaw* or of any aspect thereof.
- (d) No civil or criminal liability shall attach to *Officers* as a result of proper performance of authorised duties.

Right of Entry

Appointment of
Officers

Impersonation

No liability on
Officers

1.10. Fees

The *Council* may, under clause 150(3) of Local Government Act 2002 and subject to using the process set out in clause 83 of the Act prescribe fees for the purpose of this *Bylaw*.

Setting of fees

1.11. Delegation

Council may at any time, by resolution, delegate any powers under this *Bylaw* to a committee of *Council* or a duly *Authorised Officer* or *Officers* of *Council* in accordance with the provisions of the Local Government Act 2002.

Delegation



1.12. Statutory Amendments

Reference in this *Bylaw* to any statute, regulation, or *Bylaw* shall, unless the context requires, include reference to all subsequent statutes, regulations, or *Bylaws*, made in amendment or in substitution and for the time being in force.

1.13. Amendments to Bylaws or Schedules

1.13.1 *Council* may amend this *Bylaw* using the procedures set out in the Local Government Act.

1.13.2 *Council* may from time to time by resolution publicly notified amend the *Schedules* to this *Bylaw* subject to clause 156 Local Government Act 2002.

1.14. New Technology

If, after the coming into force of this *Bylaw*, any person wishes to install or use in the *District* any article or thing which had not been introduced into the *District* prior to the coming into force of this *Bylaw* and which, while not complying entirely with the provisions of this *Bylaw*, may in the opinion of the *Council* be properly installed and put into use, and which does not contravene the intention and spirit of this *Bylaw*, the *Council* may either generally or specifically authorise the installation and use of such article or thing, and may impose such conditions as it deems necessary

Western Bay of Plenty District Council

Recreational and Cultural Facilities Bylaw 2005

2. General

- 2.1 The *Council* may in accordance with Section 151(2) of the Local Government Act 2002, by resolution publicly notified:
- (a) Adopt a policy for the purpose of protecting, maintaining, preserving, developing or enhancing the recreational and cultural facilities under its control;
 - (b) Set the terms and conditions applicable to the granting by *Council* of any licence, right, permit or approval in respect of any activity in or about any recreational or cultural *Facility* under its control; Licences
 - (c) Prescribe fees rates and charges for any licence, right or permit given, or any other thing to be made, done or given by the *Council*, or its agents, arising out of or in connection with any recreational or cultural *Facility*; Fees
 - (d) Establish and fix fees for admission to any *Facility* or part of any *Facility*, excluding libraries within the *District*, and set the hours of operation of any *Facility* including *District* libraries.
- 2.2 Any person who is granted any licence, right or permit, or approval by *Council* in respect of any activity on or in any recreational or cultural *Facility*, shall comply with any conditions attaching to such permission. Any person who fails to comply with such conditions shall be guilty of an offence against this *Bylaw*. Conditions
- 2.3 No person shall: Conduct
- (a) Pollute, damage or interfere with any *facility* or deface or disfigure any surface, structure, or exhibit within a cultural or recreation *facility*, including trees, shrubs and flowerbeds;
 - (b) Fail to comply with all reasonable requests of any *authorised officer* on duty;
 - (c) Smoke or consume food within a *facility* or area (indicated by signs) where this is specifically excluded;
 - (d) Consume or supply any intoxicating liquor in areas (indicated by signs) where drinking is specifically excluded;

- (e) Bring any wheeled vehicle or conveyance other than an invalid chair, pram, pushchair, shopping bag or basket into any Council controlled community hall or swimming pool.
- (f) Permit any animal controlled or owned by that person to enter a cultural or recreational building except where expressly allowed by the *Bylaw* except that *guide dogs* may be permitted to enter,
- (g) Enter a restricted area or an area set apart for staff without the permission of an *a Controlling Officer*,
- (h) Deposit or throw any litter, or any substance or article that is likely to be of a dangerous or offensive nature except in a place or receptacle provided for that purpose;
- (i) Behave in any way that could interfere with or prevent another person's enjoyment of the *facility* or remain on any facility in view of other persons unless properly and sufficiently clad.

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| 2.4 | A person who in the opinion of any duly <i>authorised officer or controlling officer</i> is not in a fit state to be admitted to any cultural or recreational facility, shall not enter, or having entered, shall leave immediately when requested by that officer to do so. | Prohibited Entry |
| 2.5 | Any person who in the opinion of a duly <i>authorised officer</i> is committing any breach of this Part of this <i>Bylaw</i> shall upon request of that officer leave immediately, but shall nevertheless be liable also to be prosecuted for the breach. A failure to leave on the request of that officer shall amount to a further offence. | Offence |
| 2.6 | The <i>Council</i> may restrict access by the public to certain areas at specified times for the private use of a particular organisation or for the holding of a private function. No such restriction shall have effect unless not more than 14 days nor less than 7 days before the restriction is to occur, public notice is given stating the period of restriction and the area to which it relates. | Private Functions |
| 2.7 | Any person who wishes to conduct any activity, such as race or competition etc in an area to which this <i>Bylaw</i> applies may apply to Council to suspend application of the <i>Bylaw</i> in that area during the period of that activity. During such activity Council may impose terms and conditions over the area reserved that it might consider necessary for the protection of the amenity or in the case of foreshores, the coastal environment and to protect the safety and convenience of the public. | Suspension of <i>Bylaw</i> |
| 2.8 | If in the opinion of an <i>authorised officer of Council</i> any <i>facility</i> is being used or is likely to be used for any purpose which may result or be likely to result in riotous conduct or in civil disorder or be or likely to be injurious to health that officer may by notice in any newspaper circulating in the <i>District</i> , or by notice erected or displayed on the entrances to such <i>facility</i> , declare that <i>facility</i> to be closed for such period as deemed advisable. | Notice of Closure |



- 2.9 No person shall enter or remain in such *facility* during such period of closing without the prior permission of an *authorised officer* of the *Council*.
- 2.10 The *Council* may close to the public all or any portion or portions of any *facility* during such times as it thinks fit, and where charges may lawfully be made, may by resolution publicly notified fix charges for the right to use such portions as are open to the public. Charges and Closure
- 2.11 Every person who has, before the hour at which any exhibition, show, game, programme of sports, or other entertainment for which the charge is made is due to commence, entered any *facility* or part thereof without paying the prescribed charge for admission, shall before the commencement of such exhibition, show, game, programme of sports, or other entertainment either pay the proper charge for admission or leave such *facility* or part thereof. Payment of Charges
- 2.12 No person shall enter or leave any *facility* except through the openings, gateways, entrances or exits provided, and any person, after opening any gate shall immediately securely close such gate. Entrances, Exits
- 2.13 No person shall obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any *facility*, and (where gates are provided) no person shall enter any *reserve* except while it is open for the admission of the public.
- 2.14 Only a child under the age of 8 years may enter or use any place, room or *building* in any *reserve* or other recreational or cultural *facility* which has been set apart for the use of persons of the opposite sex, such child to be accompanied by an appropriate older person and no person shall loiter in or about any such *facility*. Male and Female Facilities
- 2.15 Any person who in the opinion of the *controlling or authorised officer* commits a breach of any of the provisions of this Part of this *Bylaw* shall if so requested by an *authorised officer* supply his or her full name and address. Offenders to Give Names
- 2.16 No child under the age of 10 (ten) years shall be allowed to enter or remain in any *facility* unless such child is accompanied by a person over the age of 14 years. Except where the *Controlling Officer* gives approval for a child of lower age to enter or remain. Unaccompanied Children

3. Parks and Reserves

Control of Activities

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| 3.1 | The parking, riding or driving of any motor vehicle, cart, motorcycle, moped, land yacht, cycle, unicycle, skateboard, scooter or other similar wheeled device are excluded in those areas identified by official signs and/or appearing in the schedules attached to this Bylaw. Overnight parking of certified self contained motor vehicles (campervans) is only permitted in those areas identified in the Reserve Management Plan. | Vehicles |
| 3.2 | The driving, riding or leading of any horse is not permitted on any reserve or beach except in those areas specifically set aside for such purpose by Council resolution and such areas shall be identified by signs and appear in the schedules attached to this Bylaw. No horses may be ridden on the sand dunes.
[For restrictions relating to Dogs, see Dog Control Bylaw 2004]. | Horses and Dogs |
| 3.3 | No person shall drive, ride or lead any sheep, cattle or other animal on any beach such that in the opinion of a duly authorised officer of Council a nuisance or inconvenience is created for other users of the beach or foreshore, or damage is being caused to the coastal environment. | Cattle and other animals |
| 3.4 | Access for any vehicle or animal, as set out in the above clauses, to any Council controlled reserve or facility shall only be by means of a Council designated and sign posted accessway. | Access |
| 3.5 | Where vehicles are permitted no person shall drive any <i>motor vehicle</i> or <i>motorcycle</i> or <i>moped</i> in any <i>reserve</i> at a speed in excess of 15 km/h. | Speed |
| 3.6 | Any restriction contained in the foregoing clauses shall not apply to any Law Enforcement Officer, Surf Patrol, Fire, Rescue or Emergency Services Personnel, Council Officer (including Bay of Plenty Regional Council Officers), Honorary Ranger (appointed by Council), in the performance of his/her official duties, or any other vehicle movement approved by a controlling officer. | Exemptions |
| 3.7 | In areas where it is permitted, no person shall drive any <i>motor vehicle</i> or cart or ride any <i>motor cycle</i> , <i>moped</i> , <i>land yacht</i> , <i>cycle</i> , unicycle, skateboard, scooter or similar wheeled device or <i>horse</i> or other animal without due care and attention or without reasonable consideration for other persons using the <i>reserve</i> . Where a motor vehicle is moving to and from the edge of the water by means of an approved accessway for the purpose of launching or retrieving a vessel etc, the vehicle shall move across the beach or foreshore by the shortest possible practical route. | Conditions for Use of Vehicles |
| 3.8 | In areas where it is permitted, no person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) in such a manner as to cause damage to the surface or to any part of such <i>reserve</i> or land. | Damage |

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| 3.9 | No person shall post or interfere with any placard, sign, noticeboard, light, navigation mark or beacon in on or about any <i>reserve</i> without the prior permission of a <i>controlling officer</i> of the <i>Council</i> , nor without such permission distribute any handbill or notice in a <i>reserve</i> or at any of the entrances. Nor shall any person erect, maintain or display any light, mark or beacon which may be used or mistaken for a navigation aid, without the permission of the Bay of Plenty Regional Council having first been obtained. | Notices, lights, signs, beacons etc |
| 3.10 | No person shall bathe or wade in any water in any <i>reserve</i> in contravention of any sign erected or authorised by Council. | Bathing |
| 3.11 | No person shall light any fire except in a place specially provided by the <i>Council</i> for that purpose, or continue burning the same in a <i>reserve</i> after sunset without the <i>consent</i> of a <i>controlling officer</i> of the <i>Council</i> . No person shall set fire to any vegetation in any <i>reserve</i> . | Fires |
| 3.12 | Any person who lights or uses a fire in a place specially provided by the <i>Council</i> for that purpose commits an offence unless such fire is totally extinguished before such person leaves the <i>reserve</i> . | |
| 3.13 | No person shall put up or erect any stall, tent, camp, booth, swing, amusement device, or structure of any kind within any <i>reserve</i> except by permission of a <i>controlling officer</i> of the <i>Council</i> and then only in compliance with every condition under which such permission may be granted. | Tents, Booths, Amusement Devices etc |
| 3.14 | No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any <i>reserve</i> , without permission of a <i>controlling officer</i> of the <i>Council</i> , and then only in compliance with every condition under which such permission may be granted. | Trading |
| 3.15 | No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus installed or provided for the use of children in any <i>reserve</i> . | Childrens' play equipment. |
| 3.16 | No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any non-domestic animal, fish, bird, bird's nest or bird's egg, or attempt so to do, in or from any <i>reserve</i> without the prior permission of a <i>controlling officer</i> of the <i>Council</i> . 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. | Flora, Fauna |
| 3.17 | No person shall cause or permit any damage to the natural vegetation and ground cover of any Park or <i>Reserve</i> so as to contribute or be likely to contribute to the erosion of any sand, soil or vegetation and includes any deliberate removal of sand, soil or vegetation from any reserve. | Erosion |
| 3.18 | No person shall deposit any ballast, rock, stone, shingle shell, logs or other material on any reserve. | |



- 3.19 No person shall, within the limits of any *reserve* except with the prior permission of a *controlling officer* of the *Council*, organise, hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd. Assembly
- 3.20 No person shall in any *reserve* interrupt or interfere with any person authorised to be working therein.
- 3.21 An *authorised officer* of the *Council* may prevent any game being played on a *reserve* which in his or her opinion is liable to damage the said *reserve* or anything therein, or which in his or her opinion is otherwise undesirable. Damage to Reserve.
- 3.22 No person shall play any game in any *reserve* except upon such areas therein as shall be set apart for that purpose or as the *controlling officer* shall direct. Playing of games.
- 3.23 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 the *controlling officer* to leave such playing ground or *reserve* or any part thereof, 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.
- 3.24 No person shall play or practise golf except on a *reserve* which the *Council* has by resolution set aside for that purpose.
- 3.25 No person shall within the limits of any *reserve* and without the prior permission of a *controlling officer* of the *Council*:- Firearms and other weapons
- (a) Take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, trap or net or let off any fireworks; or
- (b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance in a manner causing or likely to cause injury to persons or property.
- 3.26 Any *authorised officer* may take into his or her possession and retain while the person carrying the same is in any *reserve*, any of the articles referred to in 3.25(a) above, without being liable for any claim arising therefrom. Seizing of dangerous instruments.
- 3.27 No person shall from or in the airspace above any *reserve* fly any model aeroplane in a manner hazardous to the public and shall cease such activity when directed by a duly *controlling officer* of the *Council*. Model Aeroplanes
- 3.28 No person shall make use of any part of any *reserve* for the purpose of the landing thereon or flying there from of an aeroplane or of any kind of flying machine, hot air balloon, or glider except in case of emergency or in accordance with the prior permission of a *controlling officer* of the *Council*. Aircraft



- 3.29 No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; 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*. Water Use
- 3.30 No person shall, without the prior permission of any *controlling officer* of the *Council*, turn in or allow any *stock* or other animal or *poultry* to wander or graze within the limits of any *reserve*. Stock
- 3.31 No person shall use any vehicle for the purposes of temporary living accommodation on any portion of a *reserve*. Temporary Living Accommodation



4. Public Libraries

Rules for Control

- 4.1 The libraries and specified part or parts of the libraries shall be open and available to residents of the Western Bay of Plenty *District* or such other persons as *Council* by resolution may determine free of charge but subject to such conditions as *Council* may prescribe.
- 4.2 On the completion and signing of an application form and the production of some form of personal identification every person residing in the Western Bay of Plenty District, or who resides in Tauranga City, or any other district with which Western Bay of Plenty District Council has a reciprocal arrangement, shall be entitled to membership of the Library, in accordance with Council's Library Funding Policy and to borrow *material* provided that the Council may impose borrowing charges in respect of particular *material*. Membership
- 4.3 Any child under the age of sixteen wishing to borrow *material* shall have an application form completed and signed on their behalf by a parent or guardian. Such parent or guardian shall be responsible for all *material* borrowed by that child and shall sign an acknowledgement to that effect if required to do so by a *Librarian*. Children's Borrowing
- 4.4 Any person who does not qualify under Clause 4.2 to free membership of the *Library* may obtain a *borrower's card* on completion of an application form and payment of such fee as may be prescribed by *Council* resolution providing such person produces some suitable form of personal identification. Unqualified Borrowing
- 4.5 The *Council* may from time to time make rules: Library Rules
- (a) For determining the number of items of *material* to be lent to any one *borrower* to be held at one time;
 - (b) For determining the hours during which any *material* may be borrowed from any specified portion or department of the *library*;



- (c) For determining the time to be allowed for the return of any *material*;
- (d) For maintaining good order and conduct within the *library*.
- 4.6 No person shall be entitled as of right to borrow any *material* specified as reference *material*. Provided, however, that a *librarian* may at his or her discretion permit any such *material* to be borrowed by any holder of a *borrower's card* subject to compliance with any conditions laid down by the *Librarian*. Borrowing
- 4.7 No person shall take or borrow any *material* from a *library* except through the proper issue procedure.
- 4.8 Any person who is not named in any *borrower's card*, or duly authorised by the person so named, who shall make use of any such card for the purpose of obtaining any *material* from the *library* commits an offence against this Part of the *Bylaw*. Unauthorised Use
- 4.9 If any *material* is lost or returned in any way damaged, the *borrower* shall pay to the *Council* such a sum of money as will replace such *material* or as will be a full compensation for any damage or loss caused. Damage to Items
- 4.10 No person owing any money to the *Council* above a limit specified by the *Council*, in connection with any *library* shall take out or borrow any *material*, and any *Librarian* may impound the *borrower's card* of any such person. Unpaid Money
- 4.11 Every holder of a *borrower's card* shall notify any change of his or her address to a *Librarian*. Change of Address
- 4.12 Any person unlawfully taking or attempting to take any *material* from a *library*, and any person knowingly pledging, pawning, selling, or purchasing or advancing money on any such *material* or attempting to do so, commits an offence against this Part of this *Bylaw*. Unlawful removal
- 4.13 No person shall:- Conduct
- (a) While in a state of intoxication, or under the influence of a mind altering substance, enter, remain in, or use the *library*;
- (b) Interfere in any way with any other person lawfully using the *library*;
- (c) While using the *library* fail to comply with all reasonable requests of any *Librarian*;
- (d) Behave in a noisy or offensive manner in any part of the *library*;
- (e) Bring any wheeled vehicle or conveyance other than an invalid chair, pram, pushchair or shopping bag or basket, into the *library* without the permission of a *Librarian*;

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- (f) Having brought into the *library* any article which in the opinion of a *Librarian* or other official of the *library* unduly interferes with the use of the *library* by the public, fail to remove such article immediately upon the request of such *Librarian* or official;
 - (g) Make any mark on, soil, damage, mutilate or deface any *material* belonging to the *library*, or remove any number, label or mark of ownership from any material.
 - (h) Copy any printed or digital material in breach of any copyright.
 - (i) Take any *material* out of any part of the *library*, whether to another part of the *library* or elsewhere, without the permission of a *Librarian*.
 - (j) While in the *library* fail at any time at the request of a *Librarian* to give his or her correct name and address.
 - (k) Use library equipment for the purposes of accessing pornographic or other objectionable material, for the improper access of information belonging to third parties or for objectionable or unsolicited communications.

4.14 Where in the opinion of the *Librarian* any person has contravened any of the provisions of this Part of this *Bylaw* relating to the *library* or has otherwise acted in an unlawful manner in the *library*, the *librarian* may exclude that person from the *library* for such period of time as the *Librarian* thinks fit.

Exclusion from
Library



Schedule 1

Pursuant to Clause 3.2 horses are permitted in the following areas subject to the conditions of access set out below:

(a) Waihi Beach

From 2nd Thursday of February in each year to the Tuesday before the 3rd Wednesday in December of the same year bridled horses may be ridden on that part of the foreshore at Waihi Beach from a line 100 metres south of Albacore Avenue to a line 100 metres north of Pio Road.

Horses may enter and exit the foreshore only from the defined accessway north of Pio Road. (NB no horses may be ridden or lead in dunes anywhere)