

HUTT CITY COUNCIL PARKS AND RESERVES BYLAW 2017

ADOPTED BY COUNCIL 12 DECEMBER 2017

EFFECTIVE 1 JANUARY 2018

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1. INTERPRETATION

“**Animal**” has the same meaning as in section 2 of the Reserves Act 1977.

“**Bylaw**” means this Parks and Reserves Bylaw.

“**Council**” means the Hutt City Council.

“**Custodian**” means a person for the time being lawfully appointed by the Council to control or supervise a reserve or any part of a reserve.

“**Emergency services**” has the same meaning as in section 2 of the Civil Defence Emergency Management Act 2002.

“**Dangerous weapon**” includes any firearm, bow and arrow, catapult or shanghai.

“**Firearm**” has the same meaning as in section 2 of the Arms Act 1983.

“**Reserve**” means any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment that is under the management or control of the Council and includes all land administered by the Council under the Reserves Act 1977, but does not include any land administered by the Greater Wellington Regional Council.

“**Structure**” includes any building, fence, gate, seat, playground equipment, memorial, artwork, fountain, wharf, jetty, platform, goal posts, rubbish bins and rafts.

“**Vehicle**” means:

- (a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, land yacht, boat, surf ski, skateboard, in-line skates, roller skates, and the shell or hulk of a vehicle; but
- (c) does not include—
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (v) a pedestrian-controlled lawnmower:
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vii) an article of furniture:
 - (viii) a wheel-chair not propelled by mechanical power.

PART 1 – ACCESS TO RESERVES

2. HOURS OF OPENING

- 2.1** Subject to the provisions of this Bylaw and the Reserves Act 1977, all reserves will be open to the public daily and free of charge.

3. CLOSING OF RESERVES

- 3.1** The Council may determine the times during which a reserve, or any part of a reserve, will be closed to the public.
- 3.2** No person, other than a Custodian, may enter or remain in a reserve, or any part of a reserve, while it is closed to the public.

4. LEASED OR LICENSED PREMISES IN RESERVES

- 4.1** The Council may lease premises in a reserve to any organisation or member of the public, or license any organisation or member of the public to use premises in a reserve, upon any conditions the Council considers appropriate.
- 4.2** No person may enter or use any premises in a reserve that are subject to a lease or a licence other than the Custodian or any other person in accordance with a lease or licence.

5. NO ENTRY INTO RESTRICTED AREAS OR PLACES IN RESERVES

- 5.1** The Council may specify any area or place in a reserve to be a restricted area or place.
- 5.2** No person, other than a Custodian, may enter a restricted area or place without the prior written permission of the Council.
- 5.3** Any person doing an activity under clause 5.2 must comply with any conditions imposed by the Council on its written permission.

PART 2 – PROHIBITED AND RESTRICTED ACTIVITIES IN RESERVES

6. INTERFERENCE WITH RESERVES

6.1 No person may:

- (a) remove, destroy, damage, deface, obstruct, disturb, or otherwise interfere with any thing, or any part of any thing, in or enclosing a reserve, including any:
 - (i) structure;
 - (ii) sign, notice, label, inscription, billboard, or placard;
 - (iii) path, track, lawn, step, gravel, sand, soil, or border;
 - (iv) tree, shrub, or plant of any kind, including hedges, flowers, or flowerbeds;
 - (v) area prepared for any sport or game;
- (b) remove, destroy, injure, disturb, shoot, snare, trap, or otherwise interfere with any animal in a reserve, unless using a firearm in accordance with a permission granted under clause 16.2 of this Bylaw;
- (c) plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, in a reserve;
- (d) pollute or render unfit for any purpose any water in a reserve;
- (e) swim, wade or wash in any ornamental water in a reserve;
- (f) erect, construct, make, or place in a reserve, without the prior written permission of the Council, any structure, walking track, cycling track or other cycling facility, dam, tree-fort, sign, notice, label, inscription, billboard, or placard.
- (g) Scatter ashes of a deceased person in any reserve.

6.2 Any person to whom the Council grants permission under clause 6.1(f) must comply with any conditions imposed by the Council on its written permission.

7. VEHICLES IN RESERVES

7.1 No person may:

- (a) drive, ride or otherwise bring any vehicle into a reserve, except on any part of the reserve set aside by the Council for vehicular traffic; or
- (b) park any vehicle in or adjacent to a reserve except in a place set aside by the Council for the parking of vehicles, and unless the person in control of the vehicle intends to remain in the reserve while the vehicle is parked; or
- (c) abandon or dump any vehicle in a reserve.

8. ANIMALS IN RESERVES (OTHER THAN DOGS AND HORSES)

- 8.1** No person may take, ride or drive any animal (other than a dog or a horse) into or in a reserve, or allow any animal (other than a dog or a horse) in the person's custody or charge or under the person's control to be in a reserve, without the prior written permission of the Council.
- 8.2** Any person doing an activity under clause 8.1 must comply with any conditions imposed by the Council on its written permission.

9. DOGS IN RESERVES

- 9.1** No person may take any dog into a reserve, or allow any dog in the person's custody or charge or under the person's control to be in a reserve, unless in accordance with the Council's Dog Control Bylaw.

10. HORSES IN RESERVES

- 10.1** No person may take or ride any horse into or on a reserve, or allow any horse in the person's custody or charge or under the person's control to be in a reserve, unless the horse is:
- (a) under the continuous control of the person or otherwise properly secured; and
 - (b) in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse; and
 - (c) at a time specified by the Council as a time when a person may take or ride a horse into or in that reserve, or that part of a reserve.
- 10.2** The Council may specify:
- (a) a reserve, or any part of a reserve, as an area where a person may take or ride a horse; and
 - (b) the time or times when a person may take or ride a horse into or in a reserve, or part of a reserve, specified by the Council as an area where a person may take or ride a horse.
- 10.3** No person shall leave in a reserve any waste produced by a horse, unless placed in a rubbish bin provided by the Council.

11. CAMPING IN A RESERVE

- 11.1** No person may camp or stay in a reserve overnight other than in huts, or on sites, set aside by the Council for the purpose of camping or staying in a reserve overnight.
- 11.2** The Council may set aside huts and sites in reserves for the purpose of camping or staying in a reserve overnight.

12. FIRES IN RESERVES

- 12.1** No person may light any fire (including fireworks) in a reserve, other than a gas barbecue, without prior written permission from the Council.
- 12.2** Any person doing an activity under clause 12.1 must comply with any conditions imposed by the Council on its written permission.

13. OBSTRUCTING ANOTHER PERSON'S ENJOYMENT OF A RESERVE

- 13.1** No person shall intentionally obstruct, disturb or interfere with another person's enjoyment of the reserve, including by:
- (a) directing foul, abusive, indecent, or obscene language toward another person in a threatening manner; or
 - (b) being intoxicated, noisy or riotous.

14. SAFETY IN RESERVES

- 14.1** No person may act in any way in a reserve that the person knows, or reasonably ought to have known, will endanger the safety of him or herself or any other person.

15. BUYING, SELLING OR ADVERTISING IN RESERVES

- 15.1** No person may buy, sell or advertise any goods or services, or carry on a trade, in a reserve, without the prior written permission of the Council.
- 15.2** Any person doing an activity under clause 15.1 must comply with any conditions imposed by the Council on its written permission.

16. DANGEROUS WEAPONS IN RESERVES

- 16.1** No person may carry or use any dangerous weapon, other than a firearm, in a reserve.
- 16.2** No person may carry or use any firearm in a reserve without the prior written permission of the Council.
- 16.3** Any person doing an activity under clause 16.2 must comply with any conditions imposed by the Council on its written permission.

PART 3 – ORGANISED EVENTS IN RESERVES

17. ORGANISED SPORTS AND GAMES IN RESERVES

- 17.1** No person may play any organised sport or game in any reserve, or any part of a reserve, that is not set aside for that purpose.
- 17.2** The Council may set aside any reserve, or any part of a reserve, for the purpose of playing any organised sport or game.
- 17.3** For the purposes of this clause 17, “organised sport or game” includes playing or practising golf, whether by one person or by one or more persons in a group.

18. ORGANISED EVENTS IN RESERVES

- 18.1** No person may attend or take part in any organised event held in a reserve, or in any part of a reserve, whether a one-off event or a repeatedly scheduled event, unless the event is being held with the prior written permission of the Council.
- 18.2** A person may apply to the Council for permission to hold an organised event in a reserve, or in any part of a reserve, using a Council approved form.
- 18.3** The Council may grant permission to hold an organised event on such conditions as the Council considers appropriate, and in doing so, may specify whether the person:
- (a) may charge an entry fee for the event;
 - (b) has the exclusive use of a reserve, or any part of a reserve, for the duration of the event.
- 18.4** Any person to whom the Council grants permission to hold an organised event, and any person who attends or takes part in an organised event, must comply with any conditions imposed by the Council on its written permission.
- 18.5** A Custodian may require any person to leave a reserve, or any part of a reserve:
- (a) if the person is attending or taking part in the organised event without paying the required entry fee; or
 - (b) if the person is not attending or taking part in the organised event, but is in part of a reserve that has been set aside for exclusive use for an organised event -

where the Council specified as part of its permission to hold an organised event that an entry fee could be charged, or that the reserve, or any part of the reserve, could be used exclusively for the organised event.
- 18.6** For the purposes of this clause 18, “organised event” includes an organised sport or game under clause 17.

PART 4 – OTHER MATTERS

19. OFFENCES

19.1 Every person committing any breach of the provisions of this Bylaw must, upon request by a Custodian, immediately leave the reserve.

20. EXEMPTIONS

20.1 This Bylaw does not apply to any person who commits an act that was done:

- (a) in accordance with a valid contract for services with the Council; or
- (b) by a member of the emergency services in the course of carrying out his or her duties as a member of the emergency services; or
- (c) with the written consent of the Council; or
- (d) in accordance with, or pursuant to, any enactment.