

SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009

This Bylaw is made under the Local Government Act 2002

1. TITLE AND COMMENCEMENT

- 1.1 This Bylaw is the Selwyn District Council Parks and Reserves Bylaw 2009.
- 1.2 This Bylaw was reviewed and amended in 2009 and 2019 and comes into effect in its amended form on 1 July 2019.

2. APPLICATION OF BYLAW

- 2.1 This Bylaw applies to parks and Reserves vested in or under the control of the Selwyn District Council for the benefit and enjoyment of all users of those parks and Reserves.
- 2.2 The Council also has policies which it uses as part of the management of the parks and Reserves; they do not form part of this Bylaw but should be consulted by any person interested in the management of the parks and Reserves.

3. DEFINITIONS AND INTERPRETATION

- 3.1 References to a repealed enactment include its replacement.
- 3.2 Unless the context otherwise requires, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- 3.3 Any headings, explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- 3.4 The provisions of the Selwyn District Council Bylaw 2009 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.
- 3.5 For the purpose of this Bylaw, unless the context otherwise requires:
 - (a) "**Act**" means the Local Government Act 2002.
 - (b) "**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, remotely piloted aircraft systems and drones; but does not include kites and balloons which are controlled from the ground via strings.
 - (c) "**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 or a dog.
 - (d) "**Authorised Officer**" means a person appointed by the Council to act on its behalf with its authority.
 - (e) "**Camp**" means to camp using one or more of the following:
 - (i) a tent or other Temporary Structure;
 - (ii) a caravan; or
 - (iii) a car, campervan, house truck, or other motor vehicle;

But shall not include the following activities:

- (iv) temporary and short-term parking of a motor vehicle;
 - (v) recreational activities commonly known as day-trip excursions; or
 - (vi) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
- (f) "**Council**" means the Selwyn District Council or any officer authorised to exercise the authority of the Council.
 - (g) "**Cycle**" means a Vehicle that has at least two wheels and that is designed primarily to be propelled by the muscular energy of the rider; and includes a power-assisted cycle.
 - (h) "**Enforcement Officer**" means a person appointed by the Council to exercise the power of an enforcement officer in relation to offences against, and offences under, the Local Government Act 2002 and this Bylaw.
 - (i) "**Facility**" means any public toilet, public swimming pool, library, or other recreational or community facility provided to the public and/or administered by Council.
 - (j) "**Natural Water Body**" means any naturally occurring body of water, including a river, creek, stream, drain or lake.
 - (k) "**Organised Sports Games**" means games or activities that are scheduled by sports codes and/or sports or recreation clubs or groups that are played on areas of Reserves set aside as sports ground areas but does not include impromptu games on Reserves by groups such as scouts, guides, youth groups, or other recreational or family groups.
 - (l) "**Open Fire Season**" has the same meaning as open season as set out in section 56 of the Fire and Emergency New Zealand Act 2017.
 - (m) "**Park**" means land acquired by or used by Council principally for community recreational, environmental, cultural or spiritual purposes but does not include land that is held as a Reserve, or part of a Reserve, under the Reserves Act 1977.
 - (n) "**Reserve**" has the same meaning as the Reserves Act 1977 and includes cemeteries, sports grounds, recreation areas and gravel reserves and Parks.
 - (o) "**Temporary Structure**" means stalls, booths, tents, or structures, such as circus or carnival tents and associated structures, and corporate hospitality tents but specifically excludes any casual shade tent or a tent used for camping if that camping is authorised under Clause 11.1 of this Bylaw.
 - (p) "**Vehicle**" has the same meaning as in Section 2(1) of the Land Transport Act 1998 except that it does not include Cycles.
 - (q) "**Wheeled Recreational Device**" means a Vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 200 W.

4. DELEGATIONS

- 4.1 In this Bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive who may delegate all or part of that function to any other officer of the Council.

5. RESERVES OPEN TO THE PUBLIC

- 5.1 Reserves are open to the public at all times except:
- (a) When the Council has determined that a Reserve or any part of a Reserve should be closed temporarily, or during such hours as may be nominated by the Council; or
 - (b) When the Council has determined that an entry fee is payable, no one may enter a Reserve unless that fee has been paid.
- 5.2 When the Council closes a Reserve or part of a Reserve, such closure will be clearly signposted at the entrance(s) to that Reserve or closed area.
- 5.3 No one may enter or remain in a closed Reserve or any closed part of a Reserve when signage indicates that closure, except with the prior written permission of the Council.
- 5.4 The Council may temporarily close a Reserve or part of a Reserve to allow it to be used for a particular purpose in accordance with sections 53 and 54 of the Reserves Act 1977.
- 5.5 The Council may grant a temporary, non-exclusive licence to occupy part of a Reserve, on such terms as it considers appropriate.

6. BEHAVIOUR IN PARKS AND RESERVES

- 6.1 No person may, in a park or Reserve:
- (a) Pollute, damage, bury, disturb or remove anything in a Reserve; or
 - (b) Walk on any grass plot or other place within the Reserve where walking is prohibited by a notice to that effect; or
 - (c) Within any Reserve, plant any tree, shrub or plant, or sow or scatter the seed of any tree, shrub or plant of any kind, or introduce any substance that may be injurious to animal or plant life on the Reserve; or
 - (d) Fix or place any placard, billboard, sign, or noticeboard, in, on, or about any Reserve; or
 - (e) Scatter ashes of a deceased person; or
 - (f) Intentionally obstruct another person's enjoyment of a Reserve by directing foul, abusive, indecent, or obscene language toward another person in a threatening manner; or
 - (g) Be intoxicated, noisy, or riotous; or
 - (h) Carry or use any firearm or dangerous weapon; or
 - (i) Light any fireworks; or
 - (j) Erect a Temporary Structure; or

- (k) Play or practise golf except in a Reserve or part of a Reserve set aside for that purpose;
- (l) Leave any litter, other than in the receptacles provided for that purpose,
unless:
 - (m) Prior approval has been granted by the Council and the person paid any fees set by the Council (if applicable); or
 - (n) The person or persons is required to carry out the activity for authorised Reserve maintenance purposes.

7. CONDUCT IN FACILITIES

7.1 No person shall, while at a Facility:

- (a) Pollute, damage, or interfere with any Facility; or
- (b) Deface or disfigure any surface, structure or exhibit; or
- (c) Fail to comply with any reasonable requests of any Authorised Officer on duty; or
- (d) Consume any alcohol, except where that consumption occurs:
 - (i) in areas set aside for the purpose, or
 - (ii) at an authorised function; or
 - (iii) where a valid alcohol licence is in force.
- (e) Consume, inject or inhale any mind altering substance or offer or sell such substance to any person; or
- (f) Permit any Animal or dog, except for a disability assist Animal or dog, under their control or ownership to enter a Facility unless approval has been granted by an Authorised Officer; or
- (g) Enter a restricted area or an area set apart for staff at or in a Facility without permission of an Authorised Officer; or
- (h) Behave in a way that could interfere with or prevent another person's enjoyment of the Facility.

7.2 No child under the age of 10 (ten) years shall be allowed to enter or remain in the Facility, excluding public toilets, unless accompanied by a person over the age of 14 years, or where an Authorised Officer gives approval for that child to enter or remain.

7.3 Any person who in the opinion of the Authorised Officer is not in a fit state to be at the Facility shall:

- (a) not enter the Facility; and
- (b) leave the Facility, when requested to do so by the Authorised Officer.

8. VEHICLE CONTROLS WITHIN RESERVES

- 8.1 No person may drive or ride any Vehicle within any Reserve in a manner which, having regard to all the circumstances is or might be dangerous to any person.
- 8.2 No person may drive or ride any Vehicle within any Reserve in a manner which, having regard to all the circumstances causes or might cause damage to structures, facilities, plants or animals.
- 8.3 No person may drive any Vehicle in any Reserve at a speed in excess of 20 km/h or at a speed contrary to the intent of clause 8.1 or such other speed limit as the Council from time to time indicates by a sign or signs. This limit does not apply to Cycles and Wheeled Recreational Devices.
- 8.4 No person may stop or park any Vehicle within any Reserve in such a manner that it causes or is likely to cause an obstruction to any entrance, thoroughfare, path or walkway.
- 8.5 Where, in the opinion of any Authorised Officer of the Council, a Vehicle (whether complete or not) has been abandoned in any Reserve, the officer may take possession of the Vehicle and dispose of it in the same manner as provided by Section 356 of the Local Government Act 1974.
- 8.6 No person may operate a Vehicle in a Natural Water Body or on its banks and margins and its associated waters.
- 8.7 No person may cause a Vehicle to enter or exit a Natural Water Body or its associated waters.
- 8.8 No person may operate the following motor Vehicles in any Reserve:
- (a) All-Terrain Vehicles (ATVs),
 - (b) Tri or quad bikes,
 - (c) Farm bikes,
 - (d) Trail bikes,
 - (e) Any other Vehicle that has been designed for off road use,
 - (f) Any Vehicle that is not registered under the Transport (Vehicle and Driver Registration and Licensing) Act 1986,
 - (g) Any Vehicle that does not have a current Warrant of Fitness and/or a Certificate of Fitness.
- unless:
- (h) Prior approval has been granted by the Council; or
 - (i) Use of such Vehicle is required for authorised Reserve maintenance purposes.
- 8.9 A person who does not have a current driver's licence may not operate a Vehicle in a Reserve.

9. ANIMALS

9.1 No person shall bring any Animal onto a Reserve or allow any Animal in their custody, charge, or control to be within the Reserve unless:

- (a) The Council has authorised the presence of Animals through a Reserve Management Plan, licence, or other similar document; or
- (b) Permission has been granted by an Authorised Officer; or
- (c) The Reserve has been booked for an event allowing the presence of Animals.

9.2 Every person to whom the Council grants permission under clause 9.1 must comply with any conditions imposed by the Council in that written permission.

NOTE: The Dog Control Bylaw 2012 states the Reserves where dogs are prohibited.

10. FIRES

10.1 No person shall light a fire in a Reserve unless:

- (a) they have the prior written approval of Council;
- (b) it is Open Fire Season and the fire is in a fireplace specifically designed for that purpose;
or
- (c) it is Open Fire Season and the fire is contained in a gas BBQ.

11. CAMPING

11.1 No person may Camp in a Reserve unless:

- (a) It is in an area specifically set aside by the Council for Camping where the Council has authorised the presence of Camping through a reserve management plan, licence, designated area or other similar document; or
- (b) That person has obtained the prior written permission of the Council to do so.

NOTE [not forming part of this Bylaw] – This Clause applies to Camping in Reserves but does not apply to authorised Camping Grounds. Refer to the Selwyn District Council Camping on Reserves R301 Policy.

12. AIRCRAFT AND DRONES

12.1 No person may, without the prior written permission of the Council, and having paid any applicable fees set by the Council:

- (a) Land an Aircraft in a Reserve, or take off in an Aircraft from a Reserve; or
- (b) Operate an unmanned Aircraft from or above a Reserve except in accordance with Clause 12.4; or
- (c) Use an Aircraft to set down, pick up, record, or recover anything in a Reserve; or
- (d) Parachute into a Reserve.

- 12.2 Nothing in Clause 12.1 prevents an Aircraft from being used in or over a Reserve in an emergency situation.
- 12.3 Clauses 12.1(a) and (c) do not apply where a Reserve has been designated as an airfield under the Reserves Act 1977.
- 12.4 Despite Clause 12.1 a person may operate an Aircraft in a Reserve if:
- (a) The Council has set aside an area for that purpose, and then only in accordance with such conditions that are set by Council; or
 - (b) They have the prior permission of the Council; or
 - (c) The Aircraft:
 - (i) Is radio controlled and either battery or electric powered;
 - (ii) Has a total flying weight of not more than 1.5 kilograms;
 - (iii) Does not cause annoyance or inconvenience to other users of the Reserve;
 - (iv) Does not over-fly the boundaries of the Reserve;
 - (v) Is not operated over a cemetery or a gravel reserve;
 - (vi) Does not fly above any animal, person or group of people that are using the Reserve at the time;
 - (vii) Complies with all Civil Aviation Authority rules;
 - (viii) Is controlled by a person situated within the boundary of that Reserve; and
 - (ix) Does not fly from an area in which the Council has by resolution determined that Aircraft should be specifically excluded, and that exclusion is clearly signposted.

13. ORGANISED SPORTS GAMES

- 13.1 Organised Sports Games may only be played in areas of Reserves set aside as sports ground areas.
- 13.2 Organised Sports Games may only be played outside of sports ground areas with the prior approval of the Council.
- 13.3 No person may enter or remain on a marked sports ground area in a Reserve when an organised Sports Game is in progress, unless he or she is a player or is administering the game in some capacity (for example, refereeing or providing first aid assistance).

14. ORDERING OFF

- 14.1 An Enforcement Officer may order any person to leave a Reserve or Facility if that person has or may have committed a breach of this Bylaw, and such order is necessary to restore immediate order. Anyone ordered by an Enforcement Officer to leave a Reserve or Facility must comply with that order immediately.

15. OFFENCES AND PENALTIES

15.1 Every person commits an offence who:

- (a) fails to do or perform any act, or thing, that he or she is required to do by this Bylaw;
- (b) permits, allows, or does, any of the acts that are prohibited in this Bylaw; or
- (c) breaches this Bylaw.

15.2 Every person who fails to comply with this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.00 or such other amount as may be provided for under sections 239 and 242 of the Local Government Act 2002 and is liable to enforcement action by the Council.

15.3 Every person who is convicted of an offence against this Bylaw is liable for the costs of remedying any damage caused in the course of committing the offence.

16. SELWYN DISTRICT COUNCIL GENERAL BYLAW 2009

16.1 The provisions of the Selwyn District Council General Bylaw 2009 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.


16.2 In the event of inconsistency or conflict between the provisions of this Bylaw and any other bylaw of Selwyn District Council, the provisions of this Bylaw shall prevail.

The **COMMON SEAL** of the
SELWYN DISTRICT COUNCIL
was hereunto affixed, in accordance
with the Special Order made by the
Council on 24/7/2020
in the presence of:

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Mayor



Chief Executive

