

WAITAKERE CITY COUNCIL

BYLAW NO. 9 1990

BEACHES AND WATERS

(Incorporating Amendments)

The Waitakere City Council, HEREBY MAKES BY SPECIAL ORDER the following bylaw pursuant to the powers contained in the Local Government Act 1974, the Harbour Act 1950, the Transport Act 1962, the Resource Management Act, and any other Act or Authority in any way enabling the Council to do so:-

1 SHORT TITLE

This bylaw may be cited as the Waitakere City Council Bylaw No. 9 1990 Beaches and Waters.

2 COMMENCEMENT

This bylaw shall come into force on the 13th day of March 1990.

3 AREA

The provisions of the bylaw shall have effect in all that area defined as "beach" under clause 4 of this bylaw and will include all that part of the foreshore to the mean low spring water mark as vested in Council pursuant to the Local Government Boundary Alteration Notice (No.2) 1997.

4 INTERPRETATION

- "Beach" Means any land (except for a road) for the time being vested in or under the control of the Council which is contiguous to the foreshore and, where the foreshore is vested in the Council, or where the control of the foreshore has been granted to the Council, includes the foreshore.
- "Beach-Warden" Means any person for the time being appointed as such by the Council for the purposes of this bylaw.
- "Foreshore" Means such part of the bed, shore or banks of the tidal water appointed as such by the Council for the purposes of this bylaw within the city as are covered or uncovered by the floor and also of the tide above ordinary spring low tide.
- "Motor Vehicle" Means a vehicle drawn on propelled by mechanical power and shall include a trailer.
- "Chief Executive" Means the Chief Executive Officer of Waitakere City.
- "Public Notice" Means a notice published in the public notices column of either the New Zealand Herald, or the Western Leader.
- "Vehicle" Means a contrivance equipped with wheels, tracks or revolving runners upon which it moves or is moved.

5 NO PERSON SHALL ON ANY BEACH, OR PART THEREOF, AS THE CASE MAY BE:

- (i) Light a fire or do any other thing likely to cause a nuisance or danger to the health or safety of the public generally.
- (ii) Damage, disfigure, or write in or upon any dressing shed or other property.
- (iii) Interfere with or remove or damage any portion of a fasciae or groin erected for the control of sand or shingle or prevention of erosion.
- (iv) Injure, destroy, or otherwise interfere with any appliance or signal bell provided by the Council or by any lifesaving club unless such use or displacement is necessary for the purpose of saving life or such injury or destruction is caused while such appliance is or signal bells are being used for such purpose.
- (v) Obstruct or hinder or interfere with the carrying out of any lifesaving operation or with any person engaged therein.
- (vi) Remove any stone, shingle, sand, boulders, silt, mud or other material except with prior written permission.
- (vii) Ride or use any sand yacht or other like appliance except with the prior written permission of the 'Chief Executive'.
- (viii) Park or leave any boat or trailer except in those places which are from time to time provide for such purposes by the Council.

6. MOTOR VEHICLES ON BEACH

- (i) (a) Except so far as provided in subclause (ii) of this clause, no person shall take drive or park any motor vehicle on any beach without the prior permission of the Chief Executive and subject to such conditions as he may impose.
- (b) Where a motor vehicle is permitted to drive on any beach, such vehicle shall not be driven at a speed exceeding 16 km/hr nor shall it be driven at any speed or in any manner which is likely to cause danger or undue inconvenience to other users of the beach
- (ii) (a) The Council may from time to time by public notice set apart areas of beach as launching and hauling out area and impose conditions for the use thereof and erect signs indicating the limits of such hauling out areas and conditions imposed for the use thereof.
- (b) Notwithstanding anything contained in subclause (i) of this clause thereof it shall be lawful for any person to use a motor vehicle for the purpose of launching or hauling out any boat on any part of the beach set apart by Council as a hauling out area: Provided however that every such vehicle is used and driven in conformity with any conditions imposed by the Council for the use of the hauling area.

7. ANIMALS ON BEACHES OR IN WATERS

- (a) No person shall allow any dog, horse or other animal under his control to cause any nuisance, inconvenience or danger to the health or safety of the public generally or persons resorting to the beach or waters and if in the opinion of any Beach Warden the presence of such dog, horse or other animal or on the beach or waters is likely to cause such nuisance, inconvenience or danger the Beach Warden may order the person in charge of the dog, horse or other animal to remove such animal from the beach forthwith.
- (b) Notwithstanding the restrictions contained in subclause 7(a) of this Bylaw, the Council may from time to time by resolution, publicly notified, prohibit in respect of all or any portion of any beach the taking, bringing, admitting or permitting to stray of any dog for such period of time that is stated in that resolution.

INTERFERE WITH VEGETATION AND TREES

No person shall on any beach interfere with, bend, break, twist, swing upon or climb upon, cut, bard, disfigure, uproot or in any way damage any tree, sapling, shrub, plant, underwood or vegetation being the property of or vested in or under the control of the Council.

9. BEACH WARDENS

- (1) The Council may from time to time appoint any person or persons who it thinks to be a Beach Warden to carry out or exercise the duties, office or powers of a Beach Warden referred to in or granted by these bylaws and such person or persons are hereby authorised to enforce the provisions of these bylaws.
- (2) While purporting to exercise any right or perform any duty pursuant to these bylaws, the Beach Warden shall carry a Warrant of Appointment and shall as soon as it is practicable produce it to any person when asked to do so.
- (3) Without in any way limiting the general authority of Beach Warden he is empowered at any time to require any person found committing an offence against this bylaw to give his name and address.

10. OFFENCES

- (1) Every person commits an offence against this bylaw who:
 - (i) Does any act in contravention of this bylaw, or fails to comply with the provisions of this bylaw, or causes or permits, or suffers a breach of this bylaw to occur.
 - (ii) Upon being requested by a Beach Warden to desist from any act in contravention of this bylaw, or to comply with any provision of this bylaw, fails to comply with such request.
 - (iii) Is found doing any act in contravention of this bylaw, or failing to comply with the provisions of this bylaw, and being required by a Beach Warden to give his name and address, fails to do so.

- (2) Every person who commits an offence against these bylaws is liable on summary conviction to a fine not exceeding \$500.00 and where the offence is a continuing one to a fine not exceeding \$50.00 every day or part of a day during which the offence continues. The continued existence of any work or thing is a state contrary to any requirements of these bylaws shall be deemed to be a continuing offence.

The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant)
to a resolution of Council passed)
on , in the)
presence of:)

PRINCIPAL ADMINISTRATIVE OFFICER

MANAGER: FINANCE AND ADMINISTRATION