

WAITAKERE CITY COUNCIL

WAITAKERE CITY BYLAWS

CHAPTER 17

PARKS AND RESERVES

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RELATED LEGISLATION

Clause Reference Herein

Wild Life Act 1953
Litter Act 1979

1720.1

WAITAKERE CITY COUNCIL
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CHAPTER 17

PARKS AND RESERVES

1701 Interpretation

1701.1 In this part of this bylaw, unless inconsistent with the context:-

AUTHORISED OFFICER means any person appointed by the local authority to act on its behalf with its authority.

CUSTODIAN or RANGER means any person for the time being appointed by the local authority to control or supervise any reserve.

RESERVE includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is now or hereafter may be under the management or control of the local authority.

PARKING means the standing of a vehicle in any place for a period in excess of 5 minutes and **PARK** shall have a corresponding meaning.

1702 Entrances and Exits only to be used

1702.1 No person shall enter or leave any reserve except through the openings, gateways, entrances, or exits provided for the purpose.

1703 Obstruction of Entrances, etc.

1703.1 No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any reserve, and (where gates are provided) no person shall enter any reserve unless the same is open for the admission of the public.

1704 Damage and Interference

1704.1 No person shall interfere with, disturb, remove, displace, deface, disfigure, damage, or destroy any inscription or any labels attached to or connected with any article, tree, shrub, or other plant, or any noticeboard, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw in any reserve.

1704.2 No person shall remove, disturb, deface, damage, or destroy, or attempt to remove, disturb, damage, or destroy, any post, barrier, railing, seat (fixed or moveable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence, or hedge, or any fitting or implement of any kind within or enclosing the whole or any portion of any reserve.

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- 1704.3 No person shall, without written authority, take, deposit, remove, or disturb any soil, uproot or injure any shrub, tree, or other growth, or take any cutting or interfere with, pick, or pluck or otherwise remove any flowers, ferns or greenery.
- 1704.4 No person shall in any reserve enter any of the enclosures or places set apart for the cultivation of plants, nor walk, drive, ride, trespass, trample or in any other way cause damage:-
- (a) on any portion of the reserve on which the same is forbidden by notice either general or particular; or
 - (b) on any plantation, flowerbed, or border.
- 1704.5 No person shall deface by writing or otherwise or in any other manner damage the walls of or anything appurtenant to any building in any reserve, or therein act or use the same otherwise than in a cleanly and decent manner.
- 1705 Litter**
- 1705.1 No person shall leave any bottle, tin, glass, crockery, paper, remnants of food, or other litter within the limits of any reserve otherwise than in receptacles provided therefore.
- 1706 Pollution**
- 1706.1 No person shall deposit, discharge or leave any deleterious offensive, or dangerous matter or cause pollution within the limits of any reserve or any stream, dam, pond, or fountain therein.
- 1707 Dogs**
- 1707.1 Deleted – refer Dog Control Bylaw No. 29.
- 1708 Water**
- 1708.1 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.

1709 Wandering Stock

1709.1 No person shall, without the prior permission of any authorised officer of the local authority, permit or allow any cattle or other animal or poultry to wander or graze within the limits of any reserve.

1710 Riding and Driving

1710.1 No persons shall park, ride or drive any motor vehicle or cart, motorcycle, power cycle or bicycle, or drive, ride, or lead any horse, or other animal on any area of any reserve except on those areas set aside specially for such purpose.

1711 Speed

1711.1 No person shall drive any motor vehicle or motorcycle or power cycle in any reserve at a speed in excess of 16km/h.

1712 Dangerous and Inconsiderate Driving

1712.1 No person shall drive any motor vehicle or cart or ride any motorcycle, power cycle or bicycle or horse or other animal in any reserve without due care and attention or without reasonable consideration for other persons using, or driving in, the reserve.

1712.2 No person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) within any reserve in such a manner as to cause damage to the surface or to any part of such reserve or other land.

1713 Notices and Signs

1713.1 No person shall post or interfere with any placard, sign, or noticeboard in, or about any reserve without the prior permission of any authorised office of the local authority, nor without such permission distribute any handbill or notice therein or at any of the entrances thereto.

1714 Bathing

1714.1 No person shall bathe or wade within a reserve in any water where such bathing or wading has been forbidden by the local authority.

1715 Lighting Fires

1715.1 No person shall light any fire except in a place specially provided by the local authority for that purpose, or set fire to any vegetation in any reserve.

1715.2 No person shall light any fire or continue burning the same in a reserve after sunset without the consent of any authorised office of the local authority or the custodian.

1716 Erection of Tents and Booths

1716.1 No person shall put up or erect any stall, tent, camp, booth, swing, amusement device, or structure of any kind within any reserve except by permission of an authorised office of the local authority, and then only in compliance with every condition under which such permission may be granted.

1717 Trading, and Intoxicating Liquors

1717.1 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 reserve, without permission of an authorised office of the local authority, and then only in compliance with every condition under which such permission may be granted.

1717.2 No person shall at any time consume, or remain on any reserve for the purpose of consuming, intoxicating liquor except as has been lawfully sold under the foregoing provisions.

1718 Misbehaviour

1718.1 Within the limits of any reserve, no person shall wilfully obstruct, disturb, annoy, or interfere with any other person in the use or enjoyment of any reserve, or use any foul, abusive, indecent, obscene language, or be intoxicated or under the influence of drugs, or be noisy, or riotous, or in any way misbehave.

1719 Children's Apparatus

1719.1 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 reserve.

1720 Destruction of Birds etc

1720.1 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest, or bird's egg, or attempt so to do, in or from any reserve without the prior consent of an authorised office of the local authority.

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 the Act have been complied with.

1721 Assemblies

1721.1 No person shall, within the limits of any reserve and except with the prior authority of an authorised officer of the local authority, 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.

1722 Interference with Employees

1722.1 No person shall in any reserve interrupt or interfere with any person working therein.

1723 Sports and Games

1723.1 The authorised officer of the local authority in charge of reserves, and in his absence the custodian, may prevent any game being played therein which in his opinion is liable to damage the said reserve or anything therein, or which in his opinion is otherwise undesirable or unseemly.

1723.2 Every person who shall fail forthwith upon the request of the custodian or authorised officer as aforesaid to desist from playing or taking part in any such game shall be guilty of any offence against this Part of this bylaw.

1723.3 No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the custodian or authorised officer shall direct.

1723.4 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 custodian or authorised 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.

1723.5 No person shall play or practise golf except on a reserve which the local authority has by resolution set aside for that purpose.

1724 Firearms etc

1724.1 No person shall within the limits of any reserve and without the prior permission of an authorised officer of the local authority:-

- (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, 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.

1724.2 Any custodian may take into his possession and retain while the person carrying the same is in any reserve, any weapon or instrument aforesaid, without being liable for any claim arising therefrom.

1725 Model Aeroplanes

1725.1 No person shall fly any model aeroplane except with the prior permission of an authorised officer of the local authority and then only in compliance with every condition under which such permission is granted.

1726 Landing of Aeroplanes etc

1726.1 No person shall make use of any part of any reserve for the purpose of landing thereon or flying therefrom of an aeroplane or of any kind of flying machine or glider except in case of emergency or in accordance with the prior permission of an authorised officer of the local authority.

1727 Local Authority Officers

1727.1 No act by any officer, employee, or agent of the local authority when engaged in the performance of duties on any reserve shall constitute an offence against this part of this bylaw.

1728 Times of Opening of Reserves

1728.1 The local authority may from time to time, by resolution publicly notified, prescribe the period or periods during which any particular reserve shall be open to the public.

1728.2 If the local authority has prescribed such period or periods in manner aforesaid, no person shall be in or upon or remain in or enter such reserve otherwise than during such period or periods.

1729 Closing in Special Circumstances

1729.1 If in the opinion of the authorised officer of the local authority that at any time any reserve 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, the officer may, by notice in any newspaper circulating in the district under this jurisdiction or by notice erected or displayed on the entrances to such reserve, declare such reserve to be closed for such period as shall be deemed advisable.

1729.2 No person shall enter or remain in such reserve during such period of closing without the prior permission of an authorised officer of the local authority.

1730 Charges on Special Occasions

1730.1 The local authority may close all or any portion or portions of any reserve set apart for particular games during such times as it thinks fit, and where charges may lawfully be made, may by resolution fix charges within legal limits for the right to use such portions as are open to the public.

1730.2 The local authority may by resolution adopt regulations governing the use of such portions and the play thereon, and may similarly fix charges therefore. Every playing area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of playing unless that person shall have first paid the charge fixed for that purpose.

1730.3 Every person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge shall be guilty of an offence against this Part of this bylaw.

1730.4 Every person who on any day for which a charge is payable for admission to any reserve or any part thereof has, before the hour at which any exhibition, show, game, programme of sports, or other entertainment for the charge is made is due to commence, entered such reserve 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 reserve or part thereof.

1731 Ordering Off

1731.1 Every person committing any breach of the provisions of this part of this bylaw shall, upon request by the custodian or any authorised officer, immediately leave the reserve and may be prohibited from appearing on the reserve for such period as the authorised officer deems fit, but shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such request shall be guilty of a further offence.

1732 Offenders Required to Give Names

1732.1 Any person who in the opinion of the custodian or any duly authorised officer commits a breach of any of the provisions of this Part of this bylaw shall if so requested by the custodian or authorised officer supply full name and address.