

Reserves and other Public Places Bylaw 2017



**MARLBOROUGH
DISTRICT COUNCIL**

This bylaw is made under the Reserves Act 1977, the Reserves (Model Bylaws) Notice 2004, the Land Transport Act 1998 and the Local Government Act 2002.

1. Title

This bylaw is the **Marlborough District Council Reserves and other Public Places Bylaw 2017**.

2. Commencement

This bylaw comes into force on the day after the date on which the bylaw is approved by the Minister of Conservation.

3. Application

This bylaw applies to all reserves and other public places in Marlborough.

Part 1—Preliminary provisions

4. Purpose

The purpose of this bylaw is to regulate the behaviour of people in reserves and other public places to—

- (a) protect the public from nuisance and offensive behaviour towards others using or frequenting the reserves or public places; and
- (b) avoid damage to the land, structures or property located at the reserve or public place.

5. Interpretation

In this bylaw, unless the context otherwise requires,—

aircraft has the same meaning as in section 2 of the Civil Aviation Act 1990 and includes a parapont, a hang-glider, and a drone:

authorised person means any person authorised by the Council for the purposes of exercising powers or carrying out duties under this bylaw.

commercial activity includes

- (a) trading, selling, hiring, displaying, and advertising or touting goods, services or events; and
- (b) busking and street performing; and
- (c) any other activity undertaken for payment or reward:

Council means Marlborough District Council:

dangerous weapon has the same meaning as offensive weapon in section 202A of the Crimes Act 1961 and includes a bow and arrow, catapult, or shanghai:

Dog Control Officer means an officer appointed by Council under section 11 of the Dog Control Act 1996:

Enforcement officer means an officer appointed by Council under section 177 of the Local Government Act 2002:

event includes an organised gathering, open-air market, parade, protest, festival, commercial film shoot, or concert or celebration:

litter has the same meaning given in section 2 of the Litter Act 1979:

Litter Control Officer has the meaning given in section 2 of the Litter Act 1979:

Litter Warden has the meaning given in section 2 of the Litter Act 1979:

nuisance has the meaning given in section 29 of the Health Act and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place:

park, in relation to a vehicle, means to stop or stand the vehicle for a period exceeding 5 minutes:

public place includes a road, a park, a domain or recreational area under the control or ownership of Council:

ranger means a person appointed as a ranger under section 8 of the Reserves Act 1977:

reserve has the meaning given in section 2 of the Reserves Act 1977 and is land that is controlled or administered by Council:

road has the meaning given in section 315 of the Local Government Act 1974:

sign includes a board, placard, bill, hoarding, banner, poster, notice, graffiti or other similar device:

vehicle has the meaning given as in section 2 of the Land Transport Act 1998:

Part 2—Reserves and other public places

6. Trading and other commercial activities

No person may undertake trading, events, touting, commercial filming or any other commercial activity in a reserve or other public place without the prior written permission of Council.

7. Soliciting and collecting donations

No person may collect or solicit donations in a reserve or other public place without the prior written permission of Council.

8. Conduct in a reserve or other public place

A person in a reserve or other public place must not—

- (a) intimidate, endanger or cause a nuisance to any other person;
- (b) intentionally obstruct, disturb, or interfere with any other person's use or enjoyment of the reserve or place; or
- (c) produce or cause any sound or noise that disturbs or annoys, or is likely to disturb or annoy, any other person in the reserve or place
- (d) use foul, abusive, indecent, or obscene language; or
- (e) be intoxicated, noisy or riotous.

9. Water

A person in a reserve or other public place must not—

- (a) permit or cause water to be wasted in the reserve or place; or
- (b) permit or cause tap water in the reserve or place to flow for longer than is reasonably required for drinking, cooking, or other lawful purpose; or
- (c) pollute or render unfit for any purpose (whether for human consumption or not) any water supply in the reserve or place.

10. Aircraft

A person must not—

- (a) take-off, land, use or operate any aircraft in a reserve or other public place;
- (b) parachute into a reserve or other public place; or
- (c) drop any article from any aircraft onto a reserve or other public place,

without the prior written permission of Council or in an emergency.

11. Fires & fireworks

(1) A person must not light a fire in a reserve or other public place unless—

- (a) they have the prior permission of Council; or
- (b) the fire is in a fireplace provided by Council.

(2) A person must not light a fire if it is likely to present a fire hazard, even if the fire is one that clause (1) applies to.

(3) Once a fire is lit under clause (1), the person who lit the fire must—

- (a) attend the fire until it is completely extinguished; or
- (b) ensure one or more responsible persons attend the fire until it is completely extinguished.

(4) A person must not let off any fireworks, flares or other explosive material in a reserve or other public place without the prior written permission of Council.

(5) A person must not drop, place, or throw in any grass or flammable material in a reserve or other public place—

- (a) any match, whether lighted or not; or
- (b) any lighted cigarette or other lighted material.

12. Litter

A person in a reserve or other public place must—

- (a) take his or her litter out of the reserve or place; or
- (b) place his or her litter in a place or receptacle approved or provided for that purpose by Council.

13. Organised events

A person must not hold an organised event in a reserve or other public place without the prior written permission of Council.

14. Signs, notices and handbills

(1) A person must not, without the prior written permission of Council,—

- (a) place a sign in a reserve or other public place; or
- (b) interfere with a sign lawfully placed in a reserve or other public place; or
- (c) place a flyer on a motor vehicles in a reserve or other public place.

(2) A person who undertaking an activity described in clause (1) in a reserve or other public place must stop doing so if directed to stop by an authorised person.

15. Grass and gardens

A person must not walk on—

- (a) any garden bed in a reserve or other public place; or

- (b) any grass or other place in a reserve or other public place if doing so is prohibited by a notice on the grass or place.

16. Damage to property

A person must not cause damage to or remove, disturb or interfere with any part of a reserve or other public place or any property in a reserve or other public place that does not belong to the person, including but not limited to:

- (a) polluting or placing any obstruction in any drain or water course; and
- (b) removing or damaging any gravel, soil, plant, tree or other matter or planting the seed of any plant or tree, except any work undertaken under the authority of Council.

17. Scattering of ashes

No person may scatter any ashes on any part of a reserve or other public place.

Part 3—Further provisions applying to Reserves

18. Reserve open to public

- (1) A reserve must be open to the public except when it or part of it is closed in accordance with—
 - (a) the Reserves Act 1977; or
 - (b) a determination of the Council.
- (2) Council may close any reserve to the public in an emergency or threat such as rain, flood or fire risk.
- (3) A person must not enter, or remain in, a reserve or a part of a reserve while it is closed to the public.

19. Gates

- (1) A person must leave a gate in the reserve in the same position as the person finds the gate.
- (2) For example, a gate in a reserve found—
 - (a) open must be left open:
 - (b) closed must be left closed.

20. Traffic and parking on a reserve

- (1) A person must not ride or drive any vehicle into a reserve except on a part of the reserve set aside by Council for vehicular traffic or as directed by Council.
- (2) A person must not drive a vehicle or ride an animal in a reserve in a dangerous manner.
- (3) A person must not park a vehicle in a reserve except in a place set aside by Council for the parking of vehicles.
- (4) A person must not stop a vehicle or leave a bicycle in a reserve so that the vehicle or bicycle obstructs an entrance to, or path or track in, the reserve.

21. Dogs and other animals

- (1) A person must not bring or allow a dog, except a disability assist dog, or other animal in the person's custody or charge or under the person's control to be in a reserve.
- (2) Subclause (1) does not apply if—

- (a) in relation to a dog, the reserve is identified as a Dog Exercise Area or a Dog On-Leash Area in any bylaws made by Council under the Dog Control Act 1996;
- (b) permitted in the management plan for the reserve; or
- (b) the person has the prior permission of Council.

22. Camping

A person must not camp in a reserve that is a freedom camping prohibited area in any bylaws made by Council under the Freedom Camping Act 2011.

23. Sports and games

A person must not, if expressly forbidden to do so by a ranger or any other person authorised by Council in that regard,—

- (a) play a sport or game in a reserve:
- (b) enter in or remain on any part of a reserve marked out as a playing area for a sport or game while the sport or game is in progress.

Part 4—Administration, Enforcement & Miscellaneous matters

24. Permission of Council

- (1) Any person who seeks permission of Council under this bylaw must;
 - (a) Apply in writing providing the information required by Council; and
 - (b) Pay the fee set for the application and inspection.
- (2) Council may grant or refuse to grant permission.
- (3) The permission may be granted on such terms and conditions as Council thinks appropriate including a term after which the permission will expire.
- (4) Council may revoke the permission if person does not comply with the permission.
- (5) Where Council has determined (whether by resolution otherwise) that a specified activity at a specified place at specified times is permitted, any person who would otherwise require prior written permission under these bylaws need not obtain that permission if they comply with the determination and any terms and conditions imposed by Council in relation to that determination.

25. Fees

- (1) Council may, by resolution, fix fees for an application for a permission and for property inspection.
- (2) The fees may be reviewed and amended from time to time.
- (3) Council may set different fees for different activities, locations, or types of animal.

26. Offences & penalties

- (1) Breach of this bylaw in relation to any reserve is an offence and subject to a penalty under the Reserves Act 1977.
- (2) Breach of this bylaw in relation to any public place is an offence with a penalty of a fine under the Local Government Act 2002.
- (3) It is an offence to operate a motor vehicle on a road in a manner that contravenes this bylaw with a penalty on conviction under the Land Transport Act 1998.
- (4) Breach of bylaw 12, relating to litter, is an offence under the Litter Act

27. Consequences of breach of bylaws

In relation to public places other than reserves—

- (1) an enforcement officer may require a person to disclose his or her name and address;
- (2) an enforcement officer may seize certain things in a person's possession in breach of this bylaw.
- (3) any buildings, signs, hoardings or apparatus erected in breach of this bylaw are forfeit and may be disposed of.
- (4) Council may apply to the District Court for an injunction restraining a person from breaching this bylaw.
- (5) An enforcement officer may seize and impound property that is materially involved in the commission of an offence and it is reasonable in the circumstances to seize and impound the property.
- (6) Council may, under section 163 of the Local Government Act 2002—
 - (a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
 - (b) recover the reasonable costs of removal or alteration from the person who committed the breach.

28. Bylaws not to limit or affect other enactments

This bylaw does not limit or affect the requirements in or under any other enactment.

Part 5—Revocation & Savings

29. Revocation

Chapter 2 of the Marlborough District Council General Bylaws 2010 are revoked.

30. Savings

Any lease, licence, or other permission, still in force, granted to any person under Chapter 2 of the Marlborough District Council General Bylaws 2010 remains in force on its terms or until reviewed by Council.

Passed and adopted by resolution of the Marlborough District Council at a meeting held at Blenheim on 12 April 2018.

Pursuant to section 108 of the Reserves Act 1977, those parts of this bylaw that are applicable to reserves are approved by me on [date]:

G M Sage 24/6/18

Signed by the Minister of Conservation