

First adopted:	XXXX
Next review date:	XXXX
Document number:	XXXX
Sponsor/Group:	Group Manager: Finance & Strategy

TAUPŌ DISTRICT COUNCIL RESERVES BYLAW 2021

Purpose and Scope

1. The purpose of these Bylaws is to set the requirements for **reserves** within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.
2. The Bylaws are made under the authority of sections 145 and 146 of the *Local Government Act 2002*, sections 106 to 108 of the *Reserves Act 1977*, section 64 of the *Health Act 1956* and section 22AB of the *Land Transport Act 1998*. In addition, **reserves** are also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, reserve management plans, and consent conditions which should be referred to in conjunction with this Bylaw.

Commencement

3. The Bylaw will come into force throughout the district on [to be determined].

Revocations

4. Taupō District Council Reserves and Public Places Bylaw 2016 is revoked at the time of the Taupō District Council Reserves Bylaw 2021 coming into force.

Definitions

5. Any words, phrases or expressions used in these Bylaw which have meanings assigned to them by the *Local Government Act 2002*, the *Reserves Act 1977*, the *Health Act 1956* and the *Land Transport Act 1998* will have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
6. In this Bylaw, if not inconsistent with the context:

Chief Executive	The chief executive of the Council and any person delegated to perform any duties of the chief executive
Camp or Camping	Temporary overnight lodging using: <ul style="list-style-type: none"> • a tent or other temporary structure; • a caravan; or • a car, campervan, motorhome, house-truck or other vehicle for temporary accommodation.
Council	Taupō District Council
Cycle	A vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.
Encroach	Means to occupy, develop, use, trespass or intrude on a reserve or public place for private benefit, including, without limitation, allowing something to hang over or onto any reserve or public place from an adjoining property.
Psychoactive Substance	The same meaning as the <i>Psychoactive Substances Act 2013</i>
Reserve	The same meaning as in the <i>Reserves Act 1977</i> and includes reserves under the control, maintenance and/or management of Council

Residential	Any place located within the Residential Environment as defined in the Taupō District Plan and associated planning maps.
Road	The same meaning as in the <i>Land Transport Act 1998</i>
Stock	Cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, pigs, poultry and any other animal farmed, and dependent on humans for their care and sustenance.
Transport Devices	Meaning a wheeled device controlled or propelled by gravity or by the energy of the rider. Includes skateboards, roller skates, scooters, rollerblades, and in-line skates; and wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages
Vehicle	The same meaning as in the <i>Land Transport Act 1998</i>

Reserves bylaws made under the Reserves Act

7. Council may by resolution manage, or generally regulate access or use, of any **reserve** to prevent any nuisance and for the safety of persons using the **reserve**
8. A person must not use any **reserve** contrary to the provisions of this bylaw.
9. A person must not act in a manner that interferes with the safety, use or enjoyment to any users, causes a nuisance, or interferes with another person's right to use a **reserve**.
10. No person shall, without **Council** permission, park, ride or drive any vehicle, motorcycle, or cycles on any area of any reserve except on those areas set aside specially for such purpose
11. A person must not damage, interfere, move, remove, deface or destroy any **Council** property, vegetation or equipment on any **reserve**.
12. A person must not **encroach** on, or wilfully or negligently obstruct any **reserve** in a manner which causes a nuisance to other users or interferes with another person's right to use a **reserve**.
13. A person must not wilfully or negligently obstruct, erect or leave any vehicle, structure or object on any **reserve** in any manner which causes a nuisance to other users or interferes with their right to use the **reserve**.
14. A person must not set off fireworks or any other explosive devices on any **reserve**.
15. A person must not set fires on any **reserve**.
16. A person must not consume, inject, or inhale any **psychoactive substances in a reserve**
17. A person must not distribute or leave printed advertising material in any **reserve**.
18. Except where provided for by the Taupō District Plan, or by way of a lease, licence, consent or other permission granted by the **Council**, a person must not construct, use or maintain any awnings, blinds, porticos or similar extension item on any **reserve**.
19. A person must not allow any vegetation to **encroach** on any **reserve** that may obstruct or interfere with another person's access to the **reserve**.
20. A person must not ride, lead or allow any **stock**, poultry or other animal (except domesticated dogs and cats) onto any **reserve**.
21. A person must not play or practise golf on any **reserve** unless prior written approval is sought and received from the **Council**.
22. A person must not erect any election sign on any **reserve**.
23. A person must not **camp** in a **reserve**, except in a place set aside for **camping** by **Council** or the relevant Reserve Management Plan.
24. A person must not fly a drone in a **reserve** without first seeking and obtaining approval from **Council** and must comply with Civil Aviation Authority guidelines and regulations.
25. A person must not set up hives or other beekeeping device on a **reserve** without prior approval from **Council**.

Trading in a Reserve

26. A person must not undertake trading in a **reserve** if they have not applied for and obtained the relevant licence from Council.
27. A person must not undertake soliciting for collections and donations, or busking or similar, if they have not applied and obtained the relevant approval from Council.
28. A person must apply, display and trade in compliance with the relevant licence to undertake trading in any **reserve**
29. A person trading in a **reserve** must adhere to the conditions of their licence
30. No licence issued under this **Bylaw** is transferrable to another person.

Transport Devices and Cycles

31. No person shall ride or use any **transport device** or **cycle** in any **reserve** in such a manner as to be dangerous or cause a nuisance.
32. **Council** may by resolution determine areas where riding or using a **transport device** is prohibited and may prohibit one or more of these **transport devices** for example, skateboards but not scooters.
33. **Council** may by resolution establish speed limits and other guidance associated with the use of **transport devices** or **cycles** in a **reserve**

Fences

34. A person must not construct a barbed wire fence or electric fence within 1 metre of any boundary of any **reserve** within a **residential** area.
35. A person must maintain any fence, wall or retaining wall on any boundary of any **reserve** in a manner that is safe and unlikely to cause damage to any persons or structures

Exemptions

36. A person is not in breach of these Bylaws if that person:
 - a. proves the act was taken to avoid death or injury of a person; or
 - b. was taken at the direction of an enforcement officer.
37. Any person may apply in writing to the **Chief Executive** for permission for an activity that would be in breach of a prohibition under these Bylaws.
38. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

39. A person commits an offence under these Bylaws if that person uses a reserve contrary to the prohibitions, restrictions, exclusions or regulations of these Bylaws.
40. A person who fails to comply with this Bylaw is in breach of it and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000.
41. Any person who commits a breach of a provision of this Bylaw made under section 106 of the *Reserves Act 1977* commits an offence and is liable to a fine under section 104 of the *Reserves Act 1977* as follows:
 - a. Not exceeding \$5,000.00 and, where the offence is a continuing one, a further fine not exceeding \$500.00 for every day on which the offence continues.
42. Any person that commits a breach of a provision of this Bylaw made under section 64 of the *Health Act 1956* commits an offence and is liable to a fine under section 66 of the *Health Act 1956* as follows:
 - a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
 - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.
43. Any person that commits a breach of a provision of this Bylaw made under section 22AB of the *Land Transport Act 1998* commits an offence and is liable to a fine under section 139 of the *Land Transport Act 1998* as follows:

- a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
 - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.
44. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
45. **Council** may remove, or cause to remove, from any **reserve** or **public place**, any persons, any vehicle, structure or object, in breach of this Bylaw, and/or recover all charges in connection with the removal of any vehicle, structure or object.

Public Availability

46. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION [to be determined] OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON [to be determined].

MINISTERIAL APPROVAL RECEIVED [to be determined].

The Common Seal of Taupo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive