

CHRISTCHURCH CITY COUNCIL MARINE AND RIVER FACILITIES BYLAW 2008

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

1. SHORT TITLE AND COMMENCEMENT

This Bylaw is the Christchurch City Council Marine and River Facilities Bylaw 2008. This bylaw comes into force on 1 July 2008.

2. OBJECT

The object of this bylaw is to provide for the orderly management and control of marine and river facilities that are owned or under the control of the Council for the benefit and enjoyment of all users of those facilities.

3. INTERPRETATION

In this Bylaw, unless the context requires otherwise:

‘AUTHORISED OFFICER’	means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person.
‘CHARTER OPERATOR’	means a person who uses marine facilities principally for charter and related activities such as carrying fare-paying passengers including, but not limited to, any person carrying out tourist activities for profit or reward.
‘CHRISTCHURCH CITY’	means the district of Christchurch City Council.
‘COMMERCIAL OPERATOR’	means a person who uses marine facilities principally for commercial and related activities including, but not limited to, any person carrying out fishing and related activities for profit or reward.
‘COUNCIL’	means the Christchurch City Council.
‘FORESHORE’	means the land edging the sea, estuaries and rivers that is regularly submerged and exposed by the sea’s tidal ebb and flow, that is, the area between the line of mean high water springs level and the mean low water springs level.
‘MARINE FACILITY’	means any Council owned or controlled wharf, jetty, slipway, launching ramp, pontoon, storage park, landing, steps, ladders, fuelling facilities and any other Council owned or controlled structure used or associated with marine activities.
‘RIVER FACILITY’	means any Council owned or controlled launching ramp, punting point, boat landing, jetty and any other Council owned or controlled structure used or associated with river activities.

‘SERVICE VEHICLE’	means a motorised vehicle used to: <ul style="list-style-type: none"> (a) service any vessel at a marine facility; or (b) service any business premises on a marine facility; or (c) undertake maintenance to any marine facility.
‘VESSEL’	means any boat, ship, barge, launch, yacht or other watercraft, and includes any other vessel used or designed to be used in the sea or in rivers, whether motorised or not.
‘WRITTEN PERMISSION’	where this Bylaw refers to ‘written permission’, that permission may be in an electronic form.
‘YACHT’	means any sailing vessel (including a ketch) with its principal method of motive power being the wind.

4. USE OF MARINE AND RIVER FACILITIES BY COMMERCIAL AND CHARTER OPERATORS

No charter or commercial operator may use a marine or river facility for commercial purposes without the prior written permission of an Authorised Officer.

5. USE OF WHARVES AND JETTIES

- (1) Motor vehicles, other than service or emergency vehicles, unless permitted in writing by an Authorised Officer, may not be driven or parked on any wharf or jetty.
- (2) The Council may by resolution specify the maximum gross laden weight of service vehicles permitted on any wharf or jetty.
- (3) The Council may by resolution subsequently amend or revoke any resolution made under subclause (2).
- (4) No person may drive or leave a motor vehicle on a wharf or jetty in contravention of a resolution made under subclause (2).
- (5) With respect to Akaroa Wharf, in order to facilitate fair access to that Wharf, a vessel is only permitted to be tied up or lie alongside the Akaroa Wharf for a maximum period of one hour, unless the permission of an Authorised Officer has been obtained.
- (6) In order to protect any wharf or jetty (including Akaroa Wharf) from any undue strain or damage, the following vessels are prohibited from being tied up to or lying alongside any wharf or jetty:
 - (a) any yacht which is in excess of 15 metres in length; or
 - (b) any other vessel which is in excess of 10 metres in length;

unless prior written permission has been given by an Authorised Officer and the owner or operator of the vessel abides by all conditions contained in that permission.

- (7) Where in the opinion of an Authorised Officer there is a possibility that the tying up of a vessel on and alongside the wharf or jetty under present or anticipated sea or weather conditions may impose undue strain or cause damage to the wharf or jetty, then the owner or operator of the vessel must remove or refrain from berthing the vessel as requested by the Authorised Officer or the Council.
- (8) No vessel shall be left unattended at a wharf or jetty overnight, unless prior written permission is obtained from an Authorised Officer.

6. OBSTRUCTION OF MARINE AND RIVER FACILITIES

No person may leave on or near any marine or river facility any vessel, trailer motor vehicle or any other thing so as to obstruct the reasonable use of that facility.

7. FEES AND CHARGES

- (1) The Council may from time to time prescribe fees payable for the use of marine and river facilities.
- (2) Every person who enters or makes use of any marine or river facilities is liable to pay any applicable fees and charges.

8. OFFENCE AND PENALTY

Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

9. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

10. REVOCATIONS AND SAVINGS

- (1) The Banks Peninsula District Marine Facilities Bylaw 2002 is revoked.
- (2) Any approval, permit, or other act of authority which originated under the Banks Peninsula District Marine Facilities Bylaw 2002 or the Christchurch City Bylaw 120 (1982) - Avon Heathcote Estuary and Rivers which is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw but is subject to the application of any relevant clause in this Bylaw.
- (3) The revocation of the Banks Peninsula District Marine Facilities Bylaw 2002 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if that Bylaw had not been revoked.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council held on 27 March 2008. and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 19 June 2008.

EXPLANATORY NOTE

The following explanatory note is not part of the Bylaw, but is intended to explain its general effect.

Christchurch City's District

The district boundaries of Christchurch City (including the former Banks Peninsula District) extend outward from the land to the line of mean low water springs. The boundaries were extended from the line of mean high water springs to the line of mean low water springs by two Local Government Boundary Alteration Notices, in 1996 and 1997. The boundaries cross the mouths of all harbours, bays, streams, inlets and estuaries, including Lyttelton and Akaroa Harbours.

Activities occurring on the water

Environment Canterbury has responsibility for managing activities that occur on the water, specifically those in the navigable inland waters and coastal marine area. Activities on the water are covered by the Environment Canterbury Navigation Safety Bylaws and Environment Canterbury's Coastal Management Plan.

Lyttelton Port Company

The definition of marine facilities in the Christchurch City Council Marine and River Facilities Bylaw 2008 does not include Lyttelton Port Company facilities owned by that company.

Revocation of Christchurch City Bylaw 120 (1982) - Avon Heathcote Estuary and Rivers

The Bylaw 120 (1982) - Avon Heathcote Estuary and Rivers is revoked by the Parks and Reserves Bylaw 2008. However, permissions under Bylaw 120 may be relevant to this Bylaw and clause 10 continues those permissions for the purposes of this Bylaw.