

# CHRISTCHURCH CITY COUNCIL PARKS AND RESERVES BYLAW 2008

Pursuant to the Local Government Act 2002 and the Reserves Act 1977, the Christchurch City Council makes this Bylaw.

## 1. SHORT TITLE

This Bylaw is the Christchurch City Council Parks and Reserves Bylaw 2008.

## 2. COMMENCEMENT

This bylaw comes into force on 1 July 2008.

## 3. OBJECT

The object of this Bylaw is to provide for the orderly management and control of parks and reserves vested in or under the control of the Council for the benefit and enjoyment of all users of those parks and reserves.

## 4. INTERPRETATION

In this Bylaw, unless the context requires otherwise:

- |                       |  |
|-----------------------|--|
| 'AIRCRAFT'            | (a) means any man-made device capable of flight, including, but not limited to aeroplanes, helicopters, gliders, hang-gliders, hot air balloons and radio-controlled model aircraft; but |
|                       | (b) does not include kites and balloons which are controlled from the ground via strings.  |
| 'AUTHORISED OFFICER'  | (a) 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; and          |
|                       | (b) includes any rangers appointed by the Council under the Reserves Act 1977; and   |
|                       | (c) includes reserve committee members appointed by Community Boards.  |
| 'ANIMAL'              | means any mammal, bird, reptile, amphibian, fish or related organism, insect, crustacean or organism of every kind, but does not include a human being.                                  |
| 'CAMP'                | means to reside in or sleep in a structure, tent, caravan, or campervan.   |
| 'CHRISTCHURCH CITY'   | means the district of the Christchurch City Council  |
| 'COUNCIL'             | means the Christchurch City Council.   |
| 'ENFORCEMENT OFFICER' | (a) means an officer appointed by the Council to enforce the provisions contained in this Bylaw; and   |

	(b) includes any rangers appointed by the Council under the Reserves Act 1977.
'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.
'PARK'	see definition of Reserve.
'RESERVE'	(a) means any land which is vested in or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or greenspace area, whether or not that land has been vested as a reserve under the Reserves Act 1977; but  (b) does not include any reserve, park, garden, or greenspace area or part of such a reserve, park, garden, or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977.
'VEHICLE'	(a) means a man-made device for land transport, including, but not limited to cars, trucks, heavy machinery, motorbikes, bicycles; but  (b) does not include prams, strollers, wheelchairs or other mobility scooters used by persons with physical or neurological impairment.
'VESSEL'	includes, but is not limited to, a ship, boat, hovercraft or any other description of vessel used or designed to be used in the sea or river.

## 5. RESERVES OPEN TO THE PUBLIC

- (1) A reserve will be open to the public at all times, except:
  - (a) during such hours as the Council may from time to time otherwise determine; or
  - (b) when the Council has determined that the public are not entitled to enter the reserve or part of it without payment of a fee, the amount for which has been previously adopted by the Council or agreed by the person or persons to whom the Council has granted exclusive use of the reserve or part of it; or
  - (c) when the Council has determined that it is necessary to temporarily close the reserve or part of it, and has provided appropriate signage to inform the public of such closure.
- (2) No person may enter any reserve or enclosure or place identified as such, which is set apart for the cultivation or protection of plants or other special purposes, and to which the public is not normally admitted, unless he or she has obtained the prior permission of an Authorised Officer.
- (3) A person must not enter or remain in a reserve while it is closed to the public.

## **6. BEHAVIOUR IN RESERVES**

- (1) No person may, without the prior permission of an Authorised Officer:
  - (a) bury or disturb any thing in a reserve; or
  - (b) walk on any grass plot or other place within the reserve where walking is prohibited by a notice to that effect; or
  - (c) within any reserve, plant any tree, shrub or plant, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance that may be injurious to animal or plant life on the reserve; or
  - (d) bolt, drill, or place any fixture, plaque or sign in a reserve.

(The following note is explanatory and does not form part of the Bylaw but, is intended to explain its general effect. This clause should be read in conjunction with the Summary Offences Act 1981, the Crimes Act 1961, the Animal Welfare Act 1999, the Trespass Act 1980 and any statute that generally regulates behaviour that may occur in reserves.)

- (2) Subclause (1) does not apply to any volunteer activities in a reserve if the Council has entered into an agreement with any person or body in relation to those activities and those activities are bound by the conditions of that agreement.

## **7. ANIMALS**

- (1) No person may bring any animal into a reserve or allow any animal in his or her custody, charge or control to be within a reserve, unless:
  - (a) a Council bylaw has allowed the animal in the reserve, such as through a dog control bylaw and the related dog control policy; or
  - (b) the Council has authorised the presence of animals through a reserve management plan, licence or other similar document; or
  - (c) permission has been granted by an Authorised Officer; or
  - (d) the reserve has been booked for an event allowing the presence of animals.
- (2) The Council (either generally or in any particular case), may seize and confine any loose animal found within any reserve.
- (3) Except with the permission of an Authorised Officer, no person may:
  - (a) Bring or drive any horse or other animal on to any part of the Avon Heathcote Estuary; or
  - (b) Permit any horse or other animal in his or her custody, charge or control to wander on to or remain on any part of the Avon Heathcote Estuary.
- (4) The Council may seize and confine any horse or other animal found on any part of the Avon Heathcote Estuary in breach of this Bylaw.
- (5) The Avon Heathcote Estuary means that area shown in the attached plan in Schedule 3.

(The following note is explanatory and does not form part of the Bylaw but, is intended to explain its general effect. For control of dogs upon reserves in Christchurch City see the current version of the Christchurch City Council Dog Control Bylaw.

The Council has the power under the Reserves Act 1977 to make Bylaws in respect of reserves located outside Christchurch City where the Council is the administering body of the reserve, eg Kennedy's Bush, Cass Peak, Otahuna Reserve, Coopers Knob, Ahuriri Scenic Reserve, and Orongamai Reserve . Section 94(1)(b) of the Act however makes it an offence to allow an animal to trespass onto a reserve, and therefore a Bylaw is not required to control dogs on these reserves.)

## **8. VEHICLES, OTHER TRAFFIC, MECHANICAL DEVICES AND VESSELS**

- (1) No person may take, ride or drive any vehicle into or on any reserve –
  - (a) except in areas where vehicles are allowed, such as driveways, parking areas or cycle tracks; or
  - (b) unless permission has been granted by an Authorised Officer.
- (2) No person may drive or ride a vehicle within any reserve area where vehicles are allowed in a manner, which having regard to all the circumstances of the case, is or might be dangerous to the public or to any person.
- (3) No person may park any vehicle in any reserve except in a place set aside by the Council for the parking of vehicles, or with the permission of an Authorised Officer.
- (4) No person may in a reserve use or attempt to use any motorised model boat, portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment except-
  - (a) in an emergency; or
  - (b) with the prior permission of an Authorised Officer.
- (5) No person may use a reserve or the foreshore as a storage site for any vessel or other watercraft for a continuous period exceeding 7 days while that vessel or watercraft is not being used in the water, unless –
  - (a) the person has obtained the prior written permission of an Authorised Officer; or
  - (b) it is in an area specially set aside for this purpose.

## **9. FIRES**

- (1) No person may light a fire in a reserve except –
  - (a) in a fireplace specially provided for that purpose; or
  - (b) with the prior written permission of an Authorised Officer.
- (2) Despite subclause (1), a person may use any gas fired barbeque or other similar cooking device.

## **10. CAMPING**

- (1) No person may camp in a reserve unless:
  - (a) it is in an area specifically set aside by the Council for camping, and the person has paid any camping fees set by the Council from time to time; or
  - (b) that person has obtained the prior written permission of an Authorised Officer to do so.

## **11. TENTS, BOOTHS ETC**

- (1) No person may put up or erect any stall, booth, tent, (excluding any casual shade tent) or structure of any kind in a reserve unless that person has:
  - (a) obtained the prior written permission of an Authorised Officer to do so; and
  - (b) paid any applicable fees set by the Council from time to time.
- (2) To avoid any doubt, if a person complies with clause 10, that person is not required to comply with this clause.

(The following note is explanatory and does not form part of the Bylaw, but is intended to explain its general effect. This clause is intended to apply to stalls, booths, tents, or structures such as circus or carnival tents and associated structures, and corporate hospitality tents.)

## **12. AIRCRAFT**

- (1) No person may, without the written permission of an Authorised Officer, and having paid any applicable fees set by the Council from time to time-
  - (a) land an aircraft in a reserve, or take off in an aircraft from a reserve; or
  - (b) use an aircraft to set down, pick up, or recover anything in a reserve; or
  - (c) parachute into a reserve.
- (2) Nothing in subclause (1) prevents an aircraft from being used in or over a reserve in an emergency situation.
- (3) Despite subclause (1), a person may operate power driven model aircraft in a reserve if:
  - (a) the Council has set aside an area for that purpose, and then only in accordance with such conditions that are set by Council; or
  - (b) with the prior written permission of an Authorised Officer; or
  - (c) the model aircraft:
    - (i) is radio-controlled and either battery or electric powered; and
    - (ii) has a total flying weight of not more than 1 kilogramme; and
    - (iii) does not cause annoyance or inconvenience to other users of the reserve; and

- (iv) does not over-fly the boundaries of the reserve; and
  - (v) does not fly in a reserve referred to in subclause (4).
- (4) The Council may by resolution determine any reserve where model aircraft which are radio-controlled and either battery or electric-powered may not be flown.
- (5) The Council may by resolution subsequently amend or revoke any resolution made under subclause (4).

(The following note is explanatory and does not form part of this Bylaw, but is intended to explain its general effect. Any resolutions made under clause 12(4) will be recorded in a register and the register will be available on the Council's website or from Council Service Centres.)

### **13. SPORTS AND GAMES**

- (1) Organised sports games may only be played in areas of reserves set aside as sports ground areas.
- (2) No person may enter or remain on a marked sports ground area in a reserve when an organised sports game is in progress, unless he or she is a player or is administering the game in some capacity (for example, refereeing or providing first aid assistance).

(The following note is explanatory and does not form part of this Bylaw, but is intended to explain its general effect. This clause is not intended to prohibit the playing of impromptu games on reserves by groups such as scouts, guides, youth groups, or other recreational or family groups.)

#### **SPECIAL AREAS**

Additional provisions dealing with specific parks and reserves or facilities.

### **14. BOTANIC GARDENS**

A plan of the Botanic Gardens is contained in Schedule 1.

- (1) Except with the permission of an Authorised Officer, no person may within the Botanic Gardens:
- (a) play any organised sports game; or
  - (b) ride a bicycle.
- (2) No person may climb any tree within the Botanic Gardens.
- (3) No person may climb any structure within the Botanic Gardens, unless the structure is purposely built for climbing, such as in a playground area.

(The following note is explanatory and does not form part of this Bylaw, but it is intended to explain its general effect. Christchurch's Botanic Gardens were established in 1863 and possess a collection of exotic and indigenous plants, many of which are rare, and, as such, require a higher degree of protection than other reserve areas.)

## **15. RAWHITI GOLF COURSE**

A plan of the Rawhiti Golf Course is contained in Schedule 2.

- (1) No person may walk across or remain on any part of the Rawhiti Golf Course unless that person is engaged in a game of golf or is accompanying a person playing golf, or unless they are on a designated public walkway through the golf course.
- (2) Subclause (1) does not apply if the Council has waived this clause, in the public interest, for the purposes of a tournament, competition, or any other occasion.

## **16. BREACHES OF BYLAW**

- (1) Every person who breaches this Bylaw, must on request by an enforcement officer immediately stop the activity, and leave the reserve if so requested by the enforcement officer to do so.
- (2) Any person failing with all reasonable speed to comply with a request under subclause (1) commits a further offence against this Bylaw.

## **17. PERMISSION UNDER THIS BYLAW**

- (1) A permission given under this Bylaw may relate to:
  - (a) an activity or event or a series of activities or events, as the case may be:
  - (b) one or more clauses under this Bylaw as is appropriate in the circumstances.
- (2) Any permission given under this Bylaw may be subject to such terms and conditions as the Authorised Officer giving the permission thinks fit.
- (3) The permission must set out:
  - (a) the activity or event or activities or events which is or are permitted; and
  - (b) the duration of the permission; and
  - (c) the reserve or reserves to which the permission relates.
- (4) The Council may review any permission given under this Bylaw.
- (5) Where this Bylaw refers to written permission, that permission may be in electronic form.

(The following note is explanatory and does not form part of this Bylaw, but is intended to explain its detail. The Council will consider giving generic permissions to groups to enable them to carry out activities on Council reserves where those reserves are not dedicated areas for the playing of sport.

If you have an existing permission, authority etc given under a previous Bylaw in Christchurch or Banks Peninsula, these existing permissions, authorities, etc have been carried forward under clause 19(2).)

## **18. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008**

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.

## 19. REVOCATIONS AND SAVINGS

- (1) The following Bylaws are revoked by this Bylaw:
  - Christchurch City Council Bylaw 118 - Parks and Reserves 1981
  - Christchurch City Council Bylaw 120 - Avon Heathcote Estuary and Rivers 1982
  - Banks Peninsula District Council Bylaw - Parks and Reserves 1996
  - Heathcote County Council Bylaw - Reserves 1933 (No. 1)
  - Riccarton Borough Council Bylaw (No. 1) part 8 Parks and Reserves
  - Waimairi County Council Bylaw (No. 1) - 1966 part vii Reserves and Domains
  - Paparua County Council Bylaw - 1981 section 15 Reserves
- (2) Any approval, permit, or other act of authority which originated under any of the Bylaws revoked under subclause (1) and that 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 any of the Bylaws under subclause (1) does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings continue to be dealt with and completed as if the bylaws 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 27th 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 19th June 2008.



**SCHEDULE 1**

**PLAN OF BOTANIC GARDENS**



**SCHEDULE 2**

**PLAN OF RAWHITI GOLF COURSE**



**SCHEDULE 3**

**PLAN OF AVON HEATHCOTE ESTUARY**

