

Franklin District Council Beach Control Bylaw 2006

EXPLANATORY NOTE

This Bylaw is a local bylaw and is subject to all legislation passed by the Parliament of New Zealand. The Bylaw is not intended to detract from, affect or override any ownership or customary rights.

1. Title, Commencement and Application

- (1) This Bylaw may be cited as the Franklin District Council Beach Control Bylaw 2006 and shall come into force on 1 August 2006.
- (2) This Bylaw applies to beaches in the Franklin District.
- (3) This Bylaw repeals that part of the Franklin District Council General Bylaw 1997 comprising the New Zealand Standard Model General Bylaw 9201:19:1972 Beaches and Bathing Control (as amended).

2. Beach Control Bylaw Validation

- (1) The Franklin District Council Beach Control Bylaw 2006 was duly made at a meeting of the Franklin District Council held on 27 July 2006 after completion of the Special Consultative Procedure.
- (2) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 27 July 2006 in the presence of:

.....
Mark Ball
Mayor

.....
Phillippa Wilson
Chief Executive Officer

.....
Date

3. Objective

- (1) The purpose of this Bylaw is to control certain activities surrounding beaches in the Franklin District.
- (2) This Bylaw is made pursuant to section 145 of the Local Government Act 2002.
- (3) Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with:
 - (a) The Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
 - (b) Any regulations or rules made under the Land Transport (Road User) Rule 2004 or the Land Transport Act 1998 or any regulations or rules made in amendment or substitution thereof;
 - (c) Any requirements imposed by either the Waikato Regional Council or the Auckland Regional Council.

4. Interpretation

In this Bylaw, unless inconsistent with the context –

Authorised Officer means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.

Beach means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shell, shingle, dunes or coastal vegetation, but does not include any private property.

Chief Executive means the Chief Executive of the Franklin District Council or a person acting under a delegated authority on behalf of the Chief Executive.

Council means the Franklin District Council.

District means the Franklin District.

Dunes includes any hill, mound or ridge of sand or sediment, or any series of such, either bare or vegetated, landward of a coastal or river beach, but does not include any private property.

High Use Periods means between 10.00am and 6.00pm daily from the beginning of each Labour Weekend to the end of March in the following year.

Livestock includes any age or sex of any cattle, sheep, deer, donkey, hinny, mule, pig, goat, thar, alpaca, llama, bison or any other herd animal and any horse which is not ridden, led by its reins or harnessed to a vehicle.

Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998, namely:

“Vehicle

- (a) Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) Includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) Does not include—
 - (i) A perambulator or pushchair:
 - (ii) A shopping or sporting trundler not propelled by mechanical power:
 - (iii) A wheelbarrow or hand-trolley:

- (iv) A child's toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including a tyre) has a diameter exceeding 355 mm:
- (v) A pedestrian-controlled lawnmower:
- (vi) A pedestrian-controlled agricultural machine not propelled by mechanical power:
- (vii) An article of furniture:
- (viii) An invalid wheel-chair not propelled by mechanical power:
- (ix) Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:"

5. General Provisions

- (1) No person shall, on any part of any beach, place or leave any litter or material or substance or thing except in an approved receptacle provided for that purpose, provided that animal droppings may be disposed of in a way that does not cause a nuisance or offence.
- (2) Except with the permission of the Chief Executive or an authorised officer, no person shall damage, interfere with or remove any natural feature, animal or plant on any beach.
- (3) Every person operating any vehicle, or leading, riding or driving any horse on any part of any beach must show due consideration for other users of the beach at all times.
- (4) All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach, an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.
- (5) Notwithstanding sub-clause (4) of this clause, horses are permitted to use the track located in the dunes area along the southern end of Karioitahi Beach extending to the Waiuku Forest as delineated by signs or marker poles.
- (6) Every person being the owner or having the care, custody, or control of any livestock shall keep and prevent the same from wandering or being at large on any beach.
- (7) No person being in a state of intoxication or under the influence of drugs shall be or remain on any part of a beach.
- (8) No person shall remain upon any part of a beach in view of others in such a state of undress as to cause offence.
- (9) Except with the permission of the Chief Executive, no person shall land or attempt to land any glider (excluding hanggliders and paragliders) or any powered aircraft on any beach except in the case of emergency.
- (10) No person shall use any dressing shed or toilet except for its intended purpose, nor loiter in or around any dressing shed or toilet.
- (11) No person shall clean fish or bring, deposit or leave any filth or rubbish in any dressing shed or toilet.
- (12) While in use, fishing rods and other fishing apparatus must be located within 10 metres of the water's edge at all times.
- (13) No person shall use, displace, or otherwise interfere with any appliance, warning device or sign provided by Council or by any life saving club unless authorised by the Chief Executive.

6. Protection of Property

- (1) Subject in all things to the provisions of the Resource Management Act 1991, except with the permission of the Chief Executive, no person shall –
 - (a) Remove from any beach any stone, shingle, shell, sand, boulders, silt, mud, or other material;
 - (b) Use any portion of a beach for the wintering of boats; or
 - (c) Interfere with or remove any portion of any structure erected for the control of sand.
- (2) No person shall damage, disfigure or write in or upon any dressing shed, toilet or other property.

7. Conditions

- (1) In granting any permission under this Bylaw, the Chief Executive may impose such conditions as is deemed necessary or advisable on matters including, but not limited to, times, speeds, loads, erection of warnings or any other matter whatsoever.
- (2) Any person who fails to comply with any condition imposed on any permission referred to under clause 7(1) commits an offence against this Bylaw.

8. Against Trespassing

- (1) No male over the age of 5 years shall enter any dressing shed or toilet set apart by Council for the exclusive use of females, as indicated by public signs, except for the purpose of rendering assistance in case of accident or distress.
- (2) No female over the age of 5 years shall enter any dressing shed or toilet set apart by Council for the exclusive use of males, as indicated by public signs, except for the purpose of rendering assistance in case of accident or distress.

9. Surf Life Saving Clubs

- (1) Council may at its discretion authorise any life saving club (whether subsidised or not) to:
 - (a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
 - (b) use any such life saving equipment provided by Council ; and
 - (c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.
- (2) No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

10. Offenders Required to Give Names

Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this Bylaw shall, if requested by the officer, supply his/her full name and address.

11. Offenders to Leave Beach

Any person who, in the opinion of an authorised officer, commits a breach of any provisions of this Bylaw shall, if directed by that officer, immediately leave the beach, and may be further prohibited by that officer from appearing on the beach for a period of 24 hours. That person shall nevertheless be liable to be prosecuted for breaching this Bylaw, and the failure to leave or

remain away from the beach as directed by an authorised officer shall constitute a further offence against this Bylaw.

12. Dogs on Beaches

No person shall take any dog or allow any dog in his/her custody to be on any beach except as permitted by the current Franklin District Council Dog Control Bylaw.

13. Speed Limits on Beaches

Any maximum permitted speeds for vehicles using beaches or portions thereof shall be set under the Franklin District Council Speed Limits Bylaw 2005.

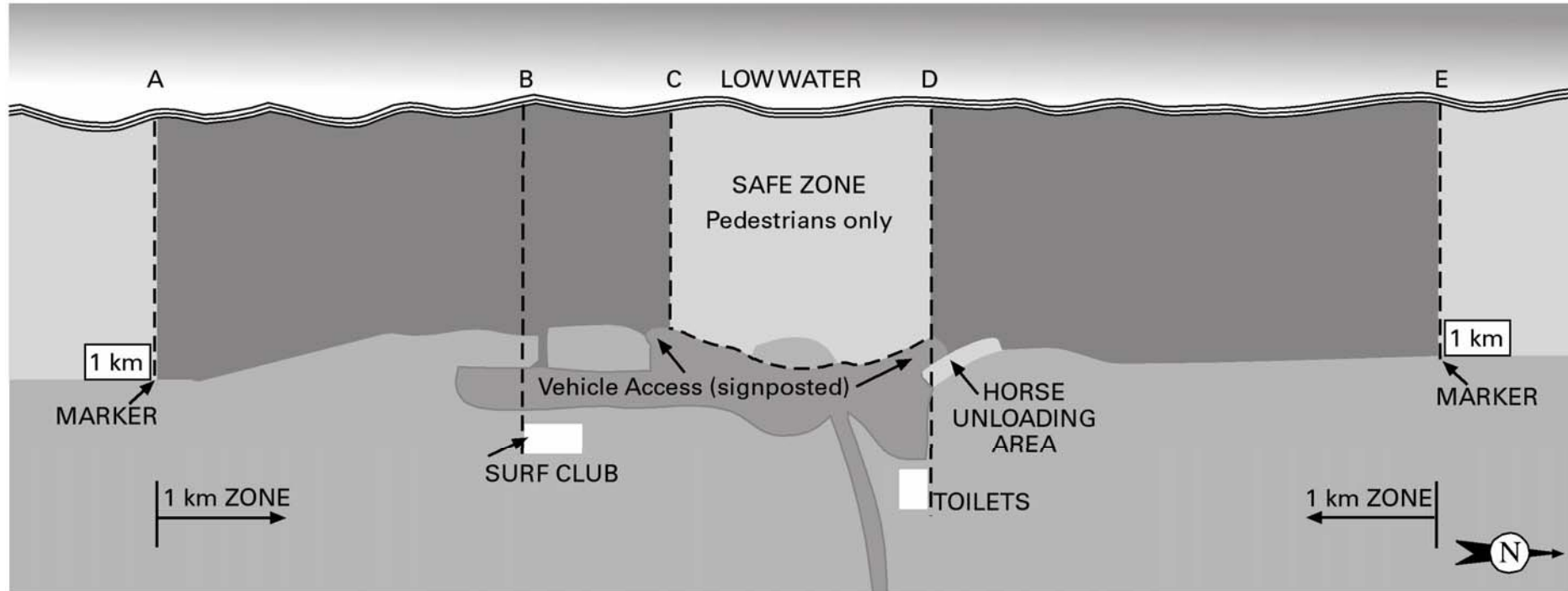
14. Karioitahi Beach Special Restrictions

The First Schedule to this Bylaw contains a diagrammatic representation of the central portion of Karioitahi Beach and imposes a number of restrictions on different users of that part of Karioitahi Beach.

15. Offences and Penalties

Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

FIRST SCHEDULE – Karioitahi Beach Special Restrictions



(1) Definitions

Line A means Line A as shown on the above diagram.

Line B means Line B as shown on the above diagram.

Line C means Line C as shown on the above diagram.

Line D means Line D as shown on the above diagram.

Line E means Line E as shown on the above diagram.

Horse Unloading Area means that general lightly shaded area shown on the above diagram adjacent to Line D, and more particularly as delineated by physical signs on that part of the beach.

SAFE ZONE means that lightly shaded area shown on the above diagram between Lines C and D.

1KM ZONE means that area shown on the above diagram between Lines A and E, and includes the **SAFE ZONE**.

(2) Vehicles

The following restrictions apply to vehicles:

- (a) All vehicles, except for life-saving, emergency service and law enforcement vehicles, are prohibited from the SAFE ZONE at all times.
- (b) Clause 5(4) of this Bylaw applies to vehicles within the 1KM ZONE.
- (c) Any maximum permitted speed for vehicles using the beach or any portion thereof shall be set under the Franklin District Council Speed Limits Bylaw 2005.
- (d) As generally required in clause 5(3) of this Bylaw, every person operating a vehicle must show due consideration for other users of the beach at all times.

(3) Pedestrians

Subject to access permitted elsewhere in this Bylaw or in the Franklin District Council Dog Control Bylaw, the SAFE ZONE is reserved for pedestrians only.

(4) Fishing

The following restrictions apply to fishing:

- (a) Fishing is prohibited within the SAFE ZONE.
- (b) Fishing within the vicinity of bathers is prohibited within the 1KM ZONE.
- (c) As provided in clause 5(12) of this Bylaw, while in use fishing rods and other fishing apparatus must be located within 10 metres of the water's edge at all times.

(5) Horses

The following restrictions apply to horses:

- (a) During High Use Periods, horses are restricted to a walk within the 1KM ZONE.
- (b) Outside of High Use Periods, horses are restricted to a walk within the SAFE ZONE.
- (c) Within the 1KM ZONE, horses must remain within 10 metres of the water's edge wherever possible.
- (d) As generally required in clause 5(3) of this Bylaw, horse riders or drivers must show due consideration for other users of the beach at all times.
- (e) Clause 5(4) of this Bylaw applies to horses within the 1KM ZONE.
- (f) The unloading of horses is only permitted in the Horse Unloading Area.
- (g) Horse floats must not be cleaned or swept out onto the beach and, despite the provisions of clause 5(1) of this Bylaw, all horse droppings must be removed entirely from the 1KM ZONE.

(6) Land Yachts and Blokarts

The following restrictions apply to land yachts and blokarts:

As vehicles, land yachts and blokarts are prohibited from the SAFE ZONE at all times and must comply with vehicle speed restrictions.

(7) Paragliders and Hanggliders

The following restrictions apply to paragliders and hanggliders:

- (a) Paragliders and hanggliders are prohibited within the SAFE ZONE at all times.
- (b) Paragliders and hanggliders may not land within the 1KM ZONE in the vicinity of other people using the beach.

(8) Dogs and Alcohol

Restrictions relating to dogs and alcohol can be found in the current Franklin District Council Dog Control Bylaw and the Franklin District Council Liquor Control Bylaw.