

# UPPER HUTT CITY COUNCIL

## THE COMMUNITY FACILITIES BYLAW 2005

### EXPLANATORY NOTE

This bylaw is called the Community Facilities Bylaw 2005 and was made under Sections 145 and 146 of the Local Government Act 2002.

The purpose of this bylaw is to ensure that Council is able to exercise control over the operation of facilities provided for the use and enjoyment of the community.

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## **1.0 APPLICATION OF BYLAW**

This bylaw applies within the district of the Upper Hutt City Council.

## **2.0 COMMENCEMENT**

2.1 This bylaw came into force on 8 July 2005.

## **3.0 INTERPRETATION**

3.1 In this bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“Council” means the Upper Hutt City Council and any authorised officer.

“Community Facility” includes the following facilities under the control of the Council:

- (i) The Council Library at Fergusson Drive Upper Hutt, the Branch Library at Pinehaven and the mobile library.
- (ii) The Swimming pool complex operated under the name “H2O Xtream”.
- (iii) The Public Theatre and Gallery complex operated under the name “The Expressions Art & Entertainment Centre”.
- (iv) All parks.
- (v) The Akatarawa cemetery including any crematorium.

“Document” means any map, chart, print, photograph or negative film, plan, picture, broadsheet, card, cutting, microfilm or microfile, photocopy, engraving or etching, video tape, or piece of music including a manuscript, compact disc, record, or audio tape or any other article of a similar nature, or any part of it, whether the property of the Council or for the time being under the control of the Council.

“Library Book” means a book, magazine, newspaper, periodical, pamphlet, manuscript, standard or other article of a similar nature, or any part thereof which is the property of the Council or under the control of Council.

“Park” includes all parks, reserves, recreation grounds, gardens and open space under the control of the Council

“Sexton” means the person appointed by the Council to manage the day to day activities of the Akatarawa cemetery.

## **PART 1 - GENERAL**

### **4.0 COUNCIL MAY MAKE RULES FOR COMMUNITY FACILITIES**

- 4.1 The Council may make rules regulating the following matters in respect of any Community facility:
- (a) For the control, management and use of the Community facility.
  - (b) For determining the hours during which the Community facility and any specified parts thereof shall be open and the holidays, days and times upon which it will be closed.
  - (c) For maintaining good order and conduct while persons are in or on a Community facility.
  - (d) For fees and charges payable for entry to or use of a Community facility.
  - (e) For the closure of a Community facility or part thereof or for setting aside of part or all of that facility for the exclusive use of individuals or groups.
  - [f] For the issue of permits to occupy any part of Harcourt Holiday Park, determining the fees and terms of occupancy and dealing with the use of camp buildings and amenities provided therein for the use of campers.

### **5.0 OFFENDERS MAY BE EXPELLED OR BARRED**

- 5.1 An authorised officer may require any person behaving in a disorderly manner in or on a Community facility or any person who is not bone fide using a Community facility for the purpose for which it is intended, to leave the Community facility and any refusal on the part of the person to do so shall constitute an offence against this bylaw.
- 5.2 An authorised officer may bar any person from a Community facility until notice is given for the person to return if, in the opinion of the authorised officer, that person has contravened any of the provisions of this bylaw or any rules made by the Council relating to the use of the Community facility or has otherwise acted in an unlawful manner in or on the Community facility.

## **PART 2 - LIBRARIES**

### **6.0 BORROWING**

- 6.1 No person shall take or borrow any library book or document without having the issue of the library book or document recorded in the library record system.

### **7.0 UNAUTHORISED TAKING OF LIBRARY BOOKS OR DOCUMENTS**

- 7.1 Any person, other than as a borrower, who takes or attempts to take any library book or document or other article from a library and any person knowingly pledging, pawning, selling or purchasing, or advancing money on any such library books or documents or article or attempting to do so, commits an offence against this bylaw in addition to any other offence of which such offender may be guilty.

## **PART 3 – H2O XTREAM**

### **8.0 WARNING SIGNALS TO BE OBSERVED**

- 8.1 Every person shall leave the swimming pool immediately upon a request being made over the public address system or by the sounding of a warning device or if told to do so by a staff member.

### **9.0 OBSTRUCTION OF STAFF**

- 9.1 No person shall obstruct any staff in the exercise of their duties in any act lawfully done or attempted to be done by them in the execution of their duties.

## **PART 4 - PARKS**

### **10.0 DAMAGE AND INTERFERENCE**

- 10.1 No person shall, except with the prior written authority of the Council, take, deposit, remove or disturb any soil, uproot or injure any shrub, tree or other growth at or from any park, or take any cutting or interfere with, pick or pluck or otherwise remove any such shrub, tree or other growth, including flowers, ferns or greenery at or from any park.
- 10.2 No person shall remove, disturb, deface, damage, or destroy, or attempt to remove, disturb, damage, or destroy any post, barrier, railing, seat (fixed or moveable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence, or hedge, or any fitting or implement of any kind within or enclosing the whole or any portion of any park.

## **11.0 RIDING AND DRIVING**

- 11.1 No person shall park, ride or drive any motor vehicle or cart, motorcycle, power cycle or any bicycle or drive, ride or lead any horse or other animal in any area of any park except on those areas set aside specially for such purpose.

## **12.0 DANGEROUS AND INCONSIDERATE DRIVING**

- 12.1 No person shall drive any motor vehicle or cart or ride any motorcycle, power cycle or bicycle or horse or other animal in any park without due care and attention or without reasonable consideration for other persons using or driving in the park.
- 12.2 No person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) within any park in such a manner as to cause damage to the surface or any part of such park or other land.

## **13.0 WANDERING STOCK**

- 13.1 No person shall, without the prior permission of the Council, turn in or allow any cattle or other animal or poultry to wander or graze within the limits of any park.

# **PART 5 – AKATARAWA CEMETERY**

## **14.0 GRAVES**

- 14.1 No person other than the Sexton or any person authorised by the Sexton, shall dig any grave in or open the ground for burial in any part of the cemetery.
- 14.2 No person other than the Sexton or any other person duly authorised by the Sexton shall fill in a grave.

## **15.0 HEADSTONES AND MONUMENTS**

- 15.1 No person shall, except with the prior written permission of the Council, install or remove any headstone, monument or plaque from the cemetery or from any grave.

## **16.0 VEHICLES**

- 16.1 Every person driving or in charge of any vehicle in the cemetery shall stop or move such vehicle as directed by the Sexton or any person authorised by the Sexton to give such direction.
- 16.2 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

## **PART 6 - PENALTIES FOR BREACH OF BYLAW**

### **17.0 PENALTY**

- 17.1 The maximum penalty for an offence against any provision of this bylaw is a fine not exceeding \$500.