

Approved By:	Date Adopted:
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## Proposed Hamilton City Parks, Domains and Reserves Bylaw 2019

### TABLE OF CONTENTS

1. SHORT TITLE .....	2
2. PURPOSE.....	2
3. DEFINITIONS .....	2
4. GENERAL.....	5
5. ENTRANCES, EXITS AND CLOSURES ON PARKS .....	5
6. PEOPLE ON PARKS .....	7
7. FREEDOM CAMPING.....	10
8. ANIMALS AND VEHICLES ON PARKS .....	11
9. PENALTIES.....	13
Schedule A: Prohibited Areas .....	15
Schedule B1: Restricted Areas .....	18
<del>Schedule B2: Intended Restricted Areas .....</del>	<del>18</del>
Schedule C: Freedom Camping Locations.....	19

### 1. SHORT TITLE

~~This bylaw may be cited as the Hamilton City Parks, Domains and Reserves Bylaws 2012 and applies to land administered by the Council or Hamilton Domain Board to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.~~

### 1. PURPOSE

The purpose of this bylaw is to protect Council's parks, domains and reserve from damage, misuse, or loss and to allow for their effective management.

### 2. APPLICATION

~~This Bylaw applies to land administered by the Council to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.~~

### 3. DEFINITIONS

In this bylaw except where inconsistent with the context:

<b>Aircraft</b>	Means aeroplanes, helicopters, hot air balloons, gliders, and hovercraft.
<b>Alcohol</b>	Means a substance that: <ul style="list-style-type: none"><li>a) is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; OR</li><li>b) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</li><li>c) whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.</li></ul>
<b>Animal</b>	Means any mammal, bird, reptile, amphibian, fish (including shellfish) crustacean or related organism, but does not include a human being.
<b>Authorised Officer</b>	<del>Means a police officer or any person authorised by Hamilton City Council, directly or indirectly under its delegated authority, to act on its behalf and with its authority a person appointed by a local authority to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, this bylaw.</del>
<b>Board</b>	<del>Means the Hamilton City Council, being the Hamilton Domain Board appointed by Order in Council in 1950.</del>
<b>City</b>	Means the city of Hamilton.
<b>Controlled Drugs</b>	Has the same meaning as found in the Misuse of Drugs Act 1975 and subsequent amendments or succeeding legislation.
<b>Council</b>	<del>Means the Hamilton City Council.</del>
<b>Domain</b>	<del>Means any land and / or contiguous water body, other than the Waikato River, which is now or may be in the future set aside for public recreation and is now or may be in the future under the control of the Board.</del>
<b>Freedom Camp</b>	Means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or

harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

- a) a tent or other temporary structure:
- b) a caravan:
- c) a car, campervan, housetruck, or other motor vehicle.

Freedom camping does not include the following activities:

- a) temporary and short-term parking of a motor vehicle:
- b) recreational activities commonly known as day-trip excursions:
- c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

<b>Firearm</b>	Means any gun, rifle, or airgun and includes any kind of weapon or device from which any shot, bullet, arrow, spear, other missile or noxious, narcotic or poisonous substance can be discharged in the air or water, and also includes any part of a firearm that is dismantled or otherwise inoperative.
<b>Green Waste</b>	Means compostable plant material e.g. garden waste.
<b>Hawking</b>	Means offering goods for sale whilst carrying them from point to point.
<b>Liquor</b>	<del>Means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honey mead, stout, cider, and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume.</del>
<b>Management Plan</b>	Means any management plan prepared and approved in respect of any reserve under section 41 of the Reserves Act 1977 or any statute passed in substitution therefore.
<b>Mobility Device</b>	Means a vehicle that: <ol style="list-style-type: none"><li>d) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and</li><li>e) is powered by a motor that has a maximum power output not exceeding 1500W.</li></ol>
<b>Motor Vehicle</b>	Means a vehicle drawn or propelled by mechanical power; and <ol style="list-style-type: none"><li>a) includes a trailer; but</li><li>b) does not include—<ol style="list-style-type: none"><li>i. a vehicle running on rails; or</li><li>ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or</li><li>iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or</li><li>iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or</li><li>v. a pedestrian-controlled machine; or</li><li>vi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; or</li><li>vii. a mobility device</li></ol></li></ol>
<b>Owner</b>	<del>In relation to any dog, stock or other animal,</del> means every person who owns a dog, stock or other animal and includes the person having the charge of the dog, stock, or other animal, or the management thereof; and "owned" has a corresponding meaning.

<b>Park</b>	<del>Means any domain or reserve as defined in this bylaw.</del>  Means (a) reserve including any land and/or contiguous water body vested in or administered by the council under the provisions of the Reserves Act 1977 set apart for public recreation or enjoyment as defined by the Act; or (b) any park, domain or recreational area under the control or ownership of the council.
<b>Parking</b>	Means the standing of a vehicle in any place for a period in excess of 5 minutes and "park" may have a corresponding meaning.
<b>Reserve</b>	<del>Means any land and / or contiguous water body set apart for public recreation and enjoyment as defined by the Reserves Act 1977 and is now or may be in the future under the control of the Council and includes the two reserves known as Waikato Stadium and Seddon Park.</del>
<b>Seddon Park</b>	Means that part of Section 1 Survey Office Plan 57555 bounded by Seddon Road, Bryce Street, Tristram Street and Norton Road that is enclosed by fences.
<b>Stock</b>	<del>Includes</del> Means horses, cattle, deer, asses, mules, sheep, pigs or goats of any description.
<b>The Council</b>	Means the Hamilton City Council and includes any 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.
<b>Vehicle</b>	Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes, a hovercraft, a skateboard, bicycles, in-line skates, and roller skates but does not include: <ul style="list-style-type: none"><li>a) A perambulator or pushchair;</li><li>b) A shopping or sporting trundler not propelled by mechanical power;</li><li>c) A wheelbarrow or hand-trolley;</li><li>d) A pedestrian-controlled lawnmower;</li><li>e) A pedestrian-controlled agricultural machine not propelled by mechanical power;</li><li>f) An article of furniture;</li><li>g) A Wheel-chair in use by a person with a physical disability and not propelled by mechanical power;</li><li>h) A mobility device.</li></ul>
<b>Wandering or Straying</b>	<del>In relation to stock, includes being on or near a reserve without being under proper guidance and control.</del>  Means for the purposes of this Bylaw stock being on or near a Park moving outside of a usual course and without being under proper guidance and control.
<b>Waikato Stadium</b>	Means that part of Section 1 Survey Office Plan 57621 and Section 72 Hamilton West Town Belt that is enclosed by perimeter security fencing.
<b>Wildlife</b>	Means all animals that are living in a wild state; but does not include noxious animals of any species as defined from time to time in the Sixth Schedule of the Wildlife Act 1953 or succeeding legislation.

#### 4. GENERAL

##### 4.1. Taking of proceedings

Nothing in ~~these bylaws~~ this Bylaw shall be deemed to limit or prevent the taking of proceedings under any Act in respect of any offence committed within any park.

##### 4.2. Actions by ~~parks officers and other duly authorised persons~~ the Council

No act by ~~any duly authorised officer of~~ the Council when engaged in the performance of ~~his or her~~ its duties on any Park shall constitute an offence against any part of ~~these bylaws~~ this Bylaw.

##### 4.3. Council ~~and other authorised people~~ may prosecute

~~Any person authorised by the Council or any person employed in the Police Force may commence and continue any prosecution against any person for any breach of any part of these bylaws.~~

~~Any person who in the reasonable opinion of the Council commits a breach of any of the provisions of this bylaw shall if so requested by an Enforcement Officer supply their full and correct name and address.~~

##### 4.4. Offenders required to give names

Any person who in the ~~reasonable~~ opinion of ~~any duly authorised officer of~~ the Council commits a breach of any of the provisions of ~~these bylaws~~ this Bylaw shall if so requested by ~~the officer~~ an Enforcement Officer supply their full and correct name and address.

##### 4.5. Ordering off and prohibition

~~Every person committing any breach of the provisions of these bylaws shall, upon request by any duly authorised officer, immediately leave the park and may be prohibited from entering the park for such period as the duly authorised officer deems fit, but shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such a request shall be guilty of a further offence.~~

~~Enforcement Officers are entitled to use the powers of the Trespass Act 1980 in respect of any person who they reasonably believe to have breached this Bylaw.~~

##### 4.6. Right to seize and impound

~~Any police officer or other authorised officer may seize and impound any property used in committing a breach of this Bylaw and shall not be liable for any claim arising therefrom.~~

~~An Enforcement Officer may seize and impound any property used in committing a breach of this Bylaw pursuant to s 164 Local Government Act 2002 and shall not be liable for any claim arising therefrom.~~

#### 5. ENTRANCES, EXITS AND CLOSURES ON PARKS

##### 5.1. Entrances and exits only to be used

No person shall enter or leave any Park except through proper openings, gateways, entrances, or exits provided for that purpose, unless given permission to do otherwise by ~~an authorised officer~~ the Council.

##### 5.2. Obstruction of entrances, exits, etc

~~No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any park, and (where gates are provided), no person shall enter any park save while the same is open for the admission of the public, unless given permission to do otherwise by an authorised officer.~~

No person shall wilfully obstruct any entrance or exit and no person shall enter any Park while a Park is open for the admission of the public, unless given permission to do otherwise by the Council.

### 5.3. Closure of Parks

5.3.1. Subject to the provisions of ~~these bylaws~~ **this Bylaw**, every park shall be open to the public at all times, except during such hours as the Council ~~or authorised officer~~ determines that any particular park or parks shall be closed to the public for a prescribed period or periods.

5.3.2. If the Council ~~or authorised officer~~ has prescribed a period or periods of closure, no person shall be in or upon, or remain in or upon, or enter such park except with the prior permission of ~~an authorised officer of the~~ Council.

5.3.3. If ~~an authorised officer of the~~ Council believes at any time that any Park, or part thereof, is being used or is likely to be used for any purpose which may result or is likely to result in riotous conduct or in civil disorder, ~~he or she~~ **it** may, by notices erected or displayed on the entrances to the Park or by notice in at least one local newspaper, declare the Park to be closed for such period as the Council ~~or authorised officer of Council~~ **considers advisable permits**.

5.3.4. No person shall enter or remain in any such park or part thereof during such period of closing without the prior permission of an authorised officer of Council.

### 5.4. Waikato Stadium and Seddon Park

5.4.1. Notwithstanding the general principle that the public shall have freedom of entry and access to any Park, the Council declares that is necessary to control access to Waikato Stadium and Seddon Park for the protection and general wellbeing of those Parks and for the protection and control of the public using those Parks.

5.4.2. No person shall enter within the fenced areas of Waikato Stadium at any time except in accordance with the following exemptions:

- a) The public may enter Waikato Stadium for the purpose of attending any sporting activity or function arranged by or authorised by the Council but in such case:
  - i. no person shall enter or leave Waikato Stadium except through the openings, gateways, entrance or exits provide for that purpose
  - ii. no person shall enter into or upon the grassed playing area of Waikato Stadium (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including referees and other officials) organised by or authorised by the Council may enter Waikato Stadium including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the authorised officer has expressly or implicitly authorised to have access to Waikato Stadium may have access to Waikato Stadium.
- d) Workmen, employees, agents and consultants authorised by ~~an authorised officer~~ **the Council** may enter upon Waikato Stadium for legitimate business purposes.

5.4.3. No person shall enter within the fenced areas of Seddon Park at any time except in accordance with the following exemptions:

- a) The public may enter Seddon Park for the purposes of attending any sporting activity or function arranged by or authorised by an authorised officer but in such case:

- i. no person shall enter or leave the fenced area of Seddon Park except through the openings, gateways, entrance or exits provided for that purpose;
  - ii. no person shall enter into or upon the grassed playing area of Seddon Park (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including umpires and other officials) organised by or authorised by an authorised officer may enter Seddon Park including the grassed playing areas but only for the purposes of playing sport.
  - c) Persons whom an authorised officer has expressly or implicitly authorised to have access to Seddon Park may have access to Seddon Park.
  - d) Workmen, employees, agents and consultants authorised by ~~an authorised officer~~ **the Council** may enter upon Seddon Park for legitimate business purposes.

### 5.5. Fixing of charges for use of Parks

- 5.5.1. ~~The~~ Council may close all or any portion of a park for a particular sport, or other recreation activity, as it thinks fit, and where charges may lawfully be made, fix charges for the right to use such portions as are open to the public.
- 5.5.2. ~~The~~ Council may adopt policies and procedures governing the use of such portions by any individual or group for sport, recreation or other activity, on any day or days but not more than six days consecutively, and may similarly fix charges therefore.
- 5.5.3. Every specified sport, recreation or other activity area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of the specified activity unless they shall have first paid the charge fixed for that purpose.
- 5.5.4. Every person who has entered a Park or part thereof before the start of an activity for which a charge has been set, must, before the activity starts, either pay the proper charge for admission or leave such Park or part thereof.

### 5.6. Gates, bollards and chains

No person shall leave any gate, bollard, fence or chain on a park in a different position from that in which he or she found it.

## 6. PEOPLE ON PARKS

### 6.1. Behaviour on Parks

- 6.1.1. No person shall wilfully obstruct, disturb, or interfere with any other person in the use or enjoyment of any Park;
- 6.1.2. No person shall in any Park use foul, abusive, indecent or obscene language, or be intoxicated by liquor or controlled drugs or be ~~noisy or riotous, or in any way misbehave;~~
- 6.1.3. ~~No person shall in any park do or practise anything insulting, offensive or annoying to any person within hearing or sight of the park.~~
- 6.1.4. No person shall interfere with, annoy or injure any animal in any cage, enclosure, erection or building in any Park, unless it is with the permission of ~~an authorised officer of the~~ Council for a legitimate park management purpose.

### 6.2. Noise disturbance and annoyance

No person shall use, play, or operate, or attempt to use or play or operate, any instrument, ~~vehicle, model aeroplane or similar,~~ public address system or amplified sound system in any

park without the permission of ~~the Council. an authorised officer of Council, or in so doing, cause any sound or noise that disturbs or annoys or is likely to disturb or annoy other occupiers or users of the park.~~

### 6.3. Protection of soil and flora

No person shall take, deposit, remove or disturb any soil, uproot or injure any plant, or take any cutting or interfere with or otherwise remove any flowers, ferns, or greenery within any Park without the permission ~~of an authorised officer of~~ the Council, except as provided for by the customary activities provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

### 6.4. Protection of nurseries and gardens

No person shall in any Park enter any of the enclosures or places set apart for the cultivation of plants, or in any other way cause damage:

- a) on any portion of the park on which the same is forbidden by notice; or
- b) on any plantation, flowerbed, or border.

### 6.5. Planting

No person shall plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance injurious to plant life or wildlife to any Park without the ~~prior~~ permission of ~~an authorised officer of~~ the Council.

### 6.6. Damage to notices, etc

No person shall in any Park interfere with or damage any inscription, or label attached to or connected with any article, tree, shrub or other plant, or any notice board, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw.

### 6.7. Damage to structures, fittings, etc.

No person shall remove, interfere with or damage any post, bollard, barrier, railing, seat (fixed or movable), 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 any Park.

### 6.8. Damage to buildings and appurtenants

No person shall deface or damage, by writing or otherwise or in any other manner, the walls or any other part of any building in any Park, ~~or act or use the same otherwise than in a cleanly and decent manner.~~

### 6.9. Advertising on Parks

6.9.1. No person shall, within the limits of any Park, expose or otherwise display, or attempt to expose or otherwise display any advertisement, graffiti or other decoration, except with the ~~prior authority of an authorised officer of~~ permission of the Council.

6.9.2. Section 6.9 of this bylaw shall not apply to any name plate or plaque fixed to the wall or door of any building or other structure legitimately erected within any park or to any sign erected with the permission of Council within any park.

### 6.10. Notices and bills

No person shall post any placard, bill, poster, or notice board within any park or interfere with any placard, bill, poster or notice board lawfully erected in the park, or distribute any handbill or notice within or at any entrance to the park except with the ~~prior~~ permission ~~in~~ ~~writing~~ of the Council.

### 6.11. Litter

No person shall deposit any litter on any part of a park except in a receptacle approved or provided by ~~an authorised officer of~~ the Council.

### 6.12. Dumping of green waste

No person shall dump, deposit, discharge or leave any green waste, including garden waste, within any park, reserve or domain unless permitted to do so by ~~an authorised officer of~~ the Council.

### 6.13. Pollution

No person shall deposit, discharge or leave any deleterious, offensive or dangerous matter, or cause pollution within the limits of any park or any stream, lake, dam, pond, or fountain within the Park.

### 6.14. Use of water

- 6.14.1. No person shall within any Park permit or cause wastage of water or permit any water tap to flow for a longer period than is reasonably required to obtain water for drinking, washing or other lawful purposes within the Park;
- 6.14.2. No person shall in any manner pollute or otherwise render unfit for its intended use any water supply within any Park.

### 6.15. Bathing

No person shall bathe or wade within any Park in any water where ~~the~~ Council has prohibited such bathing or wading.

### 6.16. Fires within the limits of any park:

- 6.16.1. No person shall light any fire, except in a place specially provided by the Council ~~or Board~~ for that purpose, without the ~~express~~ permission of the Council ~~or Board, or authorised officer of the Council~~;
- 6.16.2. No person shall set fire to any vegetation (alive or dead) that is or was growing in any Park;
- 6.16.3. No person shall light a fire in any position where it is likely to present a fire hazard;
- 6.16.4. No person shall light any fire or continue burning the same in a Park after sunset without the ~~consent of an authorised officer~~ permission of ~~the~~ Council;
- 6.16.5. Once a fire is lit, the person lighting the fire, or such other person as is detailed by him, shall remain in attendance of the fire until it is completely extinguished;
- 6.16.6. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- 6.16.7. Any manufactured, or similar, solid fuel or gas portable barbecue may be used provided sub clauses 6.16.2, 6.16.3, 6.16.4, 6.16.5, and 6.16.6 are complied with.

Nothing in this bylaw shall exempt an offender from liability under any other Act with respect to the lighting of fires.

**Note:** Any permitted or approved fire is required to comply with the Council's bylaws.

### 6.17. Weapons and projectiles

- 6.17.1. Without the ~~prior~~ permission of ~~an authorised officer of~~ the Council, no person shall within the limits of any Park:
  - a) Take, use, or carry any firearm, axe or similar weapon or other instrument of dangerous character, or any airgun or bow and arrow, ~~or let off any fireworks; or~~
  - ~~b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.~~

Any police officer, or other authorised officer may seize and retain any weapon or instrument used in committing a breach of this bylaw, and shall not be liable for any claim arising therefrom.

### 6.18. Fireworks

- 6.18.1. No person may let off any fireworks in a Park without the permission by the Council to undertake a professional pyrotechnic display in that Park.

### 6.19. Unauthorised assemblies

No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd in any Park without the ~~prior~~ permission ~~of an authorised officer of the~~ Council.

### 6.20. Erection of tents, stalls, etc

- 6.20.1. No person shall put up or erect any stall, tent, booth, amusement device, or structure of any kind within any park without written authorisation from the Council, and then only at such place, for such time or term, and of such dimensions and subject to any other conditions as may be specified in the authorisation.
- 6.20.2. Any fee charged by the Council or Board in respect of the authorisation shall be payable in advance.

### 6.21. Use of parks for commercial purposes

No person shall use a Park for commercial purposes without ~~written authorisation~~ permission from the Council.

### 6.22. Use of Parks for organised sport

- 6.22.1. No person shall play any organised sport or recreation on any Park except upon parts of the Park set aside for that purpose or as ~~an authorised officer of the~~ Council shall direct.
- 6.22.2. No person shall engage in or practise sport or recreation activities on any playing ground or part thereof on any Park after being requested by ~~an authorised officer of the~~ Council to leave that area, or when ~~the~~ Council has given notification that the ground is closed to play.
- 6.22.3. No person (not being a competitor or official taking part in the sport or recreation activity) shall enter in or remain on any portion of the Park marked out as a playing area for any sport or other recreation activity while that activity is in progress.
- 6.22.4. ~~An authorised officer of The~~ Council may prevent any sport or other recreation activity being played on any Park if in ~~his or her~~ its opinion that sport or activity is liable to damage the park or anything therein.
- 6.22.5. No person shall engage in any sport or other recreation activity on any Park or any specified portion of any Park if he or she is expressly forbidden to do so by the Council, ~~or by any authorised officer of the Council.~~
- 6.22.6. No person shall play or practise golf, with or without a ball, except on any Park or part of a Park that the Council has set aside for that purpose.

## 7. FREEDOM CAMPING

### 7.1. Prohibited areas

Freedom camping is prohibited in a prohibited area unless otherwise stated in the bylaw.

- 7.1.1. ~~A person must not freedom camp in any park, reserve or domain area identified in Schedule A. A person must not freedom camp in any Park area identified in Schedule A.~~
- 7.1.2. ~~A person must not freedom camp in any location listed in Schedule B2 until the location is listed in Schedule B1 pursuant to subclause 7.3.~~
- 7.1.3. ~~Subclause 7.1 does not apply if the person is freedom camping with the prior written consent of an authorised officer and complies with all of the conditions attached to that written consent. Consent must be sought at least ten working days in advance, and the applicant must meet any costs incurred by the Council in processing the application for consent before any consent is granted. Consent is at the discretion of the Chief Executive.~~

### 7.2. Restricted areas

A person may freedom camp in a restricted area identified in Schedule B1 provided they:

- 7.2.1. Camp in a self-contained vehicle displaying a NZS5465:2001 Self Containment Warrant;
- 7.2.2. Use the facilities provided;
- 7.2.3. Leave the site in the condition in which they found it;
- 7.2.4. Do not prevent others from undertaking legitimate activities in the location;
- 7.2.5. Do not stay in the location for more than three consecutive nights; and
- 7.2.6. Comply with all of the particular restrictions which apply to freedom camping at that location set out in Schedule B1.

### ~~7.3. Intended restricted areas~~

~~Schedule B2 lists the locations that will be included in Schedule B1 as restricted areas once resource consent is granted under the Hamilton City District Plan.~~

- 7.3.1. ~~Until resource consent is granted for a location listed in Schedule B2, and the location is then included in Schedule B1, it is a prohibited area.~~
- 7.3.2. ~~Once resource consent is granted for a location listed in Schedule B2 the location will be removed from Schedule B2 and listed in Schedule B1 as a restricted area.~~

### 7.4. Penalties and fines

Anyone contravening any part of clauses 7.1, and 7.2, ~~7.3~~ commits an infringement offence and is liable for a fine of up to \$200, or on summary conviction a fine of up to \$10,000, as set out under Section 23, Part 3, of the Freedom Camping Act 2011.

### ~~7.5. Removal of Freedom Camping Locations~~

~~If in relation to any area identified in Schedules B1 and B2, documented issues arise that are substantiated by an appropriately authorised officer that demonstrate continued freedom camping will cause:~~

- 7.5.1. ~~Damage to the area;~~
- 7.5.2. ~~Risk to the health and safety of people that visit the area;~~
- 7.5.3. ~~Impaired access to the area;~~

~~Then Council will by resolution remove the area from Schedules B1 and B2 and place it in Schedule A as an area where Freedom Camping is not permitted.~~

## 8. ANIMALS AND VEHICLES ON PARKS

### 8.1. Stock on parks

- 8.1.1. No person shall, without ~~prior~~ permission of the Council, turn in, bring or allow any stock, or ~~other any similar~~ animal, to ~~be ridden~~, wander, graze or be within any Park.

- 8.1.2. Any stock, or other animal found at large in breach of this bylaw may be impounded by ~~the Council. any Animal Education and Control Officer, or other duly authorised officer.~~

### 8.2. No destruction of animal life on parks without permission

- 8.2.1. No person shall by any means whatsoever destroy, shoot, snare, net, fish for, injure, interfere with or take any animal, wildlife, bird's nest, or bird's egg, or attempt to do so, in or from any Park without a licence or the written consent of an authorised officer of the Auckland/Waikato Fish and Game Council and/or the Council.
- 8.2.2. Provided that in the case of any animal protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

### 8.3. Use of vehicles on parks

- 8.3.1. No person shall, within the limits of any park, take, drive or use any motorised vehicle except with the ~~prior~~ permission of ~~an authorised officer of the~~ Council. This excludes ~~the~~ Council's park service vehicles and any emergency vehicle in fulfilment of its statutory duties.
- 8.3.2. No person shall use any vehicle including a bicycle, skateboard, roller skates or roller blades or similar devices, recklessly or in a manner which may damage a Park or intimidate or be dangerous, injurious or cause a nuisance to persons in the Park.
- 8.3.3. No person shall use any vehicle including bicycles but excluding roller skates or roller blades in the following areas;
- The section of the Hamilton Lake Domain Walkway East of Hamilton Yacht Club to the car park at the end of the access road South from the Ruakiwi Entrance to the Park.
  - Hamilton Gardens except the shared use pathway paralleling Cobham Drive and its continuation.
  - Waiwhakareke Natural Heritage Park except any shared use path that may be constructed around the boundary of the park.

### 8.4. Vehicle speeds within parks

No person shall drive or ride any vehicle in any park at a speed in excess of 20 kilometres per hour, except where indicated by the Council ~~or Board.~~

### 8.5. Parking of vehicles on parks

~~Hamilton City~~ The Council by resolution and subject to the placing and maintenance of the appropriate signs or markings may limit, restrict or prohibit the parking or stopping of vehicles ~~or boats~~ on any part of any Park. ~~Any person who commits a breach of this clause of the bylaw shall be liable to the penalty prescribed for such an offence by any regulation made under the Land Transport Act 1998 or any enactment passed in substitution therefore.~~

### 8.6. Removal of illegally parked vehicles

- 8.6.1. If any vehicle is parked or stopped and left unattended in breach of clause 8.5 of this bylaw, and the owner thereof or the person entitled to possession cannot be found after reasonable enquiry in the vicinity, ~~any Authorised Officer, Parking Warden or Police Officer~~ the Council may have the vehicle removed to some other position including any appropriate premises ~~of the Council or of the Police.~~
- 8.6.2. Where any vehicle or boat has been removed pursuant to this bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed,

to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat. ~~all or any of the following:~~

- ~~a) — A towage fee for the removal; and~~
- ~~b) — Reasonable storage charges on a daily basis until the vehicle is uplifted.~~

### 8.7. Abandoned vehicles on parks

8.7.1. ~~If the Council Any duly authorised officer of Council who~~ has reason to believe that any vehicle or boat has been abandoned in a Park may remove it or cause it to be removed to any place authorised for that purpose by the Council.

8.7.2. Where any vehicle or boat has been removed pursuant to this Bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat. ~~all or any of the following:~~

- ~~c) — A towage fee for the removal; and~~
- ~~d) — Reasonable storage charges on a daily basis until the vehicle is uplifted.~~

### 8.7.3. No unauthorised mechanical plant or equipment on Parks

Except in an emergency, or where ~~an authorised officer of the~~ Council considers it necessary for the proper and beneficial management, administration and control of the Park, no person shall within any Park, use or attempt to use any portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment.

### 8.8. Aircraft

Except in cases of emergency, or where ~~prior~~ permission has been obtained from an ~~authorised officer of~~ the Council, no person shall:

- 8.8.1. Make use of any part of any Park for the purpose of landing or alighting thereon or the flying there from of aircraft of any kind ~~(including aeroplanes, helicopters, hot air balloons, gliders, and hovercraft);~~ or
- 8.8.2. Land in any park by parachute; or
- 8.8.3. Use or operate, or attempt to use or operate, a hang-glider on any park; or
- 8.8.4. Make use of any part of any park for the purpose of setting down, picking up, or recovery from within any Park, of any person, livestock, carcass or other article of any description.

This bylaw does not absolve persons from compliance with any requirements that the Director of the Civil Aviation Authority - Air Transport Division may stipulate.

## 9. PENALTIES

This bylaw is made under the authority given to Hamilton City Council under Section 145 and 146(b)(vi) of the Local Government Act 2002. Any person convicted of an offence against a bylaw made under Part 8 of the Local Government Act 2002 is liable to a fine not exceeding \$20,000 or such other amount as shall from time to time be prescribed by statute.

~~Clauses 7.1 and 7.2 are made under the authority given to the Council under section 11 of the Freedom Camping Act 2011, with the penalties and fines for breaches of these two clauses set out in clause 7.3.~~

# Hamilton City Council

## BYLAWS



The COMMON SEAL of the HAMILTON CITY COUNCIL  
was hereunto affixed in the presence of:

Councillor: .....

Councillor: .....

Chief Executive:

### Schedule A: Prohibited Areas

Areas where Freedom Camping is prohibited

<del>A-J Seeley Gully Reserve</del>	Cullimore Park	Graham Park
Aberfoyle Park	Dawson Park	Greensboro Park
Ashurst Park	Days' Park	Greenwood Street Amenity Reserve
Aspiring Crescent Reserve	Deanwell Park	Grosvenor Park
Bankwood Park	Derby Park	Grove Park
Beerescourt Park	Derek Heather Park	Hamilton East Cemetery
Beetham Park <del>Garden</del>	Dillicar Park	Hamilton Gardens
<del>Beetham Park Sports</del>	<del>Discovery Park</del>	Hamilton Lake Domain
<del>Beale Cottage</del>	Dixon's Corner	Hamilton Parade
Berkley Tennis Courts	Dominion Park	Hamilton Park Cemetery
Bishops Lane Reserve	Donny Park	Hamilton West Cemetery
Bleakley Park	Eden Park Reserve	Hammond Park
Bolmuir Park	Edgecumbe Park	Hare Puke <del>Drive Reserve Park</del>
Boyes Park	Edinburgh Park	Hayes Paddock
Braithwaite Park	Elliott Park	Heath Park
<del>Bremworth Park</del>	Enderley Park	Hillary Park
Bristol Park	Enfield Park	Hillcrest Bowling Club
Bryant Road Plantation	Ex Glenview Club	Hillcrest Stadium
Brymer Glen Reserve	Ex Waikato District Council	Hinemoa Park
Brymer Park	Exeter Park	Hukanui Oaks
Caernarvon Park	Fairfield Esplanade	Humarie Park
<del>Capper Crescent Reserve (placeholder)</del>	<del>Fairfield Park</del>	<del>Innes Common Sports</del>
Caro Park	Farnborough Drive Reserve	Innswood Place Reserve
Carrs Park	Farringdon Avenue Reserve	Jansen Park
Casey's Garden	Featherstone Park	Jesmond Park
Chadwick Place Reserve	Ferrybank	Jubilee Park
Chamberlain Place Reserve	Fitzroy Park	Kahikatea Park
Chartwell Park	Flagstaff Park	Karaka Park
Chedworth Park	Flynn Park	King Street Corner
Chelmsford Park	<del>Foreman Park</del>	Kirikiriroa Reserve
Chequers Avenue Reserve	Frankton Plantation	Kitchener Street Reserve
Claudlands Park	Fraser Tech Park	Lake Rotokauri Park
Clyde Park	<del>Galloway Park</del>	Lincoln Street Amenity Reserve
Cobham Drive Reserve	Galway Reserve	Lincoln Street Reserve
Cranmer Close Reserve	Gower Park	Lugton Park
Crawshaw Park	<del>Glenview Park</del>	Maeroa Road Reserve
Crosher Place Reserve	Graham Island	Mahoe Park

# Hamilton City Council

## BYLAWS

Mangaiti Reserve <del>–Garden</del>	Pembroke Park	Swarbrick Park
<del>Mangaiti Reserve–Sports</del>	Pine Beach	Swarbrick Landing
Mangakotukutuku Esplanade	<del>Porrirt Stadium Garden</del>	Sylvester Esplanade
Mangaonua Esplanade	Pountney Park	Symmington Estate
Marist Park	<del>Puketaha Scout Den</del>	Taitua Arboretum
Massey Street Plantation Reserve	Pukete Farm Park <del>(Garden)</del>	Tauhara Park <del>–Garden</del>
Matakanohi Reserve	<del>Pukete Farm Park (Sports)</del>	<del>Tauhara Park –Sports</del>
Melville Park	<del>Pukete Farm Park (Wastewater Plant)</del>	Tawa Park
Memorial Park	Pukete Park	Te Anau Park
<del>Milne Park</del>	Pygmalion Park	Te Awa O Katapaki Esplanade
Minogue Park <del>Garden</del>	Queenwood Esplanade	Te Hikuwai Reserve
<del>Minogue Park Sports</del>	Railway Park	Te Huia Drive Reserve
Miropiko Reserve	Rakautahi Park	Te Kootii Park
Mooney Park	Ranfurlly Park	Te Manatu Park
Moonlight Drive Reserve	Raymond Park	Te Tiwha O Parei-iri-whare Park
Morrow Avenue Walkway	Resthills Park <del>Garden</del>	Te Toetoe Reserve
Morrow's Orchard	<del>Resthills Park Sports</del>	Templeview Reserve
Munro's Walkway	Rhode Street Park	<del>Tennille Street Reserve (placeholder name)</del>
Nawton Domain	Roose Commerce Park	Tennyson Road Reserve
Nawton Tennis Courts	<del>Rotokauri Road sports park (placeholder name)</del>	The A J Seeley Gully Reserve
New Memorial Park	Rototuna Park	Till's Lookout
<del>Norris Ward Park</del>	<del>Rototuna North City Road sports park (placeholder name)</del>	Totara Park
Northern City Entrance Way	Sandford Park	Union Park
Northolt Park	Sandhurst Place Reserve	Vardon Park
<del>Norton Road Scout Site</del>	Seddon Park <del>Sports &amp; Garden</del>	Vickery Park
O'Connell Walk	Smyth's Plantation	Wade Lane Reserve
Old Farm Road Reserve	Snell Drive Walkway	Waikato Stadium
Olwyn Green	Sonning Esplanade	Waikato Stadium (Fred Jones Park)
Onukutara Park	St Andrews Golf Course	Waitawhiriwhiri Esplanade
Palmerston Street Reserve	St Andrews Park	Waiwhakareke Natural Heritage Park
Parana Park	St Peters Park	Waiherowhero Park
Patricia Avenue Plantation	Steele Park	Wake Park
Peacockes Road Esplanade	Storey Avenue - Jamieson Free Kindy	<del>Ward Park</del>

# Hamilton City Council

## BYLAWS



Whatukoruru Reserve	Wiltshire Drive Reserve	Yendell Park
Willoughby Park		

**Schedule B1: Restricted Areas**

Parks where Restricted Freedom Camping is permitted in self-contained vehicle displaying a NZS5465:2001 Self-Containment Warrant when abiding by the following restrictions.

Car Park attached to:	Restrictions
Porritt Stadium	<ol style="list-style-type: none"> <li>1. a maximum of six motor caravans be permitted to park there at any one time</li> <li>2. individual motor caravans cannot be parked there for more than 3 nights in any one month</li> </ol> <ul style="list-style-type: none"> <li>• the car park is available for overnight parking only between 5pm and 9am each day.</li> </ul>

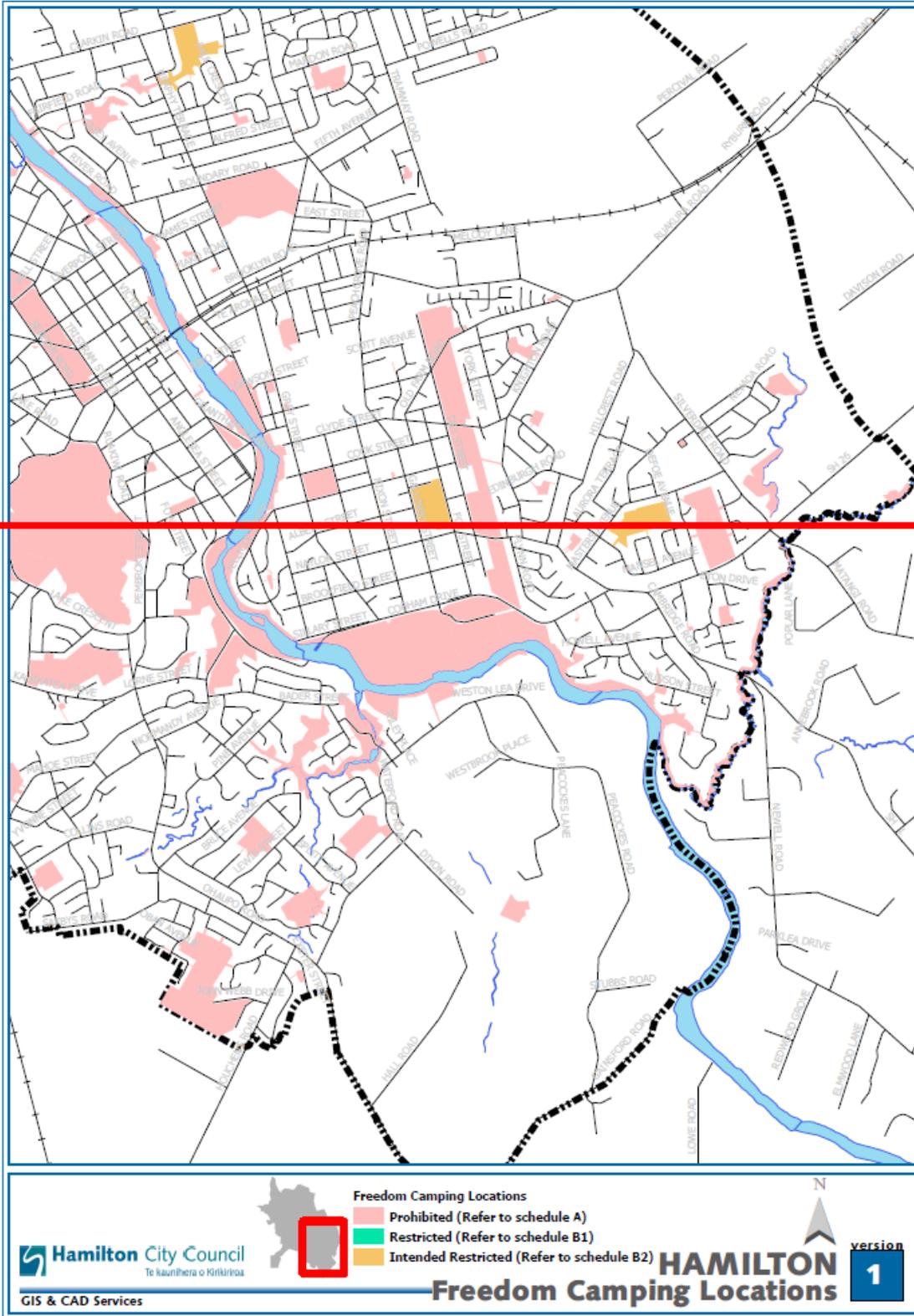
~~**Schedule B2: Intended Restricted Areas**~~

~~Parks where Restricted Freedom Camping will be permitted once they have resource consent for restricted freedom camping in self contained vehicle displaying a NZS5465:2001 Self Containment Warrant. Restrictions will be applied with the gaining of resource consent.~~

<del>Car Park attached to:</del>	<del>Restrictions</del>
<del>Bremworth Park</del>	<del>-</del>
<del>Discovery Park</del>	<del>-</del>
<del>Fairfield Park</del>	<del>-</del>
<del>Galloway Park</del>	<del>-</del>
<del>Hillcrest Park</del>	<del>-</del>
<del>Milne Park</del>	<del>-</del>
<del>Raymond Park</del>	<del>-</del>
<del>Swarbricks Landing</del>	<del>-</del>
<del>Glenview Park</del>	<del>-</del>

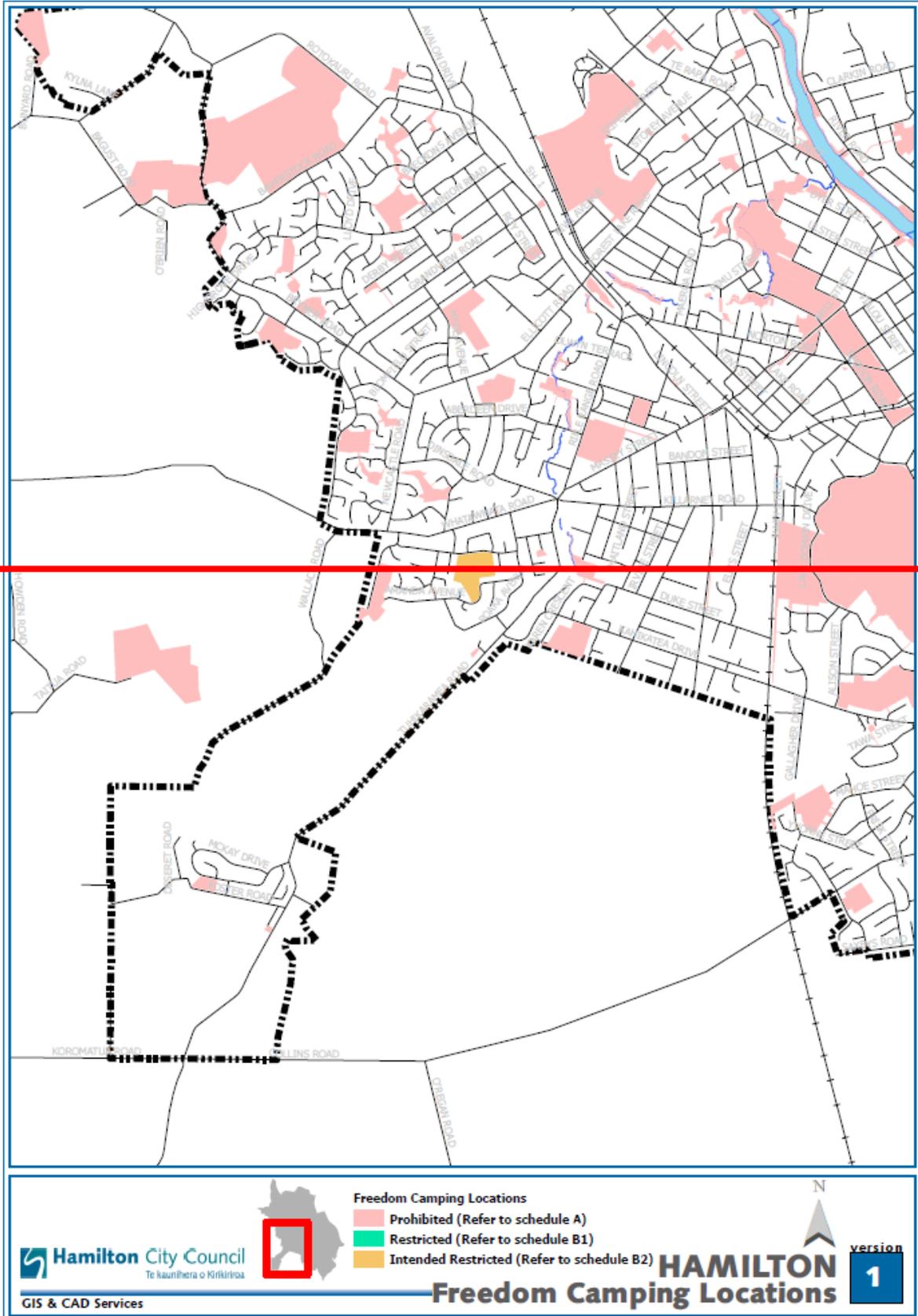
## Schedule C: Freedom Camping Locations

Parks in south east Hamilton where freedom camping is prohibited, restricted, or intended restricted pending resource consent.



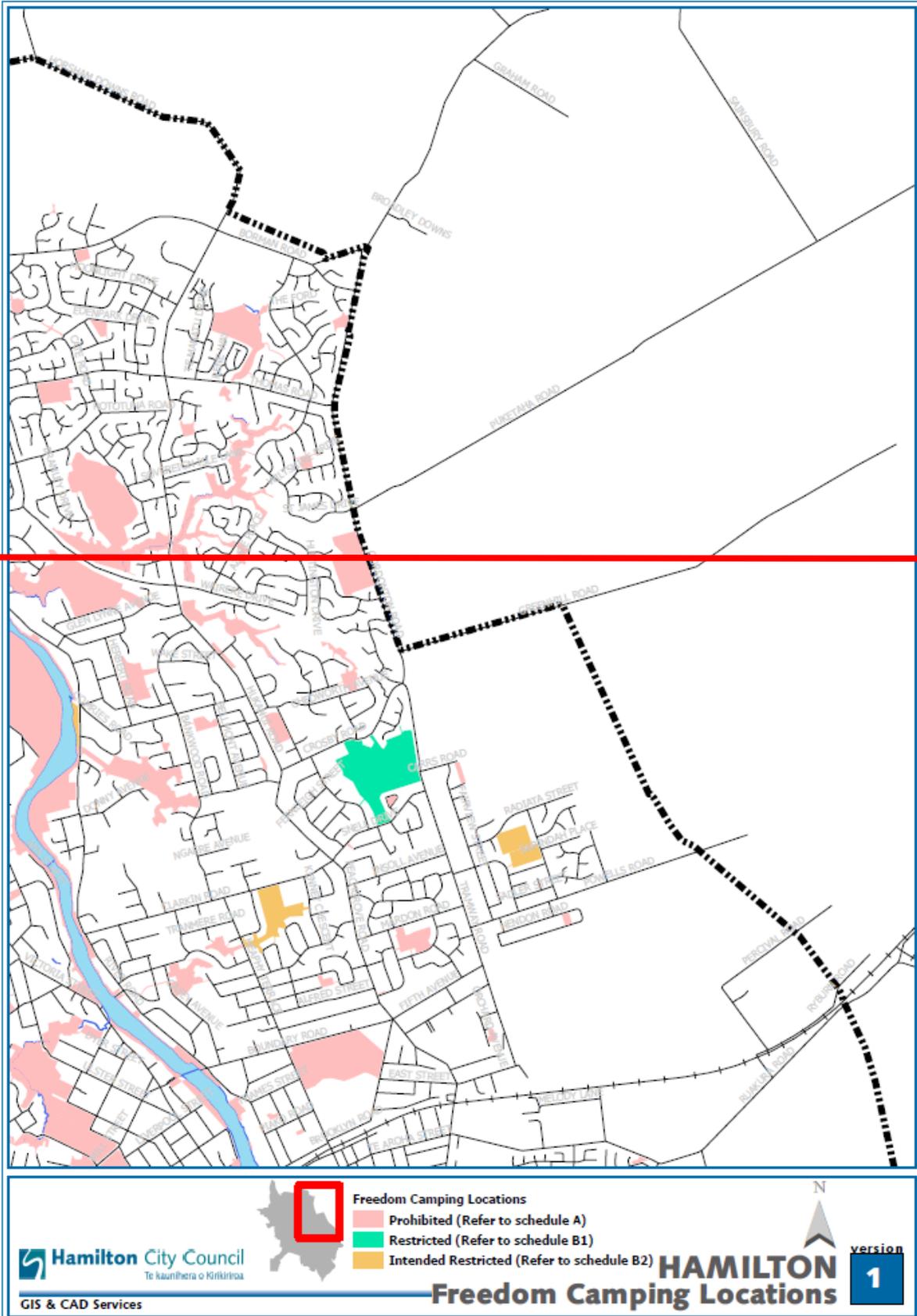
# Hamilton City Council BYLAWS

Parks in south west Hamilton where freedom camping is prohibited, restricted, or intended restricted pending resource consent.



# Hamilton City Council BYLAWS

Parks in north east Hamilton where freedom camping is prohibited, restricted, or intended restricted pending resource consent.



# Hamilton City Council BYLAWS

Parks in north west Hamilton where freedom camping is prohibited, restricted, or intended restricted pending resource consent.

