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# ASHBURTON DISTRICT COUNCIL BYLAW

## CHAPTER 18 - PARKS AND PUBLIC GARDENS

### SCOPE

- 1801** The aim of this Chapter of the Bylaw is to regulate use of the Parks and Public Gardens in Ashburton district.

### INTERPRETATION

- 1801** In this Part of the Bylaws unless inconsistent with the context -

**AUTHORISED OFFICER** means any person appointed by the Council to act on its behalf and with its authority.

**CUSTODIAN OR RANGER** means any person for the time being appointed by the Council to control or supervise any Park or Public garden.

**PUBLIC GARDEN** includes any open space, park, garden or ground for public recreation or enjoyment which is under the management or control of the Council. This includes planted areas and trees on roadways.

**PARKING** means the standing of a vehicle in any place for a period exceeding five (5) minutes and PARK shall have a corresponding meaning.

### ENTRANCES AND EXITS

- 1802** No person shall enter or leave any park or public garden except through the openings, gateways, entrances, or exits provided for the purpose.

- 1802.1** No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any Park or Public garden, and (where gates are provided) no person shall enter any Park or Public garden unless the Park or Public garden is open for the admission of the public.

### DAMAGE AND INTERFERENCE

- 1803** No person shall interfere with, any inscription or any labels attached to or connected with any article, tree, shrub or other plant, or any notice used to indicate or exhibit any name, regulation, or Bylaw.

- 1803.1** No person shall remove, damage, or destroy, or attempt to remove, damage or destroy, any structure or any fitting within any Park or Public garden.

**1803.2** No person shall, without written authority, take, deposit, remove or disturb any soil, shrub, tree or other growth, or take any cutting or interfere with any flowers, ferns, or greenery.

**1803.3** No person shall in any Park or Public garden enter any of the enclosures or places set apart for the cultivation of plants -

- (a) On any portion of the Park or Public garden on which the same is forbidden by notice;
- (b) On any plantation, flowerbed, or border.

**1803.4** No person shall deface by writing or otherwise or in any other manner damage the walls of or anything appurtenant to any building in any Park or Public garden, or therein act or use the same otherwise than in a clean and decent manner.

#### **LITTER**

**1804** No person shall leave any litter within the limits of any Park or Public garden otherwise than in receptacles provided therefor.

#### **POLLUTION**

**1805** No person shall deposit offensive, or dangerous matter or cause pollution within the limits of any Park or Public garden or any stream, dam, pond or fountain therein.

#### **DOGS**

**1806** Dog control is dealt with by the Dog Control Bylaw.

#### **WATER**

**1807** No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purpose; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any Park or Public garden.

#### **STOCK**

**1808** No person shall, without the prior permission of Council, turn in or allow any animal to wander or graze within the limits of any Park or Public garden.

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**RIDING AND DRIVING**

**1809** No person shall park, ride or drive any motor vehicle or bicycle or drive, ride, or lead any horse or other animal on or in any Park or Public garden except on or in those part or parts of a Park or Public garden clearly signposted and notified as being available for such use.

**1809.1** No person shall ride or drive any motor vehicle or ride, drive or lead any horse or other animal in any Park or Public garden at a speed in excess of the speed indicated on the appropriate sign displayed in the particular part of the Park or Public garden in which the vehicle, horse or other animal is being driven, ridden or led. These speed restrictions may be imposed and varied by the Council from time to time.

**1809.2** No person shall drive any motor vehicle or ride any motorcycle, power cycle or bicycle or horse or any other animal in any Park or Public garden without due care and attention or without reasonable consideration for other persons using the Park or Public garden .

**BATHING**

**1810** No person shall bathe, wade or swim in any water within a part of a Park or Public garden where bathing, wading or swimming is prohibited by the Council and a sign or signs to that effect are displayed either within or at the entrance to the Park or Public garden

**ERECTION OF TENTS AND BOOTHS**

**1811** No person shall place, put up or erect any stall, tent or structure of any kind within a Park or Public garden except with the specific permission of a Council officer and then only in accordance with any and every condition attaching to any permission so granted.

**MISBEHAVIOUR**

**1812** Within the limits of any Park or Public garden, no person shall wilfully obstruct, annoy, or interfere with any other person in the use or enjoyment of any Park or Public garden, or use any obscene language, or be intoxicated or under the influence of drugs or in any way misbehave.

**CHILDREN'S APPARATUS**

**1813** No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus installed or provided for the use of children in any Park or Public garden.

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**DESTRUCTION OF BIRDS, ETC**

**1814** No person shall by any means whatsoever destroy or take any animal, fish, bird, bird's nest or bird's egg or attempt to do so in or from any Park or Public garden without the prior written consent of the Council:

Provided that in the case of any animal or bird 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.

**ASSEMBLIES**

**1815** No person shall within any Park or Public garden organise or conduct any public meeting or gathering or make any public address or attempt to collect an audience or crowd without first obtaining the written consent of the Council.

**INTERFERENCE WITH EMPLOYEES**

**1816** No person shall in any Park or Public garden interrupt or interfere with any person working therein.

**SPORTS AND GAMES**

**1817** The Council may stop or prevent any activity or game being undertaken or played on any part of a Park or Public garden which activity or game is liable to cause damage to the Park or Public garden or anything therein.

**1817.1** Every person who shall fail to desist from playing or taking part in any activity or game upon request by a Council officer to do so commits an offence against this Part of the Bylaws.

**1817.2** No person shall play any game in any Park or Public garden except upon such portions thereof as shall be set apart for that purpose.

**1817.3** No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any Park or Public garden after being requested by the Council to leave, or when any notice is erected at the main entrance to such playing ground or Park or Public garden or on the particular part thereof bearing the words GROUND CLOSED TO PLAY whether alone or with any other words.

**1817.4** No person shall play or practice golf in a Park or Public garden except within such part of a Park or Public garden which the Council has by resolution set aside for that purpose and signposted accordingly.

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**MODEL AEROPLANES**

- 1818** No person shall fly any model aeroplane except with the prior permission of the Council and then only in compliance with every condition under which such permission is granted.

**LANDING OF AEROPLANES ETC**

- 1819** No person shall make use of any part of any Park or Public garden for the purpose of the landing thereon or flying therefrom of an aeroplane or of any kind of flying machine or glider except in case of emergency or in accordance with the prior permission of the Council.

**TIMES OF OPENING OF PARK OR PUBLIC GARDENS**

- 1820** The Council may from time to time, by resolution publicly notified, prescribe the period or periods during which any particular Park or Public garden shall be open to the public.

- 1820.1** If the Council has prescribed such period or periods in the manner aforesaid, no person shall be in or upon or remain in or enter such Park or Public garden otherwise than during such period or periods.

**CLOSING IN SPECIAL CIRCUMSTANCES**

- 1821** If in Council's opinion at any time any Park or Public garden is being used or is likely to be used for any purpose which may result or be likely to result in riotous conduct or in civil disorder, the Council in that behalf may, by notice in any newspaper circulating in the district under its jurisdiction or by notice erected or displayed on the entrances to such Park or Public garden, declare such Park or Public garden to be closed for such period as Council shall deem advisable.

- 1821.1** No person shall enter or remain in such Park or Public garden during such period of closing without the prior permission of the Council.

**CHARGES MAY BE PAYABLE**

- 1822** The Council may close all or any portion of any Park or Public garden set apart for particular games during such times as it thinks fit, and where charges may lawfully be made, may by resolution fix charges within legal limits for the right to use such portions as are open to the public. In the event of such closures Public notification will be made by Council.

- 1822.1** The Council may by resolution adopt regulations governing the use of such portions and the play thereon, and may similarly fix charges therefor. Every playing 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 playing unless they shall have first paid the charge fixed for that purpose.

**1822.2** Every person who enters a Park or Public garden without paying the appropriate admission or playing charge at any time when such a charge is payable commits an offence against this Part of the Bylaws.

**1822.3** Every person who on any day for which an admission charge is payable to enter a particular Park or Public garden or part thereof, entered such Park or Public garden or part thereof prior to the hour at which any entertainment, game or function for which the charge is payable has commenced without paying the prescribed admission charge shall before the commencement of the entertainment, game or function either pay the full admission charge or leave the Park or Public garden .

#### **ORDERING OFF**

**1823** Every person committing or who shall have committed a breach of the provisions of this Part of the Bylaws shall upon the request of a Council officer immediately leave the Park or Public garden and may be prohibited from re-entering or returning to the Park or Public garden for such period as the Council or Council officer shall determine but may nevertheless also be prosecuted for any such breach.

#### **OFFENDERS REQUIRED TO GIVE NAMES**

**1824** Any person who is suspected by a Council officer of a breach of the provisions of this Part of the Bylaws shall, if so requested by a Council officer, immediately supply his full name and address to that Council officer.