



THE FAR NORTH DISTRICT COUNCIL

MARITIME FACILITIES BYLAW 20~~22~~25

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Maritime Facilities Bylaw 20~~22~~25

This bylaw is made pursuant to ssections 145 and 146 of the Local Government Act 2002 and every other enabling power and authority.

To come into force: XX Month 20~~22~~25

To be reviewed by: XX Month 20~~27~~30

Part 1: Preliminary provisions

1 Title

This bylaw is the Maritime Facilities Bylaw 20~~22~~25.

2 Commencement

This Bylaw comes into force on XX Month 20~~22~~25.

3 Application

This Bylaw applies to all maritime facilities owned, controlled or managed by the Far North District Council or Far North Holdings Limited.

4 Purpose

The purpose of this Bylaw is to regulate the use of maritime facilities under the control, management or ownership of the Far North District Council or Far North Holdings Limited, to ensure the public can utilise these spaces safely, free from nuisances and offensive behaviour, while also protecting these facilities from damage and where applicable impose fees or charges for the use of said maritime facilities.

5 Interpretation

(1) In this Bylaw, unless the context otherwise requires:

Approval means an Approval granted under this Bylaw and includes all conditions to which the Approval is subject.

Authorised ~~Officer~~ Person means any person authorised in writing, or warranted as an authorised officer or enforcement officer under the Local Government Act 2002, as the case may be, by the Council or by the Council's Chief Executive Officer to carry out and enforce the obligations and requirements of this Bylaw. An Authorised Person may include any officer of Far North Holdings Limited so authorised by the Council or by the Council's Chief Executive Officer except under clauses 14 (Removal of Goods), 19 (Removal of Vessels) and 21 (Offences) of this Bylaw.

Boat Ramp means a constructed ramp sloping from the land toward the sea or a river for the purpose of launching a Vessel into the sea or a river.

~~**Coastal Marine Area** means a coastal marine area as defined in section 2 of the Resource Management Act 1994.~~

Commercial Operator means a person who operates or hires out a Vessel or associated equipment as part of any form of commercial enterprise for any kind of reward.

Council means the Far North District Council.

Fees means any due, fee or charge payable or able to be levied under this Bylaw. Fees and charges payable under this Bylaw is-are incorporated in the Far North District Council Fees and Charges Policy Schedule which is reviewed annually as part of the Council's Annual pPlan.

Goods includes wares and merchandise of every description and all ~~chalets~~ chattels, livestock and other articles.

Maritime Facility means any facility under the ownership or control of Far North District Council or Far North Holdings Limited, whether in accordance with the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992 or otherwise, which is constructed and used for the launching and landing of Vessels or associated equipment and includes wharves, marinas, boat ramps, moorings and any other such man-made structure.

Master means ~~the any~~ person, ~~not being except~~ a pilot, having command or charge of any Vessel

Mooring means any weight, pile or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and pile or swing moorings, including any wire, rope, chain, buoy, or other device attached or connected to the pile or weight; but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage. ~~anchoring or making fast to the shore, dock, seabed or foreshore; the securing or confining of a Vessel in a particular station, as by cables, anchors, line or chain.~~

Pilot means any person not being the master or a member of the crew of ~~not belonging to a~~ Vessel who has the conduct ~~thereof~~ of the Vessel.

Recreational Operator means a person who operates a Vessel or associated equipment for personal recreation.

Vessel means a ship, boat, hovercraft, kayak, floating platform, pontoon or any other description of a vessel or associated equipment used or designed to be used in navigation whether or not it has ~~by~~ any ~~form means~~ of propulsion.

Wharf means a structure extending from the land into the sea, supporting a footpath or vehicle accessway leading to a means of access to board a Vessel moored to the structure.

- (2) The ~~Interpretation Act 1999~~ Legislation Act 2019 applies to this Bylaw.
- (3) Explanatory notes and related information boxes are for information purposes only, do not form part of this Bylaw, and may be inserted, amended, or removed by the ~~Far North District~~ Council without any formality at any time.

Part 2: Substantive provisions

6 Use of Maritime Facilities

- (1) No person shall commit a nuisance on, under or about any Maritime Facility.
- (2) No person shall engage in any unsafe activity or unsafe practice on, under or about any Maritime Facility.
- (3) No person shall intimidate, endanger or obstruct any other person in their use of any Maritime Facility.
- (4) No person shall allow any Vessel that is not using a Maritime Facility to be so near to any Maritime Facility as to obstruct the approach of other Vessels.

- (5) No person shall undertake any behaviour or activity on or near any Maritime Facility that causes damage to that Maritime Facility or any Council property located in the vicinity of that Maritime Facility.
- (6) No person shall leave on or near any Maritime Facility any Vessel, associated equipment, trailer, ~~equipment~~ or motor vehicle which may obstruct the use of that Maritime Facility for a period of time longer than is reasonably expected to launch, secure or retrieve the Vessel. associated equipment trailer or motor vehicle.
- (7) No person shall fish, ~~nor~~ swim from, ~~nor~~ engage in any underwater swimming or underwater activities from or near any Maritime Facility while that Maritime Facility is being used by any Vessel or any Vessel is approaching or departing that Maritime Facility.

7 Fees for the Recreational use of Maritime Facilities

- (1) All Recreational Operators must pay ~~the any~~ applicable Fees for the use of Maritime Facilities, including moorings, as set out in the ~~Far North District~~ Council's Fees and Charges ~~Policy Schedule~~. This may include Fees for specific types of activities or operations that may be carried out by ~~the~~ Recreational Operators.
- (2) No Recreational Operator may use any Maritime Facilities unless that have paid the required Fees under clause 7(1) of this Bylaw.
- (3) The above clauses shall have no effect if the Council has not included Fees for the use of Maritime Facilities by Recreational Operators within the ~~Far North District~~ Council's Fees and Charges ~~Policy Schedule~~.

8 Commercial Operators

- (1) No Commercial Operator shall use any Maritime Facility without written Approval from the Council or an Authorised Person, ~~or Far North Holdings Limited~~.
- (2) All Commercial Operators must pay any applicable Fees for the use of Maritime Facilities, including moorings, as set out in the Council's Fees and Charges Schedule. This may include fees for specific types of activities or operations that may be carried out by Commercial Operators.
- (3) No Commercial Operator may use any Maritime Facilities unless they have paid the required Fees under clause 8(2) of this Bylaw.
- (4) The above clauses shall have no effect if the Council has not included Fees for the use of Maritime Facilities by Commercial Operators within the Council's Fees and Charges Schedule.

9 Vessels Coming Alongside Wharves

- (1) The Master of any Vessel coming alongside any Wharf shall be responsible for the proper and safe berthing of that Vessel, ~~and t~~
- (2) The Master and owner of the Vessel shall be responsible for any damage done to any Wharf in connection with that Vessel.
- (3) The Council may repair any such damage and ~~charge recover~~ the cost of doing so ~~against from~~ the Master or owner of the Vessel that caused the damage, ~~such cost being recoverable by action in the appropriate Court of Law.~~

10 Berthing Directions

- (1) The Master of any Vessel berthing at any Maritime Facility, shall obey ~~the any~~ instructions of the Council or any Authorised ~~Officer~~ Person
- (2) No Vessel shall remain berthed at any Maritime Facility, longer than is necessary to load or unload passengers or ~~goods~~ Goods, provided that no Vessel shall remain berthed at any ~~Wharf~~ Maritime Facility for more than 30 minutes without Approval from the Council or any Authorised ~~Officer~~ Person.

- (3) Any Master required by the Council or any Authorised ~~Officer~~Person to move any Vessel from any Maritime Facility, must do so immediately.

11 Cleaning Maritime Facilities

Before any Vessel ~~is~~ departs from any Maritime Facility, the Master or owner of that Vessel shall ensure that all dirt and rubbish deposited from that Vessel is cleared from the Maritime Facility.

12 Animals on Maritime Facilities

No person shall permit any animal to remain on any Maritime Facility for any time longer than is necessary for the loading or unloading of that animal onto or from a Vessel.

13 Goods, Items and Dangerous Goods

- (1) No person shall leave any ~~goods~~Goods or items unattended on any Maritime Facility.
- (2) The owner of any ~~goods~~Goods or items that are landed, loaded or placed on any Maritime Facility ~~are~~is liable and responsible for those ~~goods~~Goods.
- (3) No ~~goods~~Goods may remain on any Maritime Facility for more than 2 hours.
- (4) No person shall load or unload or caused to be loaded or unloaded from any Vessel on to any Maritime Facility any explosives, kerosene, motor spirits, fuel, oil or ~~goods~~Goods of a dangerous or flammable character other than in sealed containers unless prior Approval has been obtained from the Council.
- (5) Any person landing or causing to be landed from any Vessel on to any Maritime Facility any explosives, kerosene, motor spirits, fuel, oil or ~~goods~~Goods of a dangerous or flammable character shall cause the same to be removed from the Maritime Facility immediately on being landed.
- (6) Fuel bunkering on Maritime Facilities is prohibited unless prior Approval has been obtained from the Council. No bunkering will be approved by the Council on ~~wharves~~Wharves which have an operating on-site fuel service.

14 Removal of Goods

- (1) Where any Goods remain on any Maritime Facility for more than 2 hours, or where any such Goods ~~hinder-obstruct~~ the loading or unloading of any Vessel, ~~are an impediment to obstruct~~ Vessels approaching any Maritime Facility or obstruct any Maritime Facility, the Council or any Authorised ~~Officer~~Person may authorise the seizure and removal of the Goods in accordance with the requirements of section 164 of the Local Government Act 2002.
- ~~(2) The Council or an Authorised Person must either return or dispose of any Goods seized under clause 14(1) in accordance with sections 167 and 168 of the Local Government Act 2002 and may recover any costs incurred by the Council in seizing, impounding, transporting, storing or disposing from the owner have the Goods removed at the expense of the owner, and the cost of removal shall be payable by the owner before taking receipt~~ of the Goods.

15 Vehicles and Maritime Facilities

- (1) No person shall operate or move any vehicle on any Maritime Facility at a speed exceeding 10 km per hour.
- (2) No person shall leave any vehicle unattended on any Maritime Facility.
- (3) No person shall park a vehicle on any Maritime Facility other than in accordance with the Approval of the Council or any Authorised ~~Officer~~Person.

16 Closure of Maritime Facilities

The Council or any Authorised ~~Officer~~Person may close all or part of any Maritime Facility whenever it is considered ~~advisable~~ appropriate to do so, and no person shall enter upon or use any Maritime Facility that is closed without the prior Approval of the Council.

17 Requirement to Obey Council Signage

All persons in their use of Maritime Facilities must comply with any Council signage that has been erected on or in the vicinity of ~~said~~ Maritime Facilities.

18 Obstruction of Wharves

No person shall in any way obstruct or impede vehicle or foot traffic on any ~~wharf~~Wharf.

19 Removal of Vessels

~~(1) If the owner or Master of any Vessel does not comply with this Bylaw or any direction of the Council or an Authorised ~~Officer~~Person under this Bylaw cannot readily be located, the Council or an Authorised ~~Officer~~Person may authorise the seizure of the Vessel in accordance with the requirements of section 164 of the Local Government Act 2002 and~~ removal of the Vessel to another place of reasonable safety.

~~(2) Neither the Council nor an the Authorised ~~Officer~~Person shall be responsible for any loss of or damage to such a Vessel or ~~its associated~~ equipment sustained for any reason during the course of or subsequent to its removal.~~

~~(3) The Council or an Authorised Person must either return or dispose of any Vessel seized under clause 19(1) in accordance with sections 167 and 168 of the Local Government Act 2002 and may recover Any ~~expense costs~~ incurred by the Council in seizing, impounding, transporting, storing or disposing during such removal the Vessel may be recovered from the owner or Master. ~~in an appropriate Court.~~~~

~~20 Wastewater Discharge~~

~~When berthing at, coming alongside or using any Maritime Facility the Master or owner of every Vessel must ensure that they have sealed all waste water discharge seacocks with the exception of bilge, refrigeration and engine cooling system discharge points and shall permit officers of the Northland Regional Council, Far North District Council or their agents to board Vessels at any time to inspect the Vessel and/or to check any discharges.~~

Part 3: Approvals

~~2120~~ Approvals

(1) Where any Approval from the Council is required by this Bylaw, a person who seeks that Approval must:

- a. Apply in writing to the Council for the Approval ~~which may include~~ using ~~the any~~ applicable application form for that Approval;
- b. Provide the information required or requested by the Council; ~~and~~
- c. If applicable, pay the fee for that Approval as set out in the ~~Far North District Council's~~ Fees and Charges PolicySchedule.
- d. Pay any applicable fees for the use of Maritime Facilities as set out in the ~~Far North District Council's~~ Fees and Charges PolicySchedule. ~~This may include fees for specific types of activities or operations that may be carried out by the Commercial Operator.~~

(2) The Council may grant or refuse to grant the requested Approval~~.~~

- (3) The Approval from the Council will be in written form and may include a licence, permit, order, letter or other written document.
- (4) The Approval may be granted on such terms and conditions as the Council considers appropriate.
- (5) The Approval may be granted for a set term after which the Approval will expire.
- (6) Council may revoke the Approval if any of the terms and conditions of the Approval are not complied with.
- (7) Council may revoke any Approval that has been granted at any time if the circumstances under which the Approval was granted have changed since the Approval was granted.
- (8) Where any Approval can be granted by an Authorised ~~Officer~~Person under clauses 10, 15 or 16 of this Bylaw, where appropriate that Approval may be ~~a-given~~ verbally ~~or in written form~~ and may be granted on such terms and conditions as the Authorised ~~Officer~~Person considers appropriate. The Authorised ~~Officer~~Person may cancel ~~said-such an~~ Approval at their discretion at any time.

Part 4: Enforcement

~~2221~~ Offences

- (1) Every person who fails to comply with the requirements of this Bylaw or breaches this Bylaw commits an offence under the Local Government Act 2002 and is liable to the penalties set out in that Act
- (2) The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.
- (3) Under clause 18 of this Bylaw the Council or an Authorised Person may authorise the seizure of a Vessel in accordance with the requirements of section 164 of the Local Government Act 2002.

Part 5: Savings and transitional provisions

~~2322~~ Bylaw does not limit any other enactment

This Bylaw does not limit or affect the application of or the requirements in or under any other enactment.

~~2423~~ Applications, ~~a~~Approvals in force as at commencement of this ~~b~~Bylaw

Any licence, permit, order, ~~letter~~letter, or other written Approval provided by Council in respect of a Maritime Facility that was current as at the commencement of this Bylaw shall constitute an Approval under this Bylaw~~—~~.