

## **FAR NORTH DISTRICT COUNCIL BYLAWS**

### **VEHICLES ON BEACHES**

**Issued:** 12 March 2015

**To come into force:** 24 March 2015

**For the purpose of:** The purpose of this bylaw is to enable Council to have the most effective method for Council to control vehicles on beaches.

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## 1. Vehicles on beaches bylaw validation

This bylaw was made pursuant to a resolution of Far North District Council at a meeting on 12 March 2015 and comes into force on 17 March 2015.

## 2. Scope

Section 145 of the Local Government Act 2002 gives authority to Far North District Council to adopt bylaws to regulate activities which can be carried out on roads, in public places and in reserves. This Bylaw is intended to regulate the use of vehicles on the district's beaches and is intended to balance the rights and wishes of all beach users.

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 regulatory requirements imposed by the Northland Regional Council and not limit or effect any bylaw or regulation under any enactment administered by the Department of Conservation

## 3. Interpretation

### Definition of terms

In this Bylaw, unless inconsistent with the context:

Authorised agency includes the New Zealand Police, Fire Service, Ambulance, Northland Regional Council, Department of Conservation and any surf life saving club

Authorised officer means any person warranted to enforce bylaws by Council in accordance with section 177 of the Local Government Act 2002

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, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation

Chief Executive Officer means the Chief Executive Officer of Far North District Council or a person acting under a delegated authority of the Chief Executive Officer

Council means Far North District Council

District means Far North District

Dunes includes any natural hill, mound or ridge of sediment, or any series of such, landward of a coastal beach or on the border of a large lake or river valley that is deposited by wind action or storm over wash, and sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control, but does not include any private property or any land administered by the Department of Conservation

Safe zone means that area described in Schedule 1 of this Bylaw

Vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998, and includes a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.

## 4. Vehicles on beaches

### General provisions

- a. Any person operating any vehicle, on any part of the beach must show due consideration for other users of the beach.

- b. Any person operating any vehicle on the beach, shall operate that vehicle in a courteous, appropriate, safe and responsible manner, giving due consideration to other vehicle operators and to other users of the beach at all times.
- c. Any person operating any vehicle on the beach shall not operate that vehicle in such a manner as to present a real or implied danger or threat to the wellbeing and safety of any other user of the beach at all times

## **5. Other restrictions**

- a. No person shall place any fence, barrier, notice or other temporary or permanent structure on any part of the beach with the intention of causing the impediment of vehicular movement without the written permission of the Chief Executive Officer
- b. No person shall displace, or otherwise interfere with any fence, barrier, notice or other temporary or permanent structure or warning device provided by Council or by any Surf Life Saving club without the express written permission of the Chief Executive Officer.

## **6. Offences**

Any person who fails to comply with any condition, restriction or prohibition made under this bylaw commits an offence against this Bylaw.

## **7. 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 part of this Bylaw shall, if requested by the officer, supply his/her full name and address. The failure to provide such information or give incorrect information shall constitute a further offence against this Bylaw.

## **8. 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 re-entering 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.

## **9. 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

## **10. Exemptions**

### Exemptions

- a. Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions or activities of that authorised agency may:
  - I. Use any vehicle on any part of the beach including in any safe zone; and
  - II. Erect and, as may from time to time be necessary, remove from any place any warning, restriction or danger notices
- b. The Chief Executive Officer may issue an exemption from clause 12 of this bylaw to any person who shall be subject to any conditions as deemed necessary or advisable.

- c. In granting any permission under this Bylaw, the Chief Executive Officer may impose such conditions as is deemed necessary or advisable on matters including, but not limited to, times, speeds, locations, erection of warnings or any other matter whatsoever

## **11. Speed limits on beaches**

### Speed

Any maximum permitted speeds for ALL vehicles using beaches or portions thereof shall be set under the Far North District Council Speed Limits Bylaw 2008.

## **12. Safe zones**

### Safe zone restrictions

- a. Subject to lawful exemptions provided for elsewhere in this Bylaw, all vehicles are prohibited from any Safe Zone
- b. Subject to lawful exemptions provided for elsewhere in this Bylaw, any Safe Zone is reserved for pedestrian beach users only
- c. Subject to lawful exemptions provided for elsewhere in this bylaw, locations of Safe Zones and dates and times which apply to any Safe Zone, may be created, deleted or amended by Council resolution following appropriate consultation.

## Schedule 1

### Coopers Beach Safe Zone



The Safe Zone at Coopers Beach is permanent and applies all year round. It includes the full length of the beach as represented on the above diagram.