

## WAIMATE DISTRICT CONSOLIDATED BYLAW 2018

### CHAPTER 8

#### 8 CULTURAL AND RECREATIONAL FACILITIES

##### Scope

The purpose of this chapter of the Bylaw is to provide for the full and proper use and enjoyment by the public of the cultural and recreational facilities and services provided by the Council and located within the district. These facilities include but are not limited to public library, public swimming pool, recreational, cultural or community centres and any other Council owned facility.

A range of measures are contained within this chapter of the Bylaw to prevent the abuse and misuse of the facilities and the resources contained within them. Controls on disorderly behaviour, smoking, liquor consumption and substance abuse within the premises are also prescribed.

This chapter of the Bylaw provides for the Council to set hours of opening, the fixing of fees and charges for admission and services, and any associated conditions applicable.

The application of this bylaw should be read in conjunction with the Local Government Act 2002 and the Health Act 1956, and with the relevant provisions in the Waimate District Operative District Plan.

#### **801 Council may make rules for Council facilities**

801.1 Council may from time to time make rules for the control and management of Council facilities, including but not limited to:

- (a) Establish and fix fees for admission to or use of any facility or part of such facility;
- (b) Determine the hours during which the Council 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 whilst Persons are in or about a Council facility;
- (d) Fix fees for the borrowing or lending of any item from any facility, and for their late return;
- (e) Generally make any rules for the proper control, operation and management of any cultural or recreational facility, as it considers appropriate;

801.2 The Officer responsible for a Council facility shall post the rules that apply to any member of the public using that Council facility, in a visible place as near as is reasonably practical to the entrance to that Council facility.

801.3 Notwithstanding anything contained in the foregoing provisions of this Clause, the Officer at a Council facility may for reasons of public safety or for the exclusive use of individuals/groups or when other circumstances require it, close

all or part of that facility provided that the facility or the closed part thereof shall be reopened as soon as circumstances permit.

## **802 Conduct**

802.1 In a Council facility no person shall:

- (a) Pollute, damage or interfere with any facility or deface or disfigure any surface, structure, or exhibit within a facility;
- (b) Fail to comply with all reasonable requests of any Officer or appointee or agent of Council on duty at the facility;
- (c) Smoke tobacco or any other substance at the facility;
- (d) Consume any intoxicating liquor, except in areas set apart for the purpose, or at an appropriately licensed and authorised function;
- (e) Consume, inject or inhale any mind-altering substance or offer or sell such substance to any person;
- (f) Permit any animal under their control or ownership to enter a facility, provided disability assist dogs may be permitted to enter;
- (g) Enter a restricted area or an area set apart for staff at or in a facility without permission of a staff member;
- (h) At or in a facility deposit or throw any litter, or any substance or article that is likely to be of a dangerous or offensive nature, except in a place or receptacle provided for that purpose;
- (i) Behave in any way that could interfere with or prevent another person's enjoyment of the facility.

802.2 Any person who in the opinion of the Officer is not in a fit state to be admitted shall not enter, or having entered, shall leave a facility when requested to do so by any Officer or appointee or agent of Council.

## **803 Expulsion of offenders**

803.1 Any person who in the opinion of any Officer or appointee or agent of Council:

- (a) Is contravening or has contravened any of the provisions or rules made pursuant to this chapter of the Bylaw; or
- (b) Is not a bona fide user of the facility for the purpose for which it is intended; or
- (c) Has acted in an unlawful or disorderly manner in or on a cultural or recreation facility;
  - (i) shall upon the request of the Officer of the Council or appointee or agent of Council, immediately leave; and
  - (ii) the person shall be liable to be prosecuted for any contravention of this bylaw.

- 803.2 Any person who fails to leave a Council facility when so requested by an Officer or appointee or agent of Council at the facility commits a further offence against this bylaw.
- 803.3 An Officer or appointee or agent of Council may exclude any person requested to leave a facility from the facility for a time relevant to the offence. Long term exclusion shall be enacted as described at 804.1.
- 803.4 An Officer or appointee or agent of Council may restrict access by the public to all of or certain areas of a facility at specified times for the private use of a particular person or for the holding of a private function.
- 804 Breach**
- 804.1 Where in the opinion of an Officer any Person has contravened any of the provisions of this chapter of the Bylaw or any rules made by Council relating to the use of the Council facility, or has otherwise acted in an unlawful manner in or on the Council facility, the Officer may exclude that Person from the Council Facility, pursuant to the Trespass Act 1980.
- 804.2 Council may recover amelioration costs and/or impose penalties or fines where an authorised Officer or agent of the Council takes action to enforce any provision in this chapter of the Bylaw.

