

NEW ZEALAND STANDARD

Model general bylaws

CHAPTER 19

BEACHES: BATHING AND CONTROL

Superseding NZS 791, Part 15

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COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The sectional committee consisted of representatives of the following:

- Department of Health.
- Department of Internal Affairs.
- Fire Service Council.
- *Municipal Association of New Zealand.
- New Zealand Counties Association.
- *New Zealand Institute of County Clerks.
- New Zealand Institute of County Engineers.
- *New Zealand Institute of Town Clerks and Municipal Treasurers.
- New Zealand Institution of Engineers (Municipal Division).

The Miscellaneous Bylaws Committee (2/8/13) was responsible for the drafting of this chapter, and consisted of representatives of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

NZS 791: Part 15, *Beaches: bathing and control*, was first published in 1952. This standard revises and supersedes Part 15.

The definition of "Beach" has been extended to include "lakeshore" and to provide for areas adjacent to sea and lake which could be used for recreational purposes. However in many cases it will be necessary for the local authority to define more specifically the areas that are to be controlled.

Other alterations include the defining of "Surfboard" and "Surfboard area", and the control of the use of surfboards. It is now an offence to permit animals to stray on a beach, and power has been provided to impound dogs wandering on a beach.

Offenders against the bylaw are required to give their names, and may be required to leave the beach and to remain away from the beach for a specified time.

RELATED LEGISLATION

Harbours Act 1950

Clause reference
herein
1904.1, 1910.1

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS

Chapter 19

BEACHES: BATHING AND CONTROL

1901 Interpretation

1901.1 In this Part of this bylaw, unless inconsistent with the context—
BEACH means any land adjacent to any seacoast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the local authority and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore is vested in the local authority, includes the foreshore.

SURFBOARD means any object of wood, metal, fibre-glass, plastic, or any other material of any kind whatsoever used for the purpose of surfing or surf-riding.

SURFBOARD AREA means an area as defined and reserved under clause 1908.2 hereof.

1902 Offences

1902.1 No person shall on any portion of a beach break any bottle or deposit or cast any foul or offensive matter, refuse, glass, tins, bottles, or any other article or thing likely to cause any nuisance or danger to the public health or safety, nor shall any person leave offensive matter in any boat on the beach.

1902.2 No person shall carry any loaded firearm on or across a beach or use or discharge any such firearm on any part of a beach.

1902.3 Except with the prior consent of the local authority no person shall—

- (a) Operate any vehicle or lead, ride, or drive a horse or other cattle on any part of any beach, nor swim any horse or other animal on or from any part of a beach which is likely to be used or is ordinarily used or is being used for the purpose of bathing or other recreation:

Provided that this shall not apply to any person whose land is adjacent to such beach and who uses the beach as an access to such land in which case his right to use the beach for this purpose shall be confined to that portion between such land and the nearest access point.

- (b) Drive or cause to be driven any vehicle on any part of a beach at a greater speed than 15 km/h.

1902.4 Every person being the owner or having the care, custody, or control of any cattle or sheep shall keep and prevent the same from wandering or being at large without proper guidance on any beach.

1902.5 No person shall use any indecent or offensive language within the hearing of any person or behave in an indecent, offensive, improper, disorderly, or noisy manner on any part of a beach.

1902.6 No person being in a state of intoxication or under the influence of drugs shall be or remain on any part of a beach.

1902.7 No person shall be or remain upon any part of a beach in view of other persons unless properly and sufficiently clad.

1902.8 No person shall land or attempt to land an aeroplane on a beach except in case of emergency.

1902.9 No person shall place any merry-go-round, stall, fence, barrier, or other temporary or permanent structure on any beach without the written permission of the local authority.

1902.10 No person shall sell or offer to sell on a beach ice-cream or any other article without the written permission of the local authority.

1902.11 No person shall play games in or loiter in any dressing-shed.

1902.12 No person shall use any dressing shed except for dressing or undressing.

1902.13 No person shall bring or deposit any filth or rubbish in any dressing shed.

1902.14 No person shall damage, disfigure, or write in or upon any dressing shed or other property.

1902.15 No person shall bathe from any wharf or pier other than a wharf or pier that is provided for that purpose.

1902.16 No person shall clean any fish or leave any dead fish or fish offal on the beach, or deposit any dead fish or fish offal in the sea in the vicinity of the beach.

1902.17 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by the local authority or by any life saving club unless authorized by the local authority to do so for practice purposes.

1903 Conditions

1903.1 In granting any such permission as is mentioned in the last preceding clause the local authority may impose such conditions as to times, speeds, loads, erection of warnings, or any other matter whatsoever as it may deem necessary or advisable.

1903.2 Any person to whom any such permission shall have been granted who shall fail to comply with any condition as aforesaid shall be guilty of an offence against this Part of this bylaw.

1904 Protection of property

1904.1 Subject in all things to the provisions of section 244 of the Harbours Act 1950, except with the prior consent of the local authority, which may be granted subject to such conditions as the local authority may deem fit to impose, no person shall —

- (a) From any beach remove any stone, shingle, sand, boulders, silt, mud, or other material; or
- (b) Use any portion of a beach as a hauling-out site for the wintering of boats.

1904.2 No person shall interfere with or remove any portion of a fascine or groyne erected for the control of sand.

1905 Against males trespassing

1905.1 No male over the age of 5 years shall go upon any part of any beach or any dressing shed or any enclosure from time to time set apart by the local authority for the exclusive use of females, and so indicated by public notice exhibited thereon, except for the purpose of rendering assistance in case of accident.

1906 Against females trespassing

1906.1 No female over the age of 5 years shall go upon any part of any beach or any dressing shed or any enclosure set apart by the local authority for the exclusive use of males, and so indicated by public notices exhibited thereon, except for the purpose of rendering assistance in case of accident.

1907 Prohibition of bathing

1907.1 The local authority may prohibit bathing on any beach or any portion thereof under its control, and may for this purpose cause to be erected in prominent positions noticeboards defining the limits within which bathing shall be confined, and any person bathing anywhere on such beach than within such limits or within the limits defined pursuant to clause 1911 hereof shall be guilty of an offence against this Part of this bylaw.

1908 Use of surfboards

1908.1 No person shall use any surfboard which by reason of its method of construction or the materials from which it or any part of it is made or otherwise whatsoever is of a kind or description which is not customarily used for surfing or surfriding and which might unduly endanger the safety of other persons in the water. The question as to whether any surfboard is of a kind or description which is not customarily used for surfing or surfriding and which might unduly endanger the safety of other persons shall be determined by an officer of the local authority and his decision on this matter shall be final.

1908.2 The local authority may from time to time, by public notice, upon such terms and conditions and for such period or periods as it thinks fit declare that a defined area or areas of the beach or of the waters of the sea in the vicinity of the foreshore of the beach as it thinks fit shall be reserved as a surfboard area or surfboard areas, as the case may be, for the exclusive use of persons using surfboards.

1908.3 The local authority shall in any case where a surfboard area abuts any part of the beach customarily used for bathing or swimming by the public generally, and may in any other case, cause such notice or notices to be erected as it considers necessary to indicate and mark the limits of such surfboard area or areas.

1908.4 No person, other than a person using a surfboard, shall enter a surfboard area or bathe or swim in the water of a surfboard area.

1908.5 No person shall fish in the water of a surfboard area or allow his line or lure to enter a surfboard area.

1908.6 No person shall propel, navigate, anchor, or otherwise use any vessel in a surfboard area or in breach of any terms or conditions subject to which a surfboard area has been defined:

Provided that the licensee of any boat shed site located within the area or areas defined pursuant to clause 1908.2 hereof shall not be precluded from launching or landing any vessel from that part of the beach immediately in front of the boat shed sites PROVIDED THAT such licensee shall not remain in such area longer than necessary for such launching or landing:

Provided further that any member or members of a surf life saving club, authorized by the local authority to operate on the beach, shall not be precluded from launching or landing any surf ski or surf boat within the said area or areas.

1908.7 Where a surfboard area has been defined and reserved under clause 1908.2 hereof no person using a surfboard shall use, or being the owner or person in charge of a surfboard shall cause or permit that surfboard to be used, in any area of the beach or in the waters of the sea in the vicinity of the foreshore of the beach other than a surfboard area.

1909 Life saving

1909.1 Nothing in clauses 1908.4 and 1908.7 of this Part of this bylaw shall apply to any person engaged in the rescue or attempted rescue of any other person whose life or safety is in danger or apparent danger.

1910 Obstruction to bathers

1910.1 Except with the permission of the local authority no person shall on any beach —

- (a) Sell or hire, or expose for sale or hire, any buoyant apparatus or appliance for use in the water excepting boats and vessels as defined in the Harbours Act 1950; or
- (b) Use any such apparatus or appliance so as to create or be likely to create a danger or an inconvenience to any user of any beach.

1911 Life saving clubs

1911.1 The local authority may at its discretion authorize any life saving club (whether subsidized or not) —

- (a) To provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
- (b) To use any such equipment provided by the local authority; and
- (c) To erect and, as may from time to time be necessary, remove from any place danger notices.

1912 Hindering life saving

1912.1 No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drill or with any person engaged therein.

1913 Dogs

1913.1 No person shall bring any dog on to the beach, or allow any dog in his custody or charge or under his control to be within the area of the beach, unless in either case the dog is led on a leash or is otherwise properly secured to the satisfaction of an officer authorized by the local authority.

1913.2 Such authorized officer may seize and impound any dog found on the beach not secured as aforesaid.

1914 Charges

1914.1 The local authority may by resolution fix and from time to time alter or amend fees for the use of bathing and dressing accommodation and requisites and for the safe custody of valuables.

1915 Offenders required to give names

1915.1 Any person who in the opinion of the officer appointed by the local authority commits a breach of any of the provisions of this Part of this bylaw shall, if so requested by the officer, supply to the officer his full name and address.

1916 Offenders to leave beach

1916.1 Any person who in the opinion of the officer appointed by the local authority commits a breach of any of the provisions of this Part of this bylaw shall, upon request of the officer, immediately leave the beach, and may be prohibited from appearing on the beach for such period as the officer deems fit; but shall nevertheless be liable also to be prosecuted for the said breach, and the failure so to leave the beach shall constitute a further offence.