

Cultural and Recreational Facilities BYLAW

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Cultural and Recreational Facilities Bylaw 2017



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| Responsibility: | Group Manager Community |
| First adopted: | Resolution No 11/295 15 September 2011 |
| Historic revision dates: | 13 December 2017 (17/317) |
| Next review date: | January 2023 |
| Review frequency: | Not less than once every five to ten years as required by Sections 158 & 159 of the Local Government Act 2002 |
| Approval authority: | Council |
| Consultation required: | Special Consultative Procedure (LGA sec 156) |
| ECM Doc Number: | Doc Set ID: 402884 |
| Associated documents: | |

1. Introduction

The purpose of this 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 Tokoroa main office, Putāruru Office (Jim Howland Centre) public libraries, public swimming pools, recreational, cultural or community centres and any other facility, which the Council by resolution states shall be subject to the provisions of this bylaw.

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

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.

Notes in italics are not parts of this bylaw, but are intended to explain the contents of the bylaw or give further information on matters within or relating to the bylaw.

2. Title

The title of the bylaw shall be the South Waikato District Council Cultural and Recreational Facilities Bylaw 2017.

3. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

4. Interpretation

The application of this bylaw should be read in conjunction with Sections 145 and 146(a) (v) of the Local Government Act 2002 and Sections 29 and 64 of the Health Act 1956, and with the relevant provisions in the South Waikato District Operative District Plan.

5. Definitions

In this bylaw, unless the context requires otherwise,

Book means a book, magazine, newspaper, periodical, pamphlet, manuscript, standard CD, DVD, puzzle or other article of a similar nature, or any part thereof which is the property of the Council or under the control of Council.

Borrower means any person to whom the Council has by registration granted the privilege to borrow library books or documents.

Borrower's card means any card issued by a librarian as a means of identification of any borrower from the library.

Bylaws Administration Bylaw 2017 means the South Waikato District Council Bylaws Administration Bylaw

Council facility includes any public library, swimming pool, aquatic centre, recreational, cultural or community centre, under the ownership or control of Council.

Document means any map, chart, print, photograph or negative film, plan, picture, broadsheet, cutting, microfilm or, photocopy, digital versatile disk or piece of music including a manuscript, compact disc, record, or audio tape or any other article of a similar nature, or any part of it, whether the property of the Council or for the time being under the control of the Council.

Fit State means the person is of sound mind and able to make an informed decision.

Librarian includes any person for the time being appointed by the Council to control or manage or to assist in the control and management of the library.

Library means any library established and operated for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes.

Library Manager means the appointed manager of a Council library.

Local authority means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

Manager means the appointed manager of a Council facility, or his or her appointed deputy, or any person fulfilling the duties of, and under the authority of the Manager on a temporary basis in the absence of the Manager or his or her appointed deputy.

6. Penalties and recovery of costs

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 Bylaw, as provided in the Bylaws Administration Bylaw 2017

7. Bylaw clauses

7.1 General requirements

7.1.1 Council may from time to time, by resolution, make rules for the management of Council facilities, including to:

- a. Establish and fix fees for admission to or use of any facility or part of such facility

- b. Fix fees for the borrowing or lending of any item from any facility, and for their late return
- c. Determine the times that facilities or any parts thereof shall be open to the public
- d. Generally make any rules for the proper control, operation and management of any cultural or recreational facility, as it considers appropriate
- e. For the closure of that facility, or part thereof, or for setting aside part or all of that facility for the exclusive use of individuals or groups.

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

Notwithstanding anything contained in the foregoing provisions of this Clause, the Manager at a Council Facility may for reasons of public safety 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.

7.2 Conduct

7.2.1 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, internally or externally.
- b. Fail to comply with all reasonable requests of any officer of the Council or appointee of Council on duty at the facility;
- c. Smoke tobacco or any other substance, or consume food or any liquid, other than water, within a facility except in areas where this is specifically permitted; or at an authorised function that has been approved by the Manager;
- d. Consume any intoxicating liquor, except in areas set apart for the purpose, or at an 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 shall 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.

7.2.2 Any person who in the opinion of the manager is not in a fit state, including an appropriate level of hygiene, to be admitted shall not enter, or having entered, shall leave a facility or pool when requested to do so by the manager or any site attendant.

7.3 Expulsion of offenders

7.3.1 Any person who in the opinion of the manager:

- a. Is contravening or has contravened any of the provisions of this bylaw or any rules made pursuant to this 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 manager or a site attendant, immediately leave; and
 - ii. the person shall be liable to be prosecuted for any contravention of this bylaw.

7.3.2 Any person who fails to leave a Council facility when so requested by a manager or site attendant at the facility commits a further offence against this bylaw.

7.3.3 A manager may exclude any person requested to leave a facility from the facility permanently or for such time as the manager shall think fit.

7.3.4 Any person excluded in accordance with clause 7.3.1 may appeal in writing against the exclusion to the Council or any committee to which the Council has delegated an appeal function for the purpose of this bylaw and shall be given the right of appearing and presenting a case against the exclusion before the

Council or committee should the person so request. The Council or committee as the case may be after considering the appeal may uphold, extend, remove or modify the exclusion as it sees fit.

- 7.3.5 The 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.

8. Requirements in respect of libraries

8.1 Applications for membership

Every person who pays rates, or who resides in the district, and who completes the library's membership requirements, shall be entitled to free membership of the Council libraries.

8.2 Children's borrowing

Any person under the age of eighteen shall have a membership form completed on their behalf by a parent or guardian. Such parent or guardian shall thereafter be responsible for all items borrowed by that person until they reach the age of 18 years.

8.3 Unqualified borrowing

- 8.3.1 Any person who does not qualify under clause 8.1 to free library membership may obtain membership on completion of an application form and payment of a fee, providing such person produces at least two suitable forms of personal identification.

- 8.3.2 Any person who does not qualify under clause 8.1, temporary membership (up to 6 months) is available for people visiting the District. Suitable personal identification and payment of a fee will be required.

8.4 Issue of borrower's card

A librarian shall (subject to the provisions of clause 8.1, 8.2 and 8.3 thereof) issue to each applicant a Borrower's Card.

8.5 Use of borrower's card

Only the library member or a person duly authorised by the member shall make use of that member's Borrower's Card. Any person not authorised who makes use of a Borrower's Card commits an offence against this bylaw. The Borrower's Card must be presented for the receipt of services.

8.6 Change of address

Every member shall promptly notify the library of any change of address or contact information.

8.7 Borrowing of reference items

- 8.7.1 No person shall be entitled as of right to borrow any item specified as a reference item. A librarian may however permit a reference item to be borrowed by any member, subject to any conditions laid down.

- 8.7.2 The borrower of any item shall, before leaving a library, have the item formally issued to them.

8.8 Unauthorised taking of items

- 8.8.1 No person (other than as a borrower) shall take or attempt to take any item or other article from a library.

- 8.8.2 No person shall knowingly pawn, sell or purchase or secure the advance of money on any item that is the property of the Council or attempt to do so.

8.9 Damage to items

- 8.9.1 If any item is lost, or returned in a damaged or defaced condition, the borrower shall pay to the Council such sum of money as will replace that item or pay full compensation for any damage or loss incurred by the Council. An item may be deemed lost by a librarian 14 days after the date on which it was due to be returned to the library.
- 8.9.2 If an item on which money has been paid under Clause 8.9.1 is subsequently found and returned within one year of the date of borrowing, a refund of all or part of the charge made for the loss may be paid to the borrower at the discretion of a librarian.

8.10 Money owing

No person owing any money to the Council in connection with any library service shall borrow any item until payment of the amount owing. A librarian may suspend access to library services for all persons for whom he/she is responsible until all such charges have been paid in full. Such persons may be refused further membership rights and may not act as guarantors for persons under the age of eighteen until all monies owing have been paid in full.

8.11 Supervision

Any child under 5 years of age at the libraries must be actively supervised by a caregiver 18 years and over or parent/legal guardian.

8.12 Behaviour

Any child under the age of 11 years must be actively supervised by a parent or guardian whilst using the library internet computers.

No offensive material may be viewed on either the library internet computers or through the library WIFI on a person's own device. Any user viewing material deemed offensive by a librarian will have their internet computer time terminated, or, in the event they are using WIFI, be asked to leave the library.

9. Additional requirements in respect of Public Swimming Pools

9.1 Supervision

Any child under eight years of age at a Council swimming pool facility must be actively supervised by a caregiver 17 years or over or parent/legal guardian. "Actively supervised" means that the child must be watched by the caregiver from reasonably close by at all times that the child is in the pools area and the caregiver must be capable of providing immediate assistance to the child as required.

9.2 Admission

A person shall not be admitted to a pool when, in the opinion of a Site Attendant, the pool is occupied by the full number of persons who can conveniently use the pool at that time.

9.3 Coaching

The Council may on such terms as it deems fit allow swimming coaches and teachers to use a pool at appointed times for the purpose of teaching or coaching pupils.

9.4 Warning signals

Every person shall leave the water immediately upon the sounding of a warning device or direction by the pool staff.

9.5 Dressing rooms

- 9.5.1 Except for a Manager or Site Attendant in the discharge of their duties, no male person over the age of eight years shall enter any dressing room set apart exclusively for females and, except as aforesaid, no female person over that age shall enter any dressing room set apart exclusively for males.
- 9.5.2 The above clause does not apply to the Community Family change rooms at the South Waikato Indoor Pools, Tokoroa.

9.6 Swim suits

Every person using a pool shall be clothed according to Council's Swimming Tog Policy or to the satisfaction of the Manager or a Pool Supervisor.

9.7 Behaviour

A person shall not within a pool:

- a. Dive or jump into a pool from any part of a building; other than the starting blocks/platforms or bombing position unless otherwise permitted by a pool supervisor;
- b. Break or damage or interfere with any lifesaving equipment or other equipment used in connection with a pool;
- c. Foul or pollute water or other parts of a pool, making the water in the pool unfit for the proper use of bathers;
- d. Play games in, or loiter near, any dressing room or run on the pool surrounds.

10. Right of appeal

- 10.1 Any person who claims to be unfairly or adversely affected by a decision, order or direction, given by an authorised officer or authorised agent in administering any bylaw may appeal to Council for relief.
- 10.2 The Appeal must be in writing setting out the reasons for the Appeal and must be received by Council within fourteen (14) days after the date on which the decision, order or direction being appealed against was given.
- 10.3 The Council may appoint any standing committee of Council to consider the Appeal and to consider written submissions or submissions delivered in person from the appellant if the committee so decides within 25 working days of the closing date of the receipt of the appeal.
- 10.4 The committee, after considering such evidence and submissions as it thinks necessary, may revoke, confirm, or modify the decision, order, or direction that gave rise to the Appeal.

11. Adoption of bylaw

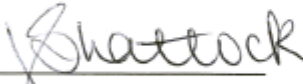
The foregoing bylaw was duly adopted by resolution of the South Waikato District Council following completion of the Special Consultative Procedure prescribed by Sections 83 & 86 of the Act.

I, Craig Hobbs, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 17/317 on the 13th day of December 2017, to come into effect on the 20th day of December 2017.

Dated this 20th day of December 2017.

The **COMMON SEAL** of THE
SOUTH WAIKATO DISTRICT COUNCIL)
was hereto affixed in the presence of:)





JR Shattock - Mayor



C Hobbs - Chief Executive

Annotations

| Res No | Date | Subject/Description |
|---------------|-------------------|----------------------------|
| 11/295 | 15 September 2011 | Adopted by Council |
| 11/317 | 13 December 2017 | Adopted by Council |