



## **KAWERAU DISTRICT COUNCIL**

### **General Bylaw: Part 13 – Leisure and Recreation Facilities**

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#### **Explanatory Statement**

The General Bylaw: Part 13 – Leisure and Recreation Facilities is part of a series that makes up the Kawerau District Council General Bylaw 2009.

General bylaws, by their nature, address a diverse range of matters. The Kawerau District's previous general bylaw contained all those matters in a single document of 13 chapters and almost 100 pages. To improve functionality, Council has made each chapter as a discrete part that stands on its own. Taken together, the parts comprise the General Bylaw 2009.

The purpose of this part of the Bylaw is to enable the Council to control and set standards for the operation of the leisure and recreation facilities, including the Library, Museum, Swimming Pools and Public Halls, under the ownership or control of the Council.

The General Bylaw 2009 is made pursuant to Part 8 of the Local Government Act 2002.

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**Kawerau District Council  
General Bylaw: Part 13 – Leisure and Recreation Facilities**

**1. Title**

This part of the Kawerau District Council General Bylaw shall be known as the Kawerau District Council General Bylaw: Part 13 – Leisure and Recreation Facilities.

**2. Commencement**

This part of the Bylaw shall come into force on the 1<sup>st</sup> day of September 2010.

**3. Repeal**

As from the day this part of the Bylaw comes into force, Chapter 11 of the General Bylaw 1997 and any amendments in force in the Kawerau District shall be repealed.

**4. Application of Bylaw**

This part of the Bylaw shall apply to the Kawerau District.

**5. Scope**

The purpose of this part of the Bylaw is to enable the Council to control and set standards for the operation of the leisure and recreation facilities, including the museum, swimming pools and public halls under the ownership or control of the Council.

**6. Definitions**

The definitions in the Kawerau District Council General Bylaw: Part 1 – Introductory shall apply to this part of the Bylaw.

For the purposes of this part the following definitions shall also apply:

**BORROWER** means any person to whom the Council has by registration granted the privilege to borrow items from the Library.

**BORROWER'S CARD** means any card issued by a librarian as a means of identification of any borrower from the Library.

**COUNCIL LEISURE OR RECREATION FACILITY** (or **LEISURE OR RECREATION FACILITY** or **FACILITY**) includes all or any part of the Kawerau District Library, Sir James Fletcher Kawerau Museum, Maurie Kjar Memorial Swimming Pool Complex, Ron Hardie Recreation Centre, Town Hall, Concert Chamber, and any other leisure or recreation facility under the ownership or control of the Kawerau District Council.

EQUIPMENT means any tools or apparatus under the ownership or control of Council that is available for hire or use in, or on, a leisure or recreation facility.

HIRE means the payment under contract for the use of any leisure or recreation facility or equipment, and includes hire on a casual, regular and bulk hire basis. HIRER has a corresponding meaning.

ITEM means any book, magazine, newspaper, periodical, pamphlet, manuscript, map, chart, print, photograph or negative film, plan, picture, broadsheet, card, cutting, microfilm or microfile, photocopy, engraving or etching, video tape, or piece of music including a manuscript, compact disc, DVD, record, audio tape or any other article of a similar nature, or any part thereof, under the ownership or control of Council.

LIBRARIAN includes any member of Council staff appointed to control, or manage, or to assist in the control and management of the Library.

MANAGER means the appointed manager of a leisure or recreation facility, or his or her appointed representative.

COUNCIL PROPERTY means any leisure or recreation facility, item or equipment under the ownership or control of Council.

## **7. Rules for Council leisure or recreation facilities**

7.1 Council may from time to time make rules for any leisure or recreation facility relating to any or all of the following matters:

- (a) The control, management and use of the facility and associated property.
- (b) The hours during which the facility and any specified parts of the facility shall be open and the holidays, days and times upon which it will be closed.
- (c) The fees and charges payable for entry to, or use of, the facility.
- (d) The maintenance of good order and conduct whilst persons are in, or on, the facility.
- (e) The operation of the leisure or recreation facility to ensure the safety and health of persons in, on, or in the vicinity of the facility.
- (f) The closure of a leisure or recreation facility or part thereof or setting aside of part, or all of that facility for the exclusive use of individuals or groups.

7.2 The Manager of a leisure or recreation facility shall display and/or make available the rules that apply to any person using that facility.

## **8. Unauthorised taking of any item or equipment**

Any person who unlawfully takes, or attempts to take any item or equipment from any leisure or recreation facility and any person who knowingly pledges, pawns, sells or

attempts to sell, purchase or advance money on any such item or equipment shall, in addition to any other offence of which such person may be guilty, be in breach of this part of this Bylaw.

## **9. Expulsion of offenders**

9.1 Any member of Council staff working at, or on, any leisure or recreation facility may require any person to leave that facility who:

- a. Is not using the facility for the purpose for which it is intended, or
- b. Behaves in a disorderly manner, or
- c. Contravenes any rule applying to that facility, or
- d. Breaches this part of the Bylaw

Any refusal on the part of the person to leave as instructed will constitute an offence against this part of the Bylaw.

9.2 Where a person is required to leave a leisure or recreation facility under 9.1 above, that person may be excluded from that facility for a period of time.

## **10. Loss or damage to Council property**

The hirer of any leisure or recreation facility or associated equipment shall be responsible for any loss or damage to that facility or equipment and for any loss or damage to any other equipment that was available for use in the facility that occurred during the period of the hire.

## **11. Loss or damage to items borrowed from Library**

If any item borrowed from the Library is lost or returned in a damaged condition, the borrower shall pay the Council such sum of money that will replace the item or full compensation for the loss or damage.

If a lost item is subsequently found and returned by the borrower, 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.

## **12. Unpaid money – leisure or recreation facility**

No hirer of any leisure or recreation facility or associated equipment, who owes any money to Council in connection with that hire, shall be permitted to hire any facility or equipment until all such charges have been paid in full.

## **13. Unpaid money – Library**

No person owing any money to the Council in connection with the Library shall take out or borrow any item and a librarian may revoke that Borrower's card until all such charges have been paid in full.

**Revocations**

Chapter 11 of the General Bylaw 1997 is hereby revoked.

The Kawerau District Council General Bylaw: Part 13 – Leisure and Recreational Facilities was duly made by a resolution passed at a meeting of the Kawerau District Council held on 31 August 2010 following a special consultative procedure.

The Common Seal of the  
**Kawerau District Council**  
was affixed hereto in the presence of:

.....  
Mayor

.....  
Chief Executive Officer

.....  
Date