



Skate Devices Control Bylaw 2000

South Taranaki District Council



South Taranaki
Alive with opportunity



Skate Devices Control Bylaw 2000

South Taranaki District Council

1.0 Title

1.1 This Bylaw is made under section 145 of the *Local Government Act 2002* and shall be known as the South Taranaki District Council Skate Devices Control Bylaw 2000.

2.0 Commencement

2.1 This Bylaw shall come into force on 1 June 2000; and was renewed on 17 March 2008 and 1 December 2014.

3.0 Purpose

3.1 The purpose of this Bylaw is to:

- a) maintain the safety of pedestrians on footpaths; and
- b) ensure that damage to footpaths is reduced, by restricting the use of skate devices within defined areas of the district.

4.0 Interpretation

4.1 In this bylaw:

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw, and includes a New Zealand Police Officer.

Council means the South Taranaki District Council.

Skate device means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider or motorised devices, including skateboards, roller skates, in-line skates, scooters, trolleys or similar recreational devices. The definition does not include any bicycle, tricycle, wheelchair, mobility scooter, baby stroller or invalid carriage.

Footpath means as much of any street or public place that is laid out or constructed by authority of the Council for pedestrian use.

Ride a Skate device means having either one or both feet, or any other part of the body of any person, on the skate device when it is moving.

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5.0 Control of Skate devices

- 5.1 The riding of a skate device is prohibited on footpaths in any area defined in *Schedule One* of this Bylaw.
- 5.2 No person shall ride a skate device in any other area without due care to ensure no damage is caused to public property or without reasonable consideration for other persons using the footpath.
- 5.3 The Council may from time to time by resolution publicly notified, amend the Schedules to this Bylaw, to add, delete or amend the areas to which the provisions of this Bylaw shall apply.

6.0 Impounding of a Skate device

- 6.1 Every person who commits an offence against this Bylaw is liable to have the skate device impounded by an Authorised Officer or a Police Officer.
- 6.2 The Council shall provide a secure storage place for any skate device impounded under this Bylaw.
- 6.3 The Council shall keep a register and enter details of every skate device impounded and every person claiming a skate device under this Bylaw.
- 6.4 Sections 164 to 168 of the *Local Government Act 2002* apply to impounding of anything under this Bylaw.
- 6.5 Nothing contained in this Bylaw shall render the Council or any Officer liable to damages or otherwise, to any person for anything impounded under this Bylaw.

7.0 Return of Impounded Skate devices

- 7.1 Following confiscation and impounding by an Authorised Officer, the owner of the skate device or the person from whom it was confiscated may apply to the Council, where the skate device is held, to have the skate device returned to him or her.
- 7.1.1 Any person claiming a skate device which has been impounded under this Bylaw shall satisfy the Council that he or she is the owner or otherwise entitled to the custody and control of the skate device.
- 7.2 Where an application is made, the Council shall arrange for the return of the skate device if:
- a) Council is satisfied that the return of the skate device is not likely to lead to a continuation of the offence; and
 - b) the applicant has paid the impounding fee as prescribed in the current *Fees and Charges Schedule*.

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8.0 Appeals

8.1 Where the Council refuses to return the skate device for the reason specified in clause 7.2 (a), the applicant may make an application to the Council appealing the decision.

8.2 The Council may:

- a) Order the return of the skate device confiscated subject to any conditions relating to the use of the impounded equipment as it thinks fit; or
- b) Refuse the application for the return of the skate device.

9.0 Disposal of a Skate device

9.1 Where any skate device is not claimed within 6 months of confiscation; or return of the skate device has been refused and no appeal has been lodged in writing within 14 days of the date of confiscation; or the Council has refused the return of skate device, the Council may dispose of the skate device in accordance with the following guidelines:

- a) The Council shall give written notice to the person from whom the skate device was confiscated, where the person's address is known: and
- b) The Council may sell or cause the skate device to be otherwise disposed of; and
- c) The Council may, where any proceeds are realised, apply these to the payment of costs and expenses incurred in selling the skate device under this section, and any costs incurred in confiscating, impounding, transporting and storing the skate device; and
- d) The Council shall, on demand, pay the remainder of the proceeds to the person from whom the skate device was confiscated.

10.0 Fees and Charges

10.1 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may by resolution from time to time prescribe in its current *Fees and Charges Schedule*.

11.0 Penalties and Offences

11.1 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;

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- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

11.2 Every person who is convicted of an offence against this bylaw is liable on summary conviction to a fine not exceeding \$20,000.

This Bylaw was made by the South Taranaki District Council on 1 June 2000.

This Bylaw was renewed on 17 March 2007.

This Bylaw was amended and renewed on 1 December 2014.

THE COMMON SEAL of the SOUTH
 TARANAKI DISTRICT COUNCIL was
 hereunto affixed by resolution
 of the said Council in the
 presence of:)
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Mayor



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Chief Executive

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Mayor.....



Schedule One: Areas where riding of Skate devices is prohibited

1.0 Hawera (Schedule page 2)

- i) High Street from Argyle Street to Albion Street; and
- ii) Albion Street from High Street to the northern boundary of the Hawera Community Centre complex; and
- iii) Princes Street from the Hawera Courthouse to Nelson Street; and
- iv) Regent Street from High Street to Little Regent Street; and
- v) Union Street from High Street to Nelson Street; and
- vi) Victoria Street from Little Regent Street to Nelson Street; and
- vii) Hawera Town Square.

2.0 Eltham (Schedule page 3)

- i) High Street from King Edward Street to London Street (Eastern Side only); and
- ii) Bridge Street from Bedford Street to York Street.

3.0 Manaia (Schedule page 4)

- i) Manaia Band Rotunda

4.0 Opunake (Schedule page 5)

- i) Opunake Town Square.

5.0 Patea (Schedule page 6)

- i) Egmont Street from Victoria Street to Bedford Street.

6.0 Waverley (Schedule page 7)

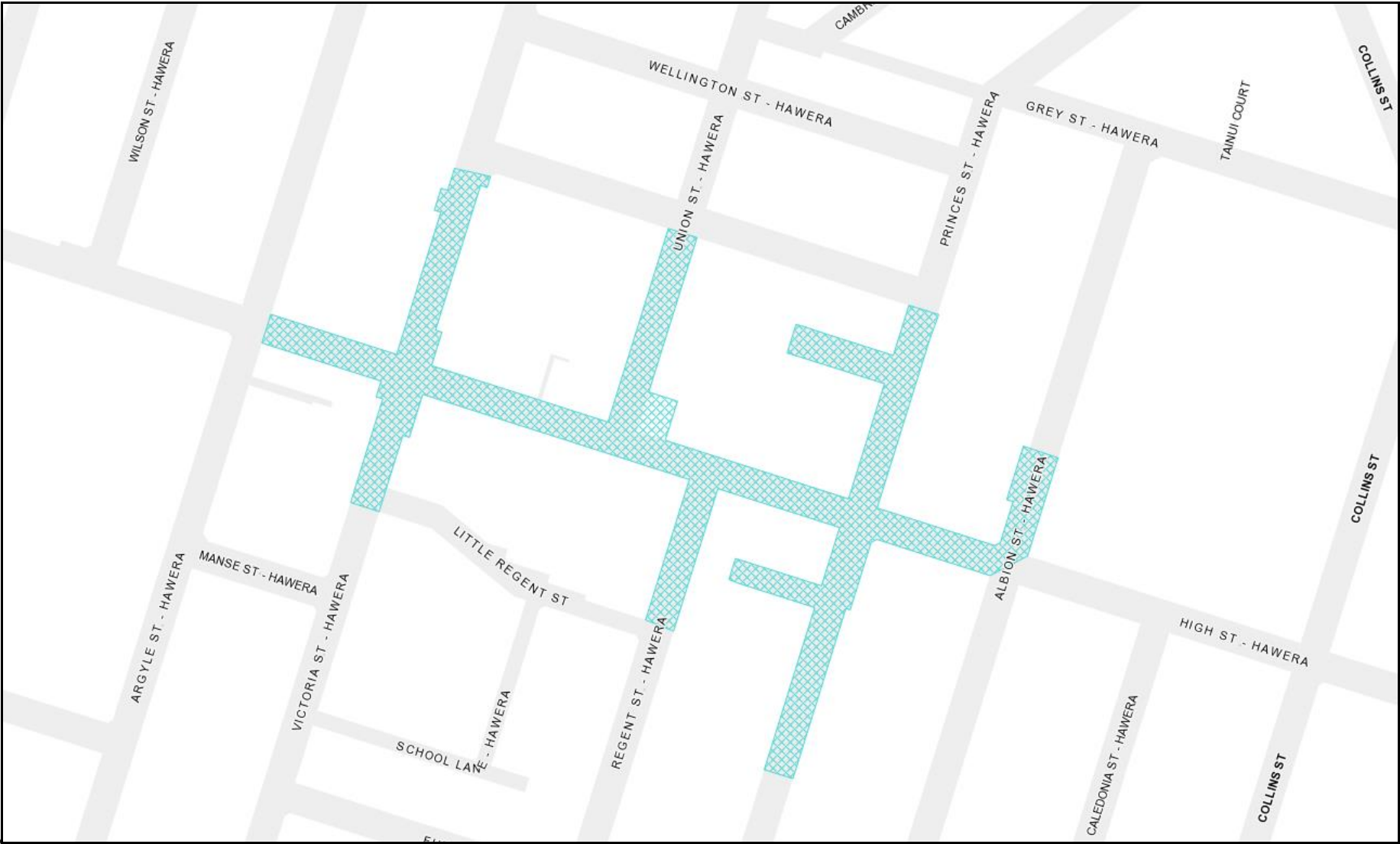
- i) Weraroa Road from Gloag Street to Chester Street.

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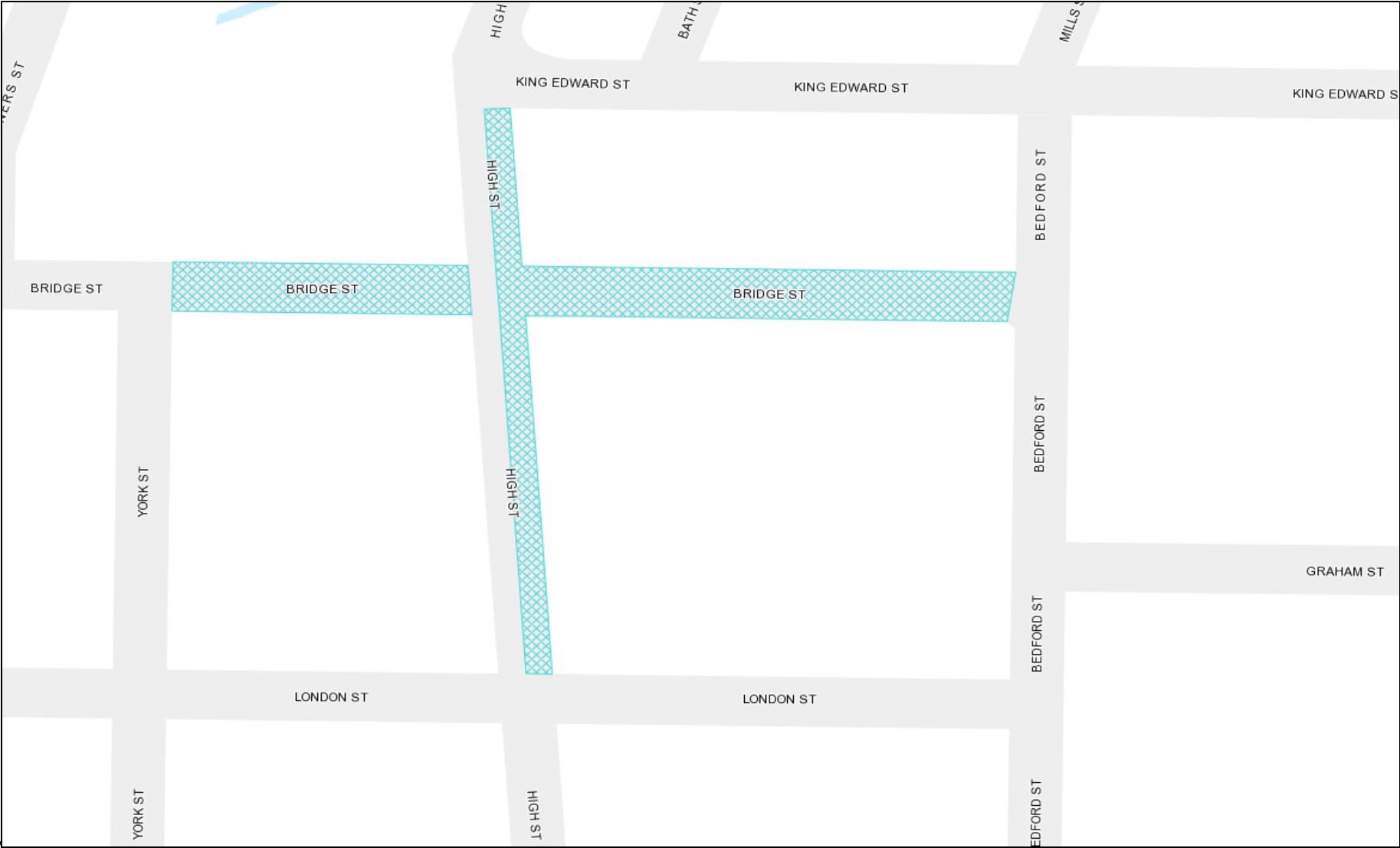
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Hawera



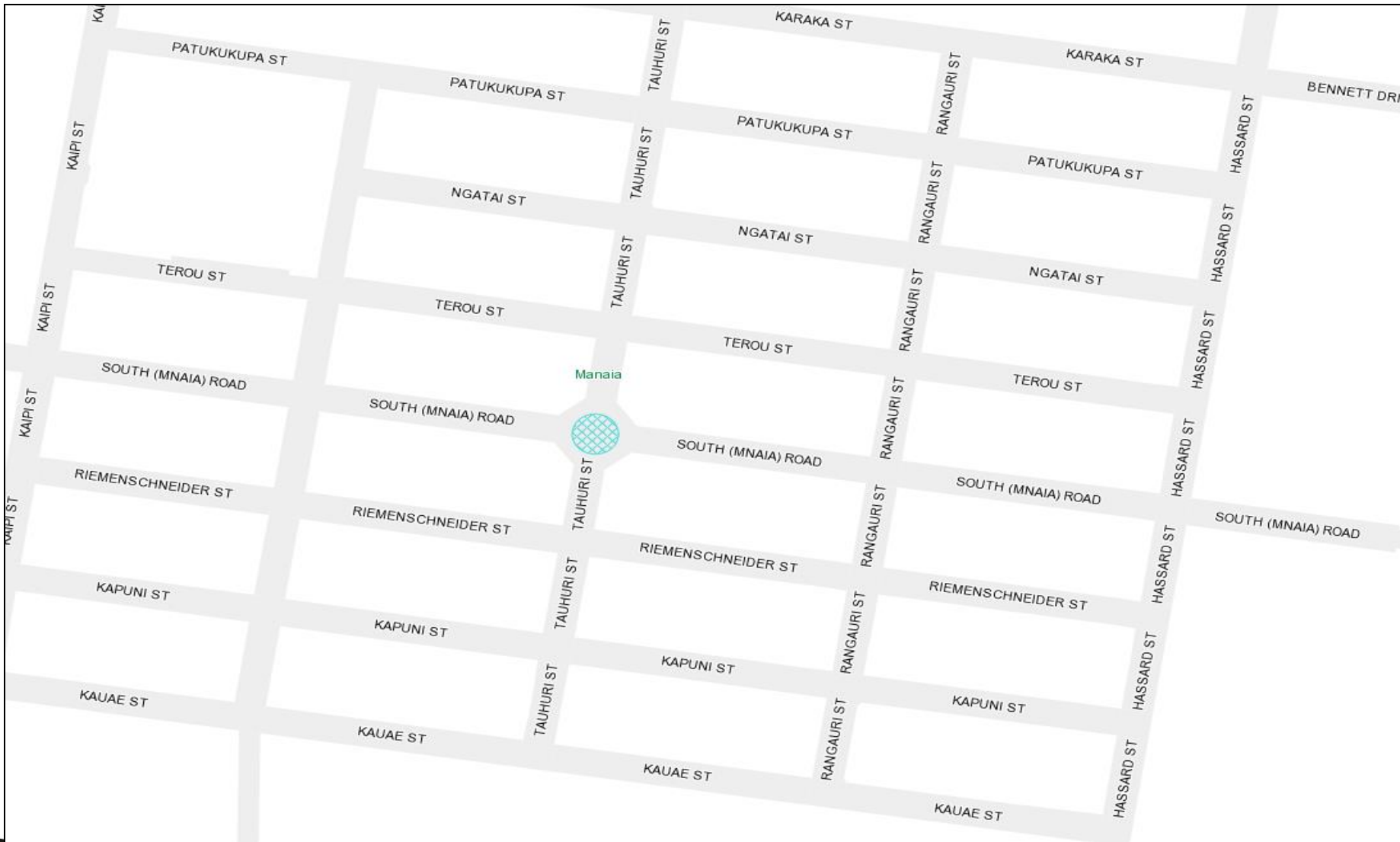
Eltham



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Manaia

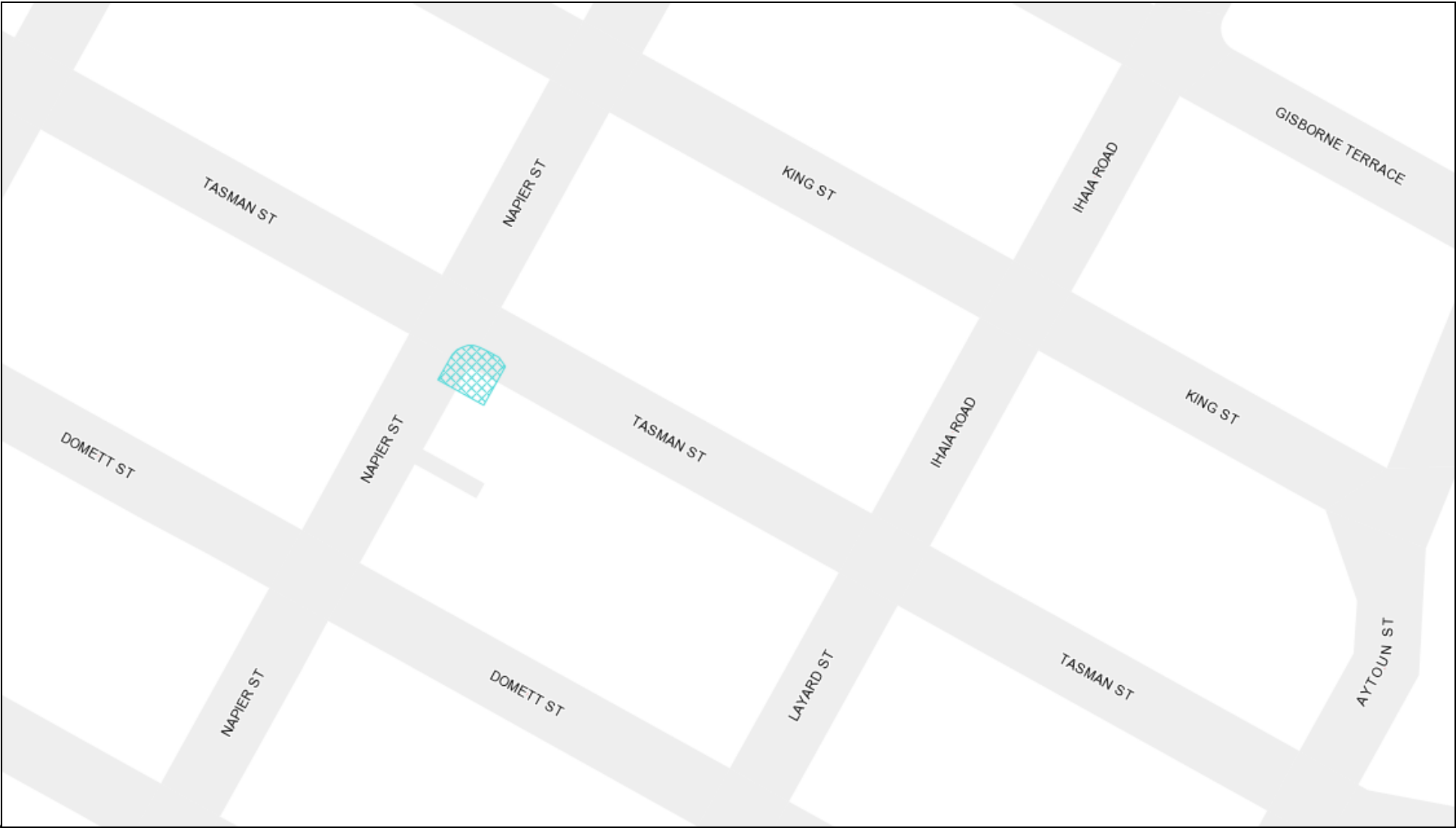


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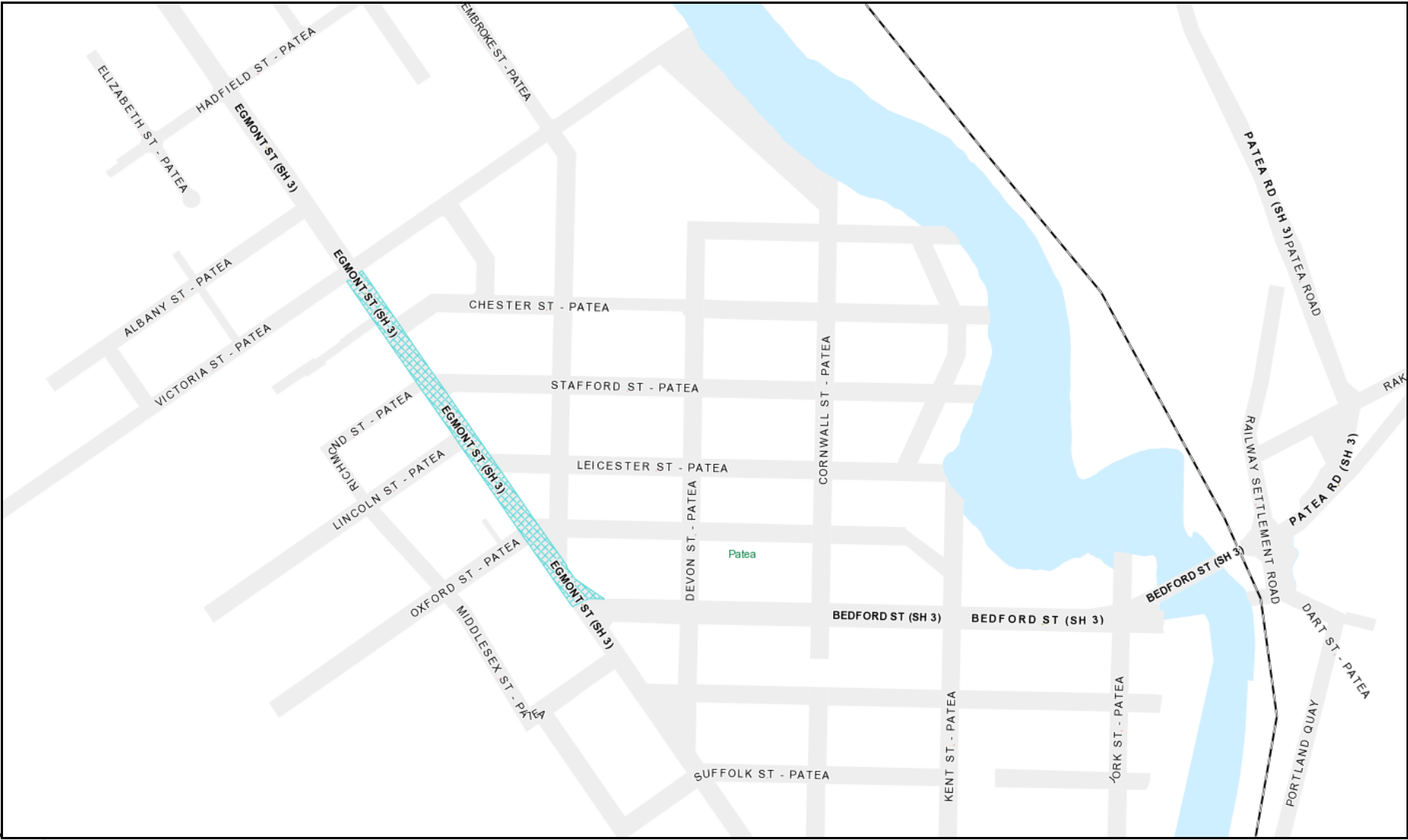
Opunake



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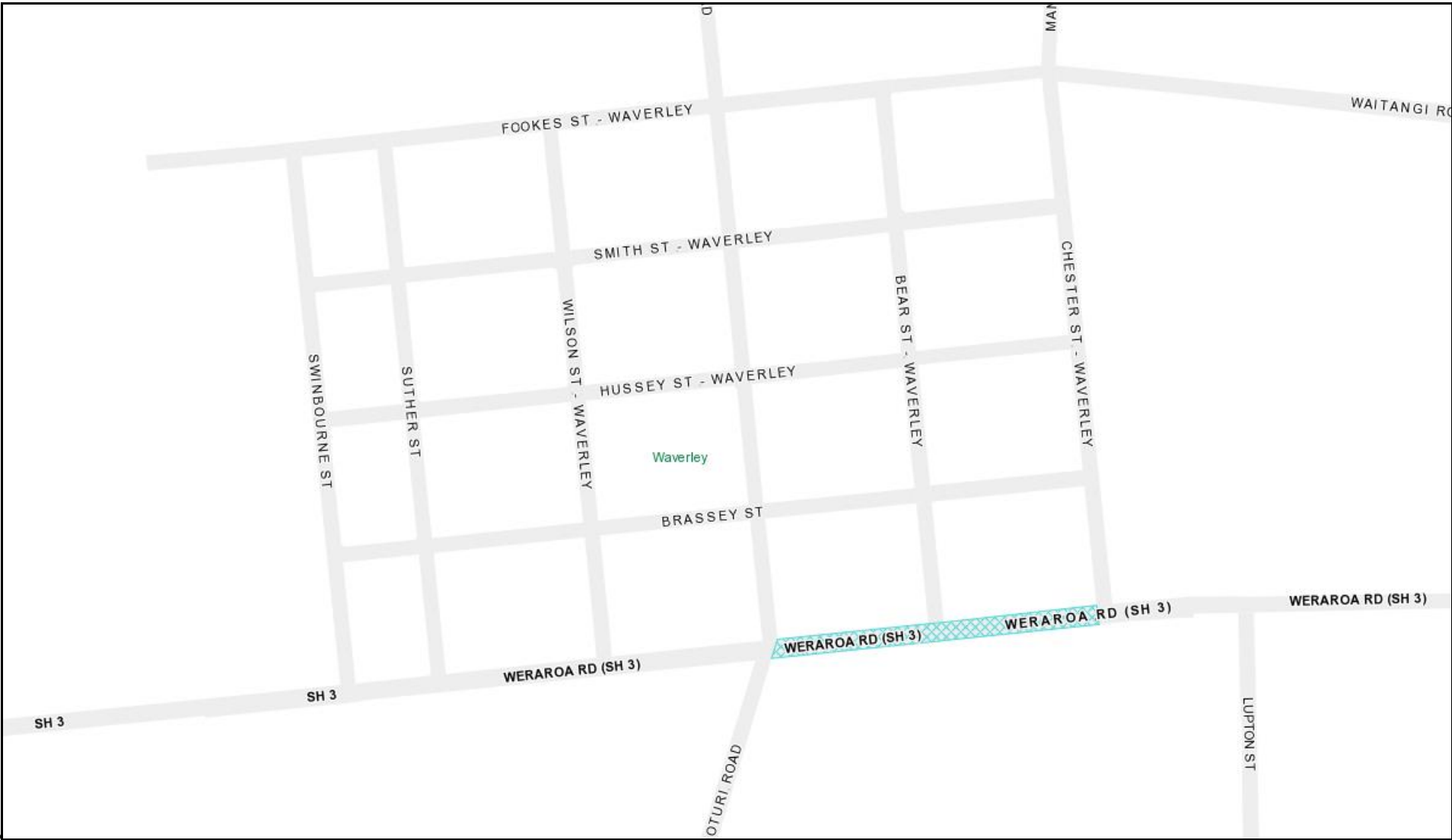
Patea



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Waverley



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