

Approved By: <i>Council</i>	Date Adopted: <i>5 July 2012</i>
Date In Force: <i>15 August 2012</i>	Review Date: <i>15 August 2022</i>

**HAMILTON CITY CULTURAL AND RECREATIONAL FACILITIES
BYLAW 2012**

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Hamilton City Council

BYLAWS



1. GENERAL

1.1. This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 2002.

2. SHORT TITLE

2.1. This bylaw may be cited as the Hamilton City Cultural and Recreational Facilities Bylaw 2012.

3. REVOCATION OF EXISTING BYLAWS

3.1. The Hamilton City Cultural and Recreational Facilities Bylaw 2007 is hereby revoked.

3.2. All matters and proceedings commenced under the bylaw listed in section 2.1 and pending or in progress on the coming into operation of this bylaw may be continued, completed and enforced under this bylaw.

4. PURPOSE

4.1. The purpose of this bylaw is to enhance public safety at cultural and recreational facilities under the ownership or control of Hamilton City Council, by minimising offensive behaviour and potential risk to patrons.

5. SCOPE

5.1. This bylaw shall apply to any cultural and recreational facility (Council facility) defined in section 6 of this bylaw and shall further apply to any other Council land, building or facility which the Council by resolution states shall be subject to this bylaw.

6. DEFINITIONS

6.1. In this bylaw except where inconsistent with the context:

Authorised person/officer	Means an employee or contractor of the Hamilton City Council appointed and warranted to carry out general or specific duties arising from any of the provisions of this bylaw, as defined as an enforcement officer in the Local Government Act and includes a Police Officer.
Council	Means Hamilton City Council.
Cultural and Recreational facility (Council Facility)	In the context of this bylaw it means, Hamilton public pools (Waterworld, The Gallagher Aquatic Centre and the Municipal Pools), the Hamilton City Libraries, the Waikato Museum and Arts Post.
Manager	Means the person appointed by the Council to have charge of the council facility under the control of Council now or in the future and includes any person directed by the Council to perform the duties of the council facility manager for the time being.
Rules	Means rules, charters, policies or documents of this nature.

7. COUNCIL MAY MAKE RULES FOR COUNCIL FACILITY

7.1. Council may from time to time, by resolution adopt rules, charters or policies for the following purposes that shall apply to one or more Council facilities:

- a) For the control, management and use of the facility;

- b) For the effective and safe operation of the facility that enables the public to safely enjoy the facility.
- 7.2. Council may delegate authority to the Manager or person acting in the manager's capacity to prescribe directions and standards for the following matter that shall apply to one or more facilities:
- a) For maintaining good order or conduct whilst person are in or on a Council facility or part thereof; and
 - b) For setting hygiene standards and other health and safety standards;
 - c) For the closure of that facility or part thereof or for setting aside part of all of that facility for the exclusive use of individuals or group;
 - d) For the closure of the facility or part thereof where circumstances would adversely affect facility operations or public safety.

8. DISPLAY OF RULES / CONDITIONS OF USE

- 8.1. The rules/charters or conditions of use (or equivalent) that apply to any member of the public using that facility will be displayed in a visible place or be publicly available.

9. CONDITIONS OF USE

- 9.1. An authorised officer of the Council may require any person entering, remaining in or using any facility to comply with any rules or conditions of use imposed by the Council or an authorised officer for the control, management or use of the facility.

10. EXPULSION

- 10.1. An authorised officer may require any person who in their reasonable opinion:
- a) Is behaving in a disorderly manner, or
 - b) Is not bona fide using the council facility for the purpose for which it is intended; or
 - c) Refuses to comply with the rules and conditions for use of the Council facility,
 - d) to leave the Council facility and will give that person notice that the person is excluded from the Council facility..

11. BREACH

- 11.1. Any person commits a breach of this Bylaw who:
- a) does or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary or otherwise than as provided by this Bylaw; or
 - b) refuses or neglects to comply with any notice duly given to him/her under the Bylaw; or
 - c) obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this Bylaw; or
 - d) fails to comply with any notice or direction given under this Bylaw.

Hamilton City Council

BYLAWS



12. OFFENCES & PENALTIES

- 12.1. Every person who fails to comply with any part of this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the other enabling enactments.
- 12.2. Where any person is alleged to have committed an infringement offence, that person may either :
 - a) Be proceeded against summarily for the offence; or
 - b) Be served with an infringement notice as provided in the Local Government Act 2002.
- 12.3. The Council may in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw.
- 12.4. Pursuant to section 242 of the Local Government Act, any person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- 12.5. The Council may in accordance with the Trespass Act 1980, serve a Trespass notice after warning a person to leave or warning to stay off its premises.
- 12.6. Pursuant to section 11(2) of the Trespass Act 1980, every person who commits an offence is liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months.

13. MISCELLANEOUS

- 13.1. The Schedules **do not form** part of this bylaw.
 - a) First Schedule – Table of offences & Empowering legislation
 - b) Second Schedule – The Library Customer Charter.
 - c) Third Schedule – Pool Rules.
 - d) Fourth Schedule – Museum Customer Charter

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor:

Councillor:

Chief Executive:

Hamilton City Council BYLAWS



SCHEDULE 1: Table of offences & Empowering Legislation

OFFENCES	STATUTE
Clause 12.2 (a)	Section 239 (1) of the Local Government Act 2002
Clause 12.2 (b)	Section 245 of the Local Government Act 2002
Clause 12.3	Section 162(1) of the Local Government Act 2002
Clause 12.4	Section 242(4) of the Local Government Act 2002
Clause 12.5	Section 3 and 4 of the Trespass Act 1980
Clause 12.6	Section 11(2)(a) of the Trespass Act 1980

Hamilton City Libraries Customer Charter

VISION

Shape a city by growing a strong intelligent community with a passion for knowledge

Hamilton City Libraries aspire to:

- Create vibrant, inclusive and accessible community places
- Reinforce the importance of bicultural relationships based on open communication, the uniqueness of Māori heritage, and the values of local iwi
- Provide relevant, up-to-date reference and lending collections, and permanent heritage collections
- Connect the community with leading edge information and communications technology
- Provide great service to all customers through highly professional, skilled and knowledgeable staff
- Provide learning opportunities for customers to gain the skills to find the information they want
- Communicate with and gather ideas from customers, and partner with community organisations
- Deliver effective operations with commitment to continuous improvement.

Our expectations of each other are to:

- Treat one another with courtesy and respect
- Behave in a safe manner in accordance with health and safety regulations
- Respect and look after the libraries and their contents
- Follow library policies, guidelines and specific requirements of designated areas
- Refrain from consuming alcohol, drugs and illegal substances in the libraries; and any food or drink on Level 3 of the Central Library.

Our expectation of our customers is to:

- Reasonably supervise young children while in the libraries.

SCHEDULE 3: Pool Rules

RULES AND CONDITIONS OF USE FOR HAMILTON CITY'S PUBLIC SWIMMING POOLS

1. CHARGES

- a) All fees and charges, subscriptions, membership fees are subject to Hamilton City Council Annual planning process.

2. OPENING HOURS

- a) Facility opening hours are decided through Council resolution only and are displayed at all Hamilton City Public Swimming Facilities.

3. CLOTHING AND TATTOOS

- a) Appropriate swimming attire shall be worn at all times within the pools, spa pools and sauna and steam room of the complex.
- b) No street wear, dirty clothes or undergarments may be worn as swim wear under any circumstance. No t-shirts, denim shorts, cut-off jeans, heavy cotton shorts, cotton singlets, camisoles or any other clothing deemed to be street wear by the Manager or his/her designated person/s.
- c) No gang affiliated patches, clothing items, bandannas or headwear shall be allowed within or on the Council facility at any time.
- d) No tattoos containing offensive wording or outwardly visible gang affiliations shall be allowed within the Council facility. A rash vest may be worn where possible, e.g. to cover body tattoos. Gang affiliated facial tattoos will not be allowed within the Council facility.

4. BEHAVIOUR AND LANGUAGE

- a) No indecent, obscene, disorderly or improper behaviour or language shall be permitted within the facilities, namely the following:
- b) No intimidation of other users or staff will be tolerated within the facility.
- c) No spitting is allowed within any part of the facility.
- d) No substances shall be used prior or during the use of any facility that results in a pool becoming discoloured, rendered unpleasant, turbid, or unfit for proper use.
- e) No running, jumping, pushing, bombing or unsupervised diving from heights shall be permitted in any facility except those areas designated for that purpose.
- f) No graffiti, defacing of facility property or equipment or wilful damage to the facilities by any groups or individuals will be tolerated within the facility.
- g) All children under 2 years who have not been toilet trained shall wear swimming nappies.
- h) Adult users with incontinence problems must wear adult nappies at all times whilst utilising the pools, spas, and sauna or steam room.
- i) Any other existing rules displayed on any signage at any and all Hamilton City Public Swimming facilities must be followed.

5. HYGIENE AND SAFETY RULES FOR THE POOLS, STEAM ROOM, SUN CAPSULE AND SPA POOL

- a) All users of saunas and steam rooms are to wear approved swimwear and are to be seated on a towel at all times.
- b) All users of saunas and steam rooms are to shower before entering any pools or spa pool.

- c) All users of the sun capsule will ensure they follow recommended safety guidelines in conjunction with Solaria Standard AS/NZ 2635: 2002.
- d) All users of the pools are to shower prior to entering the pools if requested by the pool Manager or his /her delegated persons.
- e) No animals shall be allowed access onto the facility grounds unless authorised by the facility manager or his/her designated persons.
- f) The facility manager or his/her delegate may close any pools at any stage if he/she deems the circumstances to be dangerous or hazardous to the public's health and safety.
- g) No person shall enter any pools if they have had diarrhoea within the previous two weeks.

6. SUPERVISION AND RATIOS

- a) All children under the age of 8 years of age must be actively supervised by a competent person aged 16 years or older. Actively means able to render immediate assistance.
- b) All children (under 5) in the 50 metre pool must have a competent caregiver 16 years or older within arms reach. This means that the caregiver will need to be in the pool.
- c) All children (under 3) in the 25 metre pool must have a competent caregiver 16 years or older within arms reach. This means that the caregiver will need to be in the pool.
- d) All disability groups and clients must be accompanied by the recommended ratio of caregivers at all times while utilising the facilities.
- e) All school groups attending programmes, swimming sports days and any other organised school functions within the facility must be accompanied by the recommended ratio of child to teacher for school trips.

7. FACILITY BOOKINGS

- a) All facility bookings at any of the Hamilton City swimming facilities must be made through the respective facility bookings contact person and no one else. Tentative bookings can be made with reception or an administrator should the bookings contact person be absent.

8. FACILITY CLOSURES, COMMERCIAL ACTIVITIES AND SPORTING COMPETITIONS

- a) Council has determined that the closure of facilities or parts there of in relation to commercial activities and sporting competitions will be determined by facility management. Council Reserves the right to close the facility at any time during the year for structural or cosmetic maintenance needs as and when required.
- b) Council reserve the right to use the swimming pool for the purpose of coaching or teaching. This service will be directed by the Council Annual Planning process where Council will decide all terms and conditions associated with this activity.
- c) Council may in its discretion decide, grant or approve the use of any swimming pool or part thereof for the purpose of coaching or teaching swimming. Council may also in it's discretion refuse to grant or renew such rights or approval in any case without assigning any reason, and may at any time cancel any such approval which may have been granted. No swimming pool shall be used for the coaching or teaching of swimming without the prior permission of the facility Manager.

9. DRUGS, ALCOHOL AND SMOKING

- a) No persons shall enter, remain in or utilise any part of the facility while under the influence of drugs or while intoxicated by alcohol.
- b) No persons shall willingly carry or distribute drugs or alcohol at any time within or on any part of the facility.

- c) No persons shall smoke tobacco within any part of the facility other than those allocated for this specific purpose as per the Smoke Free Environments Act Amendments 2003.

10. MEMBERSHIP AND CONDITIONS OF MEMBERSHIP

- a) Council has resolved to determine that the information required for memberships and any applicable terms and conditions of membership shall be that contained within Club Aqua terms and conditions or concession card membership forms.
- b) All members of the pools or Club Aqua are bound by the terms and conditions that accompany these memberships and are not excluded from the governance of normal operating procedures or facility safety guidelines.

11. HYGIENE, SAFETY AND BEHAVIOURAL RULES FOR CLUB AQUA

- a) No non-members, spectators or children are permitted on the gym floor unless approved by the Manager and accompanied by a staff member.
- b) Safe and suitable footwear and clothing must be worn at all times.
- c) No wet/dripping clothing is to be worn in the gym.
- d) Members must have a sweat towel with them at all times while using the gym.
- e) All equipment is to be used in an appropriate manner and it is to be put back after use or returned to original starting position.
- f) No indecent, obscene, disorderly or improper behaviour or language shall be permitted at any time within the gym.

12. CAR PARKING

- a) All patrons utilising the facilities are required to park in the spaces provided. All patrons utilising the Disabled access parks are required to display a disabled parking card on their dashboard or risk being towed from these parks.
- b) No patrons, sports administrators or officials are to park in staff car parking areas or loading zones or emergency access areas. Non-staff cars will be towed at the owner's expense.

13. OVERCROWDING

- a) The facility manager or his/her delegated person/s may choose at any time to temporarily close a pool if he/she deems that the numbers swimming or the level of water clarity inhibit staff's ability to supervise swimmers safely.

Waikato Museum and ArtsPost Customer Charter

<p>Mission Statement</p>	<p>Waikato Museum, Te Whare Taonga o Waikato, is the artistic and cultural heart of our city. We value and celebrate our rich and diverse cultural heritage, particularly with respect to our relationship with iwi, and also our region's artistic vibrancy and flair for scientific innovation.</p>
<p>ArtsPost Purpose</p>	<p>Growing a dynamic and supportive environment for the arts in Waikato.</p>

This charter explains the service levels you can expect from Waikato Museum and ArtsPost, and our expectations of our customers.

Waikato Museum and ArtsPost will:

- Welcome you to our facilities in the spirit of whanaungatanga as we would welcome you as a guest to our house
- As guardians of our culture and heritage commit to the principles of the Treaty of Waitangi and develop and implement bicultural practice through consultation with Tangata Whenua
- Communicate with you with integrity and respect to produce excellent visitor experiences
- Aim to exceed your expectations by providing you with useful information about our experiences and services
- Ensure our facilities are clean, safe and accommodating to our visitors
- Continue to operate in an environmentally sensitive manner by considering the impact of our services on the environment by using environmentally friendly products where possible
- Be open to change, willing to listen, and endeavour to respect the wishes of the community in alignment with our values and mission.

Our customers will:

- Treat our facilities and our taonga and treasures with respect
- Treat one another with respect and behave in a safe manner in accordance with our health and safety regulations
- Follow the museum and ArtsPost's policies and guidelines
- Reasonably supervise young children while in the Museum.