Tauranga City Council

Tauranga Airport Bylaw 2016

This Bylaw is made under section 9 of the Airport Authorities Act 1966 section 22AB of the Land Transport Act 1998 and in accordance with the Local Government Act 2002.

1. Scope and Purpose

The purpose of this Bylaw is to protect the safety of airport users and property used in connection with the airport.

2. Interpretation

2.1 In this Bylaw, unless the context otherwise requires:

**Aircraft** means any machine that can derive support in the atmosphere from the reactions of the air, other than by the reactions of the air against the surface of the earth.

**Airport** means the Tauranga Airport, being—
(a) the land owned, leased, or controlled by Council that is intended or designed to be used either wholly or partly for the landing, departure, movement, or servicing of Aircraft; and
(b) any buildings, installations, and equipment that are on or adjacent to that land and used in connection with the Airport or its administration.

**Airport Manager** means the person appointed by Council as the Airport Manager and includes that person’s deputy or authorised representative.

**Airport Official** means—
(a) the Airport Manager; and
(b) any person appointed or authorised by Council or the Airport Manager to assist in the management or control of persons and property at the Airport.

**Airport Road** means any area in the Airport made available by Council for the movement, standing, or parking of Vehicles.

**Animal** includes any mammal, bird, fish, reptile, amphibian, insect or invertebrate.

**Apron** means any part of the Airport on which Aircraft may be loaded or unloaded with passengers or cargo, refueled, parked, maintained, or repaired.

**Council** means Tauranga City Council or any Committee, Sub Committee or elected member of Council or officer or other person authorised to exercise the authority of Council.
Hangar means a building or installation used for the storage, shelter, maintenance, repair, or construction of Aircraft.

Movement Area means any part of the Airport intended to be used for the movement of Aircraft on the ground; and includes the Apron.

Shuttle has the meaning given by Part 2 of the Land Transport Rule: Operator Licensing 2007.

Taxi has the meaning given by section 2(1) of the Land Transport Act 1998.

Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998, but does not include an Aircraft.

3. Airport Users

3.1 Entering and leaving Airport
A person may enter or leave the Airport, by Vehicle or on foot, only by using an entrance or exit made available by Council.

3.2 Boarding Aircraft
A person must not board or try to board an Aircraft at the Airport -
(a) without authorisation to do so; or
(b) if the boarding may prejudice the safety or security of the Airport or people on the Aircraft.

3.3 Restricted areas
(1) Council or the Airport Manager may, from time to time, designate any part of the Airport as a restricted area to which -
   (a) entry by any person is prohibited; or
   (b) entry is restricted to passengers who are waiting for a flight or who are boarding or leaving an Aircraft.
(2) The Movement Area is a restricted area to which entry by any person is prohibited.
(3) Every restricted area must be indicated by conspicuous signs, notices, or markings.
(4) A person must not enter or remain in a restricted area except in accordance with conditions imposed by the Airport Manager or Council.
(5) Every person who enters or remains in a restricted area, otherwise than in accordance with conditions imposed by the Airport Manager or the Council, must leave that area immediately at the request of an Airport Official.
(6) Nothing in subclause (4) and (5) applies to -
   (a) a person authorised to enter and remain in the restricted area for the purpose of discharging any duty or providing any service; or
   (b) passengers boarding or leaving an Aircraft on the Apron.
3.4 **Conduct**

(1) A person must not, in any part of the Airport -

(a) drink alcohol unless that part of the Airport is set aside for such purpose;
(b) behave in a disorderly or indecent manner or be intoxicated;
(c) behave in manner, or do an act, which prejudices public order or safety or the safety or security of people or property;
(d) throw, drop, or leave any article, thing or substance that could injure or annoy or create a hazard for any person or damage or create a hazard for any property;
(e) climb or attempt to climb any wall, fence, barrier, railing, or post without lawful authority;
(f) open or unfasten any gate without lawful authority;
(g) intentionally start a false fire alarm or other emergency alarm; or
(h) remain at the Airport if an Airport Official has asked him or her to leave for reasons of safety or security or for breaching this Bylaw.

3.5 **Obstruction**

A person must not obstruct, hinder, or interfere with -

(a) the proper use of the Airport;
(b) any lawful activities at the Airport; or
(c) any person lawfully carrying out any duty at the Airport.

3.6 **Property**

A person must not -

(a) insert into any money, ticket, or card-operated equipment at the Airport anything other than the money, ticket, or card required by the equipment;
(b) damage any property, or deface any notice or sign, at the Airport;
(c) abandon any property or leave any waste, refuse, offensive or dangerous material at the Airport.

3.7 **Interference with Aircraft**

(1) A person must not unlawfully tamper or interfere with Aircraft at the Airport or anything used in connection with the Aircraft.

(2) A person must not do anything likely to prejudice the convenient, efficient, or safe use, keeping, maintenance, or operation of Aircraft at the Airport.

3.8 **Spills**

(1) A person must not -

(a) leave, drop, throw, deposit or spill on any part of the Airport, any oil, grease, or fuel, or any other thing or substance likely to cause damage or create a danger, hazard or obstruction to any person or Aircraft.
(2) Any person who contravenes subclause (1) must, at the person’s own expense and in accordance with any instructions of the Airport Manager and any applicable statute or regulation -
   (a) Immediately advise an Airport Official;
   (b) Have the substance or thing and any hazard created by it removed; and
   (c) Make good the area or place.

3.9 Soliciting funds
A person must not solicit funds, appeal for donations, canvas subscriptions or sell raffle, lottery or competition tickets at the Airport, except with the written approval of the Airport Manager and in accordance with any conditions imposed by the Airport Manager.

3.10 Advertising and other material
Except with the prior written consent of the Airport Manager, no person may display or distribute any written or other material at the Airport to advertise any product or service, or to advance or oppose any cause.

3.11 Special Events
(1) A person must not hold or participate in a reception, meeting, parade, exhibition, display, march, or organised assembly at the Airport except with the written approval of the Airport Manager and in accordance with any conditions imposed by the Airport Manager.

(2) The Airport Manager may withhold written approval only if satisfied that it is reasonably necessary in order to:
   (a) ensure the safety of the public within the Airport;
   (b) maintain Airport security;
   (c) maintain order for the use of Airport services by the public; or
   (d) prevent insulting or offensive behavior or a breach of the peace.

3.12 Animals Prohibited
(1) A person must not bring an animal to the airport unless the animal
   (a) is being delivered to or from an airline that has previously agreed to carry it, and
   (b) is confined so that it is completely controlled at all times and cannot escape.

(2) Sub clause (1) does not apply to -
   (a) a disability assist dog (as defined in section 2 of the Dog Control Act 1996) that is restrained by a harness;
   (b) a dog controlled by a member of the police or Customs officer and is being used in the course of duty; or
   (c) livestock that Council has authorised to graze on parts of the Airport that are not used by Aircraft.
4. Vehicles

4.1 Airport Roads

(1) Council may make any area in the Airport available for use as an Airport Road.

(2) Council may, in relation to all or any part of an Airport Road -
   (a) Stop making the Road available for use as an Airport Road;
   (b) Change the size, shape, or location of the Airport Road or any part of it; or
   (c) Impose prohibitions, limitations and restrictions on the use, stopping, standing or parking of Vehicles on any Airport Road or any part of it.

(3) The Airport Manager may control the use of Airport Roads for any purposes relating to the operation of the Airport.

4.2 Vehicles on Airport Roads

(1) No driver or person in charge of any Vehicle may drive, use or park a Vehicle on any part of the Airport that is not marked out as an Airport Road, or in respect of which Council has exercised its powers under clause 4.1(2)(c) of this Bylaw.

(2) Notwithstanding subclause (1), a person may drive, use, or park a Vehicle on any area in the Airport that is not an Airport Road with the approval of an Airport Official.

4.3 Compliance with traffic rules, directions and signs

A person must not drive or use a Vehicle, and a person in charge of a Vehicle must not allow the Vehicle to be driven or used, at the Airport in any way that breaches –

   (a) Any rules or regulations made under the Land Transport Act 1998;
   (b) This Bylaw;
   (c) Any lawful directions given by a member of the police or an Airport Official to regulate traffic; or
   (d) Any traffic signs, notices, or markings.

4.4 Speed limit

(1) The speed limit for any area in the Airport, including an Airport Road, is 30 km/h.

(2) Notwithstanding subclause (1) Council may, from time to time, specify a different speed limit for any Airport Road by using signs or markings.

(3) A person must not drive or use a Vehicle on any area in the Airport, including an Airport Road, at a speed exceeding the speed limit for the area or Airport Road.

(4) A person charged with breaching sub clause (3) may avoid liability on any of the grounds provided for in clauses 1.8(1) and (3) and 5.1(3) of the Land Transport (Road User) Rule 2004.
4.5 Parking places and charges

(1) Council may designate any part of an Airport Road as a parking area, taxi and shuttle stand, stopping place, or stand for a particular class or particular classes of Vehicle by using conspicuous signs, notices, or markings.

(2) If the Airport Manager considers that the use of any parking space or spaces should be temporarily discontinued, he or she may erect an appropriate sign or notice at the parking space or spaces and (except with the prior written approval of the Airport Manager) no person may park a Vehicle at the parking space or spaces while the notice is in place.

(3) Council may by resolution prescribe charges for the use of parking spaces for Vehicles or for admission of members of the public to the Airport or to any land adjacent to the Airport owned or controlled by Council.

4.6 Restrictions on Vehicle movements and parking

(1) A person may stop, park, or stand a Vehicle to load or unload passengers or luggage at the Airport only -
   - (a) in a loading or unloading area designated by conspicuous signs, notices or markings; and
   - (b) for as long as is reasonably needed to do so.

(2) A person must not stop, park, or stand a Vehicle in an area of the Airport -
   - (a) designated for a particular class of Vehicle unless the Vehicle belongs to that class;
   - (b) designated for staff parking unless the person is a member of the Airport staff and has authorisation to do so;
   - (c) designated as a parking area, stopping place, or stand for Vehicles unless the person pays any applicable charges set by Council under clause 4.5(3) of this Bylaw and complies with any conditions imposed by Council.

(3) A person must not drive, or attempt to drive, a Vehicle through or past a barrier arm at the Airport without paying any applicable charges set by Council under clause 4.5(3) of this Bylaw.

(4) A person must not, without authority from an Airport Official, drive or take a Vehicle -
   - (a) on the Movement Area;
   - (b) through a gate at the Airport if the Vehicle is prohibited from entering by a conspicuous sign or notice.

4.7 Vehicles and equipment not to cause danger or obstruction

(1) A driver or person in charge of a Vehicle must not drive, ride, park, or place a Vehicle carelessly or dangerously or without due consideration for public safety or people using the Airport.

(2) A driver or person in charge of a Vehicle must not obstruct or try to obstruct a moving Aircraft.

(3) A person must not use any Vehicle or motorised equipment to service or maintain Aircraft at the Airport unless the condition and contents of the Vehicle or equipment will not create a fire, flash, or other hazard to Aircraft, fueling facilities, or people associated with Aircraft or fueling facilities.
4.8 Requirement to remove or stop Vehicle or equipment

(1) A person in charge of a Vehicle or any motorised equipment must -
   (a) remove the Vehicle or equipment from the Airport immediately if
       requested by an Airport Official; and
   (b) ensure that the Vehicle or equipment does not enter the Airport if an
       Airport Official has prohibited its entry.

(2) The driver of a Vehicle at the Airport must stop immediately if required by an
    Airport Official.

4.9 Vehicle may be moved

If an Airport Official believes on reasonable grounds that a Vehicle at the Airport is
involved in a breach of this Bylaw, the Airport Official may -

(a) enter, or authorise another person to enter, the Vehicle for the
    purpose of moving it or preparing it for movement; and

(b) move, or authorise another person to move, the Vehicle to another
    place.

4.10 Taxis and shuttles

(1) The driver of a taxi or shuttle may pick up passengers at the Airport Taxi
    stand only -

   (a) under a licence granted by Council; and

   (b) in accordance with the licence and any directions of the Airport
       Manager.

(2) After using a taxi and shuttle stand, the driver of the taxi or shuttle must pay
    any applicable charges set by Council under clause 4.5(3) of this Bylaw.

4.11 Abandoned Vehicles

(1) A person must not abandon a Vehicle at the Airport.

(2) If a Vehicle is abandoned at the Airport, sections 356, 356A, and 356B of
    the Local Government Act 1974 apply in relation to the Vehicle.

4.12 Accidents to be reported

The driver of a Vehicle involved in an accident at the Airport must, as soon as
practicable, report the accident to an Airport Official or the Airport Manager’s
office and leave his or her name and address and the registration number of the
Vehicle.

5. Aircraft operation and gate positions

5.1 Fees and charges relating to Aircraft

Council may by resolution prescribe charges for the landing of Aircraft at the
Airport.

5.2 A person operating an Aircraft at the Airport must pay all applicable fees and charges

   (a) set by Council under clause 5.1 of this Bylaw or any other enactment; or

   (b) prescribed by the Civil Aviation Charges Regulations (No 2) 1991 or
       any other enactment.
5.3 Parking of Aircraft
(1) Aircraft may be parked at the Airport only -
   (a) in places allocated by the Airport Manager; and
   (b) in accordance with any terms and conditions imposed by Council or the Airport Manager from time to time.
(2) No Aircraft may be left unattended at the Airport unless it is properly secured against adverse weather and unauthorised entry or other interference.

5.4 Gate positions and standing times
(1) An Aircraft may park at a gate position on the Apron only if -
   (a) it is a scheduled Aircraft; or
   (b) it is an unscheduled Aircraft that has been authorised to park there by Council, the Airport Manager, or air traffic control.
(2) A scheduled Aircraft may park at a gate position on the Apron for any time authorised by the Airport Manager.
(3) An unscheduled Aircraft that is authorised to load or unload passengers at gate positions on the Apron may remain parked at a gate position for no more than 20 minutes per gate, or any longer time authorised by the Airport Manager.

5.5 Parking trespass
(1) A person operating or in charge of an Aircraft may use the Aircraft on the Apron only in accordance with the authorisation of the Airport Manager and the parking pattern approved for the Airport.
(2) A person operating or in charge of an Aircraft using an Apron in contravention of subclause (1) must move the Aircraft when directed to do so by an Airport Official.

5.6 Cleaning, maintenance and repair of Aircraft and Vehicles
A person at the Airport must not clean, maintain, or repair an Aircraft, or a Vehicle used in connection with the Airport, except -
   (a) in a Hangar or in a place set aside by Council for the purpose;
   (b) to make minor adjustments; or
   (c) with the prior approval of the Airport Manager.

6. Fire prevention and other provisions
6.1 Smoking and flames
(1) A person must not smoke or have any lighted or naked flame -
   (a) in any part of the Airport where it is prohibited by "No Smoking" signs;
   (b) in or upon a Movement Area; or
   (c) within 50 metres of an Aircraft, or
   (d) within 15 metres of a store or container of liquid fuel or explosives.
(2) No person may do any act that causes or is likely to cause a fire at the Airport.
6.2 Flammable and hazardous substances

(1) A person must not place, store or accumulate any flammable liquid or hazardous substance in any part of the Airport in a manner that is likely to create a hazard.

(2) All filling tanks, storage tanks, installations, safety equipment, pumps, and other facilities must be installed and operated at the Airport in compliance with any applicable enactments (for example, regulations made under the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015) and any applicable bylaws.

(3) Facilities for the storage of fuel or other hazardous substances may be installed at the Airport only with the written approval of the Airport Manager and any other permit or approvals from other authorising agencies.

7. General

7.1 Statutory powers and duties not affected

This Bylaw does not affect the powers and duties of a person under the Civil Aviation Act 1990 or any regulations or rules made under that Act.

7.2 Offences and Breaches

(1) An Airport Official who has reasonable grounds to suspect that a person at the Airport is breaching or has breached any part of this bylaw may require that person to leave the Airport and that person must do so immediately.

(2) Every person breaches this Bylaw and commits an offence who:
   (a) Does, or allows anything to be done, which is contrary to this Bylaw or any part of it;
   (b) Fails to do, or allows anything to remain undone, which ought to be done by that person within the time and in the manner required by this Bylaw or any part of it;
   (c) Does anything which this Bylaw prohibits;
   (d) Fails to comply with any notice given to that person under this Bylaw or any part of it; or
   (e) Obstructs or hinders any Airport Official in performing any duty or in exercising any power under this Bylaw.

7.3 Notices and Enforcement

(1) Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

(2) Council may use its power under the Local Government Act 2002 to enforce this Bylaw.

7.4 Penalties

Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in section 9(8) of the Airport Authorities Act 1966.
7.5 **Exemptions**

Council may waive full compliance with any provision of this Bylaw in a case where Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may in its discretion impose conditions of any such waiver.

8. **Commencement**

This Bylaw comes into force on 14 August 2016.