

2 General Matters

2.1 Personal flotation devices

- 2.1.1 No person in charge of a recreational craft shall use it unless there are onboard at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
- 2.1.2 Clause 2.1.1 and 2.1.6 shall not apply to:
- (a) any surfboard or similar unpowered craft; and
 - (b) any sailboarder, kiteboarder or windsurfer, if a wetsuit is worn at all times; and
 - (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body dive suit is worn at all times; and
 - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster under these bylaws, or the Director under Maritime Rule 91.4(3); and
 - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence.
- 2.1.3
- (a) The Harbourmaster may approve a sporting organisation for the purposes of clause 2.1.2.(d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
 - (b) The Director, under Maritime Rule 91.4(3), may approve a national sporting organisation for the purposes of clause 2.1.2.(d) if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
- 2.1.4 Subject to clause 2.1.5 clause 2.1.1 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.
- 2.1.5 Clauses 2.1.1 and 2.1.6 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbourmaster with jurisdiction for the applicable region has granted an exemption in writing. A Harbourmaster may grant an exemption for a specified period if it is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 2.1.6 Despite clause 2.1.4 no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.
- 2.1.7 No person in charge of a vessel shall use it to tow any person and no person shall cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.
- 2.1.8 Clause 2.1.7 shall not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule 91.4(3); or
 - (b) participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule 91.4(3).

2.2 Swimming or diving around wharves

- 2.2.1 No person shall jump, dive, swim or undertake other related activities, from:
- (a) any commercial jetty, wharf, or quay which is in regular use for the berthing and unberthing of vessels; or
 - (b) within 50 metres of the structures listed in 2.2.1 (a); or
 - (c) within any designated anchorage or mooring area; or
 - (d) within any navigational channel; or
 - (e) any other such areas in the navigable waters of the region as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written consent of the Harbourmaster.
- 2.2.2 The Harbourmaster may consent subject to such conditions as the Harbourmaster considers appropriate in the interests of navigation safety.

2.3 Use of vessel engine around wharves, ramps

- 2.3.1 No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. However, this bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.
- 2.3.2 In addition to the requirements of clause 2.3.1, a master of a commercial vessel shall ensure that a crew member shall:
- (a) be stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or testing a propulsion system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
 - (c) notify the Harbourmaster prior to the engines being tested.

2.4 Vessels which are not seaworthy

- 2.4.1 The master and/or owner of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster or Enforcement Officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbourmaster or Enforcement Officer may determine appropriate to ensure navigation safety.
- 2.4.2 If any vessel is a navigation hazard by reason of it not being seaworthy:
- (a) the Harbourmaster or Enforcement Officer may give a direction to the master and/or owner of that ship to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
 - (b) where the master and/or owner of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster or Enforcement Officer, the Harbourmaster or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to Council.

The owner and master are jointly and severally responsible for ensuring the direction is complied with.

- 2.4.3 No person shall operate any vessel that is not seaworthy except to comply with the directions under this Bylaw of the Harbourmaster or an Enforcement Officer to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.

2.5 Seaplanes

- 2.5.1 No person navigating a vessel shall impede a seaplane in the process of landing or taking off.
- 2.5.2 No person shall take off, land or attempt to take off or land any seaplane or other aircraft, except in an emergency, in any area, other than areas reserved for that purpose, without the prior written permission of the Harbourmaster. Written application must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.

2.6 Vessels to be adequately moored or secured

- 2.6.1 No person shall anchor or moor a vessel in any navigable water in a manner that it may break free, drag anchor or cause a navigational safety hazard.
- 2.6.2 No person shall cut, break, unlawfully release or destroy:
- (a) the mooring or anchor of any vessel; or
 - (b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- 2.6.3 The owner or master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep a watch.

2.7 Prohibited and restricted anchorages

- 2.7.1 Except in emergencies no person may anchor or moor any vessel within any prohibited anchorage.
- 2.7.2 No person shall anchor a vessel so as to:
- (a) obstruct the passage of other vessels or obstruct the approach to any commercial wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor; or
 - (c) create a safety hazard for other recreational craft, swimmers or water users.
- 2.7.3 The prohibited areas to which these bylaws apply are those prescribed in Schedule 3 (Location Specific Information).
- 2.7.4. No person shall anchor any vessel in the areas listed in Schedule 3 (Location Specific Information) without the prior permission of the Harbourmaster.

2.8 Obstructions

- 2.8.1 No person shall obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel or mooring. without the prior written permission of the Harbourmaster.
- 2.8.2 No person shall place any obstruction, including any vessel, fishing apparatus, in any waterway, that is liable to:
- (a) restrict navigation; or
 - (b) cause or have potential to cause, injury or death to any person; or
 - (c) cause damage to any vessel or any property.
- 2.8.3 No person shall leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

2.9 Notification of collisions or accidents

- 2.9.1 The master of any vessel that:
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction; or
 - (d) causes any damage to any navigation aid or structure or to anything on the structure; must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster and within 48 hours, provide the Harbourmaster with full written details of the occurrence.
- 2.9.2 A report under clause 2.9.1 must include:
- (a) a full description of any injury to persons and their names and their addresses; and
 - (b) a full description of any damage to vessels or structures; and
 - (c) the name(s) and address(es) of person(s) in charge of the vessel.
- 2.9.3 If an incident described in clause 2.9.1 involves damage to a vessel that affects or is likely to affect its seaworthiness, the master may not move the vessel except:
- (a) to clear the main navigational channel or to moor or anchor in safety; or
 - (b) in accordance with the directions of the Harbourmaster.

2.10 Aids to navigation

- 2.10.1 No person shall secure their vessel to any aid to navigation without the prior permission of the Harbourmaster.
- 2.10.2 No person shall damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster as an aid to navigation, or warning.
- 2.10.3 No person shall tie a vessel to any aid to navigation without the written permission of;
- (a) the Harbourmaster if the aid to navigation is operated by a local authority or port company; or
 - (b) the Director if the aid to navigation is operated by Maritime New Zealand.
- 2.10.4 No person shall erect, maintain or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbourmaster and Director of Maritime New Zealand.

2.11 Sound and light signals

- 2.11.1 No person shall fit or use any flashing lights, sirens or other sound or light signals not prescribed in a maritime rule for that vessel, without the written permission of the Harbourmaster.
- 2.11.2 The use of blue flashing lights and/or sirens is restricted to Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster
- 2.11.3 The use of purple flashing lights is for the use of an emergency response craft, authorised by the Harbourmaster, to identify itself to a vessel or aircraft involved in a response.
- 2.11.4 A vessel authorised to use purple flashing lights by the Harbourmaster shall only display them when:
- (a) the use is required to assist the location of a vessel or person in need of assistance; or
 - (b) the use is required to assist the identification of the vessel to an aircraft involved in an incident.
- The lights may not be used when travelling to, from or during an incident, and imply no status or privilege to that vessel. Any vessel so authorised by this clause must observe clause 3.2 at all times.
- 2.11.5 No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any harbour area, except as a navigation safety signal. However, nothing in these bylaws precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf or for maintenance purposes.