

3 Operating Requirements

3.1 Minimum age for operating powered vessels

- 3.1.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.3.
- 3.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 3.1.3 Clause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Harbourmaster issued in accordance with a navigation bylaw, or by the Director under Maritime Rule 91(4).
- 3.1.4 The Harbourmaster may issue an exemption in accordance with these bylaws that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person:
 - (a) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (b) is aware of relevant navigation safety rules and navigation bylaws; and
 - (c) will be under adequate supervision during the proposed activity or activities.

3.2 Speed of vessels

- 3.2.1 No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
 - (a) within 50 metres of any other vessel, raft, or person in the water; or
 - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - (c) within 200 metres of any vessel, structure or raft that is flying Flag A of the International Code of Signals (divers flag).
- 3.2.2 No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3.2.3 No person shall cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in Clause 3.2.1 of these bylaws.
- 3.2.4 No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken adequate measures to ensure that the dropped ski or similar object is clearly visible to other water users.
- 3.2.5 Clause 3.2.1 (a) shall not apply to:
 - (a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or

- (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
- (c) a craft training for or participating in competitive rowing or paddling; or
- (d) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
- (e) a vessel operating in accordance with a speed uplifting established under-
 - (i) Schedules 1 and 2 (Location Specific Information) of these bylaws; or
 - (ii) Clauses 3.5, 3.8 or 3.9 of these bylaws.

3.2.6 Clause 3.2.1.(b) shall not apply to:

- (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared;
- (b) a vessel operating in accordance with a speed uplifting established under:
 - (i) Schedules 1 and 2 (Location Specific Information) of these bylaws; or
 - (ii) Clause 3.5, 3.8 or 3.9 of these bylaws; or
- (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (d) a craft training for or participating in competitive rowing or paddling; or
- (e) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

3.2.7 Notwithstanding subclauses 3.2.1 – 3.2.5, every person who propels or navigates a recreational craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, persons or structures.

3.3 Lookouts on vessel used for water skiing and towing

3.3.1 No person in charge of a vessel shall use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is -

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.3.2 No person shall cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is -

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.4 Water skiing or towing between sunset and sunrise

3.4.1 No person shall operate, between sunset and sunrise, a vessel that is towing any person on water skis, an aquaplane, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object. (The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac).

3.4.2 No person may cause himself or herself to be towed in the circumstances described in clause 3.4.1.

3.5 Access lanes

3.5.1 The Council may, from time to time, by Public Notice, declare that specified area or areas of any harbour shall be an access lane for the purpose of high speed access to and from the shore.

3.6 Conduct in access lanes

- 3.6.1 No person shall propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.6.2 No person shall:
- (a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or
 - (b) cause any object that is being towed by a vessel in an access lane;
- to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.6.3 No person within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
- 3.6.4 No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 3.6.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 3.6.6 The access lanes to which this bylaw applies are those prescribed in Schedules 1 and 2 (Location Specific Information).

3.7 Marking of access lanes

- 3.7.1 Every access lane must be demarcated by:
- (a) orange posts with horizontal black bands on shore; and
 - (b) if the access lane is marked at its outer edge, it shall be marked by orange buoys with black bands; and
 - (c) an adequate sign or signs in the vicinity of the access lane that declare the purpose of that lane.

3.8 Reserved areas

- 3.8.1 The Council, on application or of its own mind, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a specific purpose.
- 3.8.2 A reservation under this bylaw may be made on such conditions, and for such period or periods, as Council may specify in the notice.
- 3.8.3 Every area that is reserved under this bylaw shall be indicated by notice boards that are prominently displayed on the land at the extremities of the area.

3.9 Reserved areas for special events

- 3.9.1 Any person intending to conduct a race, speed trial, competition or other organized water activity in any area to which these bylaws may apply may apply, to the Harbourmaster to:
- (a) temporarily suspend the application of Clause 3.2 in part or in total in that area for the purposes of facilitating the event; or
 - (b) temporarily reserve the area for the purpose of that activity.
- 3.9.2 Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days and on such conditions as he or she may specify.
- 3.9.3 No grant of an application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 3.9.4 The Council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

3.10 Conduct in reserved areas

- 3.10.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 3.10.2 If any person is using a reserved area for the purpose for which it is reserved, no other person shall enter, remain in or use the area for any purpose, unless otherwise stated in Schedules 1 and 2 (Location specific information).
- 3.10.3 Nothing in Clause 3.10.1 or 3.10.2 prohibits the use of emergency response craft within a reserved area.
- 3.10.4 The reserved areas to which these bylaws apply are those prescribed in Schedules 1 and 2 (Location Specific Information), or those notified in accordance with Clauses 3.8.1 or 3.9.3.

3.11 Marking of reserved areas

- 3.11.1 Adequate signs shall be provided in the vicinity of a reserved area that:
 - (a) define the area; and
 - (b) declare the purpose for which the area has been reserved.
- 3.11.2 If the area is demarcated on shore, it is marked by black posts with white horizontal bands.
- 3.11.3 If the reserved area is marked at sea it is marked by black buoys with white bands.
- 3.11.4 Nothing in this Clause applies to reserved areas for special events made in accordance with Clause 3.9.

3.12 Collision prevention

- 3.12.1 No person shall operate any vessel in breach of Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994
- 3.12.2 Every person commits an offence against these bylaws who, being required by an Officer of the Council under clause 3.12.1 of these bylaws to do anything, fails to comply with that requirement as soon as is reasonably possible.

3.13 Duty of master of a vessel under 500 gross tonnage

- 3.13.1 The master of a vessel under 500 gross tonnage must not allow the vessel to impede the navigation of any vessel of 500 gross tonnage or more if the vessels are navigating within the Napier Pilotage Area.

3.14 Moving prohibited zone

- 3.14.1 A moving prohibited zone extending to 100 m astern and to each side of a vessel, and continued at such width to 500 m ahead shall exist around any vessel of 500 gross tonnage or greater, when that vessel is within the Napier Pilotage Area as prescribed in Schedule 3.
- 3.14.2 The master or person in charge of a vessel under 500 gross tonnage shall not navigate their vessel within the moving prohibited zone of any vessel within the Napier Pilotage Area as prescribed in Schedule 3.
- 3.14.3 The provisions of clause 3.14.2 shall not apply to a vessel having prior written authority from the Harbourmaster to enter such zone.

3.15 Dive operations

- 3.15.1 The master of every vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.
- 3.15.2 Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance of 200 metres.