



KAWERAU DISTRICT COUNCIL

Traffic and Parking Bylaw 2011

Kawerau District Council

Traffic and Parking Bylaw

Explanatory Statement

This Bylaw aims to provide controls for traffic movement and parking so as to maintain order, public safety and amenity values on the roads managed by Kawerau District Council.

This Bylaw is made pursuant to Part 8 of the Local Government Act 2002 and Part 3 of the Land Transport Act 1998.

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1 Title

This Bylaw shall be known as the Kawerau District Council Traffic and Parking Bylaw 2011.

2 Commencement

This Bylaw shall come into force on the 1st day of November 2011.

3 Application of Bylaw

This Bylaw shall apply to all roads, public places, parking areas and transport stations owned or managed by Council. State highways are controlled by the NZ Transport Agency and are not included in this Bylaw.

4 Scope and Purpose

This Bylaw is made under the Local Government Act 2002 and the Land Transport Act 1998.

The purpose of this Bylaw is to set the requirements for parking and control of vehicles and other traffic.

Nothing in this Bylaw shall derogate from any provisions of any relevant legislation or regulations, or of any plans developed or consents granted under such legislation or regulations.

5 Definitions

For the purposes of this Bylaw, the following definitions apply:

AUTHORISED OFFICER means:

1. A person who has been appointed or authorised in writing by the Chief Executive Officer or the Council to act on its behalf and with its authority; and
2. A member of the NZ Police; and
3. Any other person whose authorisation by another statutory authority accords that person the status of an officer with powers under this Bylaw.

COUNCIL means the Kawerau District Council.

EMERGENCY VEHICLE means a vehicle used for attendance at emergencies and operated:

- a) by a police officer
- b) by an ambulance service
- c) as a fire service vehicle
- d) as a civil defence emergency vehicle
- e) as a defence force emergency vehicle

GRASS BERM means the area behind a kerb which is laid out in grass and may include a riverbank area.

GRASS VERGE means the area of road, which is laid out in grass:

- a) between the carriageway and a kerb; or
- b) adjacent to the carriageway where there is no kerb and which may include a riverbank area.

HEAVY MOTOR VEHICLE means a motor vehicle that has a gross vehicle mass exceeding 3500 kg.

OPERATION MOBILITY PARKING SPACE means a parking space set aside under clause 10 of this Bylaw for use by people who hold an Operation Mobility Permit.

OPERATION MOBILITY PERMIT means a permit or concession card issued by the New Zealand Crippled Children Society (CCS) Incorporated to a person with a physical disability for the purposes of its operation mobility programme.

ROAD has the same meaning as in the Land Transport (Road User) Rule 2004.

TRAFFIC CONTROL DEVICE has the same meaning as in Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

TRANSPORT STATION means a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and for the collection of charges in relation to that use.

VEHICLE means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include

- a) a perambulator or pushchair
- b) a shopping or sporting trundler not propelled by mechanical power
- c) a wheelbarrow or hand-trolley
- d) a pedestrian-controlled lawnmower
- e) a pedestrian-controlled agricultural machine not propelled by mechanical power
- f) an article of furniture
- g) a wheelchair not propelled by mechanical power
- h) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition
- i) any rail vehicle

6 General

- 6.1 Council may, by resolution, and subject to the placement of the appropriate signs permit, prohibit, limit, restrict or control the following on any specified road or portion of road:
- a) the parking and times of parking of vehicles
 - b) the turning or direction of travel of vehicles
 - c) the use and times of use of any specified classes of vehicles
 - d) the use and times of use of an engine brake or similar speed reducing device
 - e) the use and times of use of any road or portion of road as a transport station or vehicle stand for use by passenger service or other vehicles
 - f) fees and charges for parking, tolls and other matters relating to the use of roads
- 6.2 Any matter regulated under 6.1 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.

7 Stopping, Standing and Parking

- 7.1 No person shall stop, stand or park any vehicle:
- a) contrary to the terms of any prohibition or restriction imposed by the Council and evidenced by an authorised traffic sign, notice, permit or road marking which indicates the prohibition or restriction; or
 - b) contrary to the terms of any valid and current voucher, lease, agreement or other written authorisation from the Council.
- 7.2 The owner of any vehicle which cannot be easily moved must obtain prior approval from Council to park that vehicle for any period exceeding seven days on any road or other land under the control or ownership of the Council.
- 7.3 No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless doing so is necessary to enable the vehicle to be removed from the road.
- 7.4 No person shall park or leave a vehicle unattended on or over any footpath, pedestrian walkway or alleyway under the control or ownership of the Council except with the express permission of the Council.
- 7.5 No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or other land under the control or ownership of the Council except with the permission of the Council and in accordance with any conditions that may be required.

This provision does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, where such containers are left on any road or public place for 48 hours or less.

- 7.6 No person shall park any vehicle in a parking space which is already occupied by another vehicle. However up to six motorcycles, but no other vehicle, may occupy any parking space at the same time, and such motorcycles shall park at right angles to the kerb in the parking space.
- 7.7 No person shall park any vehicle in a parking space so that any part of that vehicle extends beyond any line defining that space, unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space.

8 Parking on Grass Berms or Verges

- 8.1 No person shall stop, stand or park a motor vehicle on a grass berm or verge on a regular or long term basis or in such a way as to cause damage or traffic safety issues.
- 8.2 No person shall stop, stand or park a motor vehicle on a grass berm or verge at any time, where prescribed signs indicate no stopping standing or parking, as the case may be.

9 Parking of Heavy Vehicles

No person shall park or leave a heavy vehicle standing on any part of a road for more than 30 minutes unless the heavy vehicle:

- a) is within a designated parking area ;or
- b) is being used for the delivery or removal of goods including passengers other than the driver; or
- c) is being used for the construction or maintenance of services, structures and vegetation within the road reserve.

10 Operation Mobility Parking

- 10.1 No person shall park a vehicle in a parking space which Council has reserved as an operation mobility parking space without an operation mobility permit clearly displayed on the vehicle.
- 10.2 An operation mobility permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

11 Offences and Penalties

- 11.1 Subject to anything to the contrary, every person commits an offence against this Bylaw, and is liable on summary conviction to the penalty set out in the Local Government Act 2002, who:

- a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw;
- b) fails to comply with any condition, duty or obligation imposed by this Bylaw.

11.2 A person may not be subject to proceedings under 11.1 of this bylaw if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

12 Exemptions

12.1 Nothing in this Bylaw shall apply to any emergency vehicle being used in an emergency.

12.2 Nothing in this Bylaw shall apply to a medical practitioner such as a doctor, district nurse or midwife who is attending an emergency.

12.3 A person is not in breach of this Bylaw who can demonstrate that:

- a) The act or omission complained of took place in compliance with the directions of an authorised officer or a traffic control device, or in the case of an act or omission by an authorised officer, was necessary in the execution of his or her duty; or
 - i) The vehicle was at the time of the act or omission complained of engaged in a public work on the road and was being used with due consideration for other road users; and
 - ii) That the act or omission was reasonably necessary for the purposes of that work and the person took all reasonable care to prevent the occurrence of any accident, mishap, collision or damage, and any injury to or interference with any other person animal or property; or
- b) The act or omission complained of was necessary for the loading or unloading of the vehicle in the course of trade, and was done with due consideration to the safety and convenience of other road users and either:
 - i) That alternative access for the purpose of loading or unloading the vehicle was not available, or
 - ii) That where such access was available, the circumstances existing at the time were such that it was unreasonable to require such access to be used.

13 Revocations

As from the day this Bylaw comes into force, the Kawerau District Council Traffic Bylaw 1998 and any amendments in force in the Kawerau District shall be revoked.

The Kawerau District Council Traffic Bylaw 2011 was duly made by a resolution passed at a meeting of the Kawerau District Council held on 25 October 2011 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date