



**WESTLAND DISTRICT COUNCIL**  
**TRAFFIC AND PARKING BYLAW 1999**

**ANALYSIS**

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# **WESTLAND DISTRICT COUNCIL**

## **TRAFFIC AND PARKING BYLAW**

A bylaw of the Westland District Council relating to traffic and parking matters.

In pursuance of the powers vested in it by the Local Government Act 1974, The Transport Act 1962 and of all other powers it thereunto enabling the Westland District Council hereby makes this bylaw.

# PART I

## INTRODUCTION

### **1.0 SHORT TITLE, APPLICATION AND COMMENCEMENT**

This bylaw may be cited as the Westland District Council Traffic and Parking Bylaw 1999. This bylaw shall be read in conjunction with the Local Government Act 1974, the Transport Act 1962 and the Regulations for the time being in force pursuant to the Transport Act 1962.

This bylaw shall come into force 30 days after the adoption thereof.

### **2.0 INTERPRETATION**

In this Bylaw, unless the context otherwise requires:

#### **Council**

means

*the Westland District Council and includes any person, authorised by the Council, to act on its behalf.*

#### **Driver**

means

*the driver of a vehicle and includes the rider of a motor cycle or power cycle or cycle; and 'drive' has a corresponding meaning.*

#### **Footpath**

means

*a path or way, including edging, kerbing and channelling, principally designed for, and used by, pedestrians.*

#### **Local Speed Limit**

means

*a speed limit for vehicle traffic duly imposed by the Council; and 'Local Speed Limit Areas' shall have a corresponding meaning.*

## **Owner**

*in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where:*

- a) *The motor vehicle is subject to a bailment that is for a period not exceeding 28 days, or*
- b) *The motor vehicle is let on hire pursuant to the terms of a rental-service licence.*

*In which case 'Owner' means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle and 'owned' and 'ownership' have corresponding meanings.*

## **Parking**

means

- a) *In relation to any portion of a road where parking is for the time being governed by the location of parking spaces placed pursuant to this bylaw, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes.*
- b) *In relation to any other portion of road, the stopping or standing of a vehicle on that portion of the road, and 'park' and 'parked' have corresponding meanings.*

## **Parking Warden**

means

*a parking warden appointed or deemed to be appointed under Section 7 of the Transport Act 1962.*

## **Parking Space**

means

*a space or section in a parking area or indicated by and lying within markings made by the Council for the accommodation of a vehicle.*

## **Police Officer**

*includes any member of the Police appointed under the Police Act 1958.*

## **Road**

*includes a street, and also includes any place to which the public have access, whether as of right or not, and also includes all off-street car parks, bridges, culverts, ferries and fords forming part of any road, street, or other place as aforesaid, but does not include a motorway within the meaning of the Public Works Amendment Act 1947.*

## **Street**

### **means**

*all that land laid out by the Council as public street and also all that land vested in the Council as public street.*

## **Traffic Sign or Sign**

### **means**

*a sign, light or notice of one of the classes described in Part XII of the Fourth Schedule of the Traffic Regulations 1976 and includes the support to which the sign is attached,*

## **Vehicle**

### **means**

*a contrivance equipped with wheels, tracks or revolving runners upon which it moves or is moved, 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 child's toy or cycle, provided in either case no road wheel (including any tyre) has a diameter exceeding 35 centimetres.*
- e) Any pedestrian controlled lawnmower or any agricultural machinery not propelled by mechanical power*
- f) Any article of furniture*
- g) Any invalid wheel-chair not propelled by mechanical power*
- h) Any other contrivance specified by the Minister of Transport by notice in the New Zealand Gazette*

## PART II

### VEHICLES ON FOOTPATHS AND BERMS

#### **3.0 CROSSING FOOTPATH**

- 3.1 No person shall take any vehicle across any footpath except:
- a) At an authorised crossing installed by the Council and used as access to some property;
  - b) At any other place approved by the Council as a temporary measure when protection of the footpath has been undertaken to ensure no damage will occur to the footpath. This protection may be wooden planks 50 mm thick held and laid close together, steel plates or some other approved material.
- 3.2 Where a footpath has been damaged as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the footpath may be recovered from the owner or the person in charge of that vehicle.

# PART III

## PARKING

### **4.0 STOPPING, STANDING AND PARKING OF VEHICLES**

- 4.1 The Council may from time to time, by resolution, impose parking, restriction on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition or any combination of these.
- 4.2 The Council shall by traffic signs erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping of any vehicle, whether attended or unattended, is prohibited or restricted.
- 4.3 Any of the traffic signs referred to may, by resolution, be supplemented, altered or removed, but while maintained, shall apply to all vehicles other than those specifically excluded on the sign, marking, notice or device.

### **5.0 HOURS OF PARKING**

- 5.1 Every parking space may be occupied for only the time limit as specified between the following hours:

Mondays to Saturdays between 8.00 a.m. and 5.00 p.m.

The above hours may be amended by resolution of Council.

### **6.0 METHOD OF PARKING**

- 6.1
  - a) No driver or person in charge of a vehicle shall park such vehicle on or over any marking indicating the limits of the parking space or in such a position that the said vehicle shall not be entirely within the markings which indicate the limits of the parking space, provided, however, that where such vehicle has a trailer attached, the driver or person in charge thereof may park such vehicle and trailer in two parking spaces which are parallel to the kerb or footway.
  - b) No vehicle shall remain in a parking space once the parking time limit has expired.

## **7.0 TEMPORARY DISCONTINUANCE OF A PARKING SPACE**

- 7.1 If the Council is of the opinion that any parking space or spaces should be temporarily discontinued as parking space, the Council may place or erect, or cause to be placed or erected, a sign or signs sufficiently indicating 'No Stopping' at such parking space or spaces, and it shall be unlawful for any person to stop or park a vehicle at that parking space or spaces affected while any sign or signs are so placed or erected.
- 7.2 If the Council is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space, except for the use of a trades vehicle (as defined by the Council from time to time by resolution) or other specified vehicle, the Council may place or erect or cause to be placed or erected a sign or signs sufficiently indicating 'Reserved Parking' for a specific trade or other specified vehicle at such parking space or spaces and it shall be unlawful for any person other than a person specifically authorised by the Council to stop or park a vehicle at that parking space or spaces affected while any sign or signs are so placed or erected or to remove any sign or signs so placed or erected.

## **8.0 UNLAWFUL PARKING**

- 8.1 No person shall cause, allow, permit or suffer any vehicle to be parked in any parking space except in accordance with or pursuant to the provisions of this bylaw and of any resolutions made thereunder.

## PART IV

### SPEED AND DIRECTIONAL LIMITS

#### **9.0 DELETED**

#### **10.0 ONE WAY STREETS**

The Council may from time to time, by resolution, restrict vehicular movement on any road or part of a road to one specified direction when it is considered that such a restriction would assist in traffic movement. Any such restriction shall not take effect until appropriate traffic signs have been erected on the road so affected.

## PART V

### **11.0 ENFORCEMENT OFFICERS**

11.1 The enforcement of the provisions of this bylaw shall be carried out by either Police Officers, on behalf of the Council, or, where appropriate, by Parking Wardens appointed by the Council.

### **12.0 OFFENCES**

Every person commits an offence against this bylaw who:

- a) Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, domes, zones, markings, traffic signs, or other signs and notices, laid down, placed, or made, or erected in or upon any road or public place in the district pursuant to any provision of this bylaw.

Provided that this sub-clause shall be subject to any clause of this bylaw which deals with the directional flow or movement of any particular kind or kinds of vehicles in any particular area, road or public place, or

- b) Fails to comply with any condition, duty or obligation imposed by this Bylaw.

### **13.0 PENALTIES**

Subject to any penalty provided by any other clause of this bylaw every person who commits an offence against this bylaw shall be liable to a fine not exceeding \$500.00.

### **14.0 DEFENCES**

It shall be a defence to any person charged with a breach of any parking provision in Part III hereof if that person proves:

- a) That the Act complained of was done reasonably in circumstances of traffic emergency or in compliance with the directions of a Police Officer, traffic control signal or traffic sign, or in the case of an act done by a Police Officer, was necessary in the execution of his or her duty.
- b)
  - i) That the vehicle was at the time of the act complained of actually engaged in a public work on the road, and
  - ii) That the vehicle was being used on the road with due consideration for other road users, and
  - iii) That the act complained of was reasonably necessary for the purposes of that work, and
  - iv) That the person took all reasonable care to prevent the occurrence of any accident, mishap, collision, or damage, or in any injury to or

interference with any other person, animal, or property arising by reason of the act.

- c) That the act 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.

## **15.0 EXEMPTED VEHICLES**

This bylaw shall not apply to the following classes of vehicles:

- a) A vehicle used as an ambulance and being at the time used on ambulance service.
- b) A vehicle being used by the New Zealand Fire Service to answer a request for an emergency service.
- c) A vehicle used by a Police Officer lawfully engaged in the course of Police duties.

*The Special Resolution to make this bylaw was passed by the Westland District Council at an Ordinary Meeting of the said Council held on the nineteenth day of August 1999, which resolution was confirmed at a subsequent meeting of the Council held on the sixteenth day of September 1999.*

The initial resolution to make this Bylaw was reviewed in 2008 as required by Section 158 of the Local Government Act 2002. The review process resulted in Clause 9.0 being deleted.

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**MAYOR**

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**GENERAL MANAGER**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**