



# **WESTLAND DISTRICT COUNCIL** **TRAFFIC AND PARKING BYLAW 2013**

## **ANALYSIS**

| <b>CONTENTS</b>                                  | <b>PAGE<br/>NO.</b> |
|--------------------------------------------------|---------------------|
| <b>ANALYSIS</b>                                  | 1                   |
| <b>PARKING BYLAW</b>                             | 2                   |
| <b>PART I – INTRODUCTION</b>                     |                     |
| 1.0 Short Title & Commencement                   | 3                   |
| 2.0 Interpretation                               | 3-8                 |
| <b>PART II - VEHICLES ON FOOTPATHS AND BERMS</b> |                     |
| 3.0 Crossing Footpath or Berm                    | 8                   |
| <b>PART III - PARKING</b>                        |                     |
| 4.0 Stopping, Standing & Parking of Vehicles     | 9                   |
| 5.0 Hours of Parking                             | 9                   |
| 6.0 Method of Parking                            | 9                   |
| 7.0 Temporary Discontinuance of a Parking Space  | 10                  |
| 8.0 Unlawful Parking                             | 10                  |
| <b>PART IV - SPEED &amp; DIRECTIONAL LIMITS</b>  |                     |
| 9.0 One Way Systems                              | 11                  |
| <b>PART V - MISCELLANEOUS</b>                    |                     |
| 10.0 Enforcement Officers                        | 12                  |
| 11.0 Offences                                    | 12                  |
| 12.0 Penalties                                   | 12                  |
| 13.0 Defences                                    | 12                  |
| 14.0 Exempted Vehicles                           | 13                  |
| 16.0 Revocation                                  | 13                  |

# **WESTLAND DISTRICT COUNCIL**

## **TRAFFIC AND PARKING BYLAW**

The purpose of this Bylaw is to set the requirements for parking and control of vehicle traffic on any road in Westland District, excluding State Highways controlled by the New Zealand Transport Agency unless the Council and the New Zealand Transport Agency have entered into an agreement providing that this Bylaw applies to those roads.

This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Acts and Regulations. This includes the Land Transport (Road User) Rule 2004, which should be referred to in conjunction with 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 2013. This bylaw shall be read in conjunction with the Local Government Act 2002, the Land Transport Act 1998 and the Regulations for the time being in force pursuant to the Land Transport Act 1998.

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

### **2.0 INTERPRETATION**

In this Bylaw, unless the context otherwise requires:

#### **Authorised Officer**

means

*any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under section 128D of the Land Transport Act 1998 or Police Officer.*

#### **Council**

means

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

#### **Disabled person parking space**

means

*an area reserved for the stopping, standing or parking of vehicles displaying a current Mobility Parking Permit issued by CCS Disability Action.*

## **Driver**

### **means**

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

## **Footpath**

### **means**

*as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.*

## **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.*

## **Owner**

### **means**

*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 128D of the Land Transport Act 1998.*

## **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.*

## **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 traffic control device prescribed by Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004*

## **Vehicle**

### **means**

*a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*

*(b) Includes a hovercraft, a skateboard, in-line skates, and roller skates; but*

*(c) Does not include—*

*A perambulator or pushchair:*

*(ii) A shopping or sporting trundler not propelled by mechanical power:*

*(iii) A wheelbarrow or hand-trolley:*

*(iv) A pedestrian-controlled lawnmower:*

*(v) A pedestrian-controlled agricultural machine not propelled by mechanical power:*

*(vi) An article of furniture:*

*(vii) A wheelchair not propelled by mechanical power:*

*(viii) Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:*

*(ix) Any rail vehicle.*

## **PART II**

### **VEHICLES ON FOOTPATHS AND BERMS**

#### **3.0 CROSSING FOOTPATH OR BERM**

- 3.1 No person shall take any vehicle across any footpath or berm except:
- a) At an authorised crossing installed or maintained 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 or berm has been damaged as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the footpath or berm 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 restrictions 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 6.00 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.



- 6.2 a) No driver or person in charge of a vehicle shall park such vehicle on any disabled parking space designated pursuant to this Bylaw unless there is clearly displayed within such vehicle a current Operation Mobility Card issued by the CCS DISABILITY ACTION to the driver or person in charge of such vehicle or to some other person being carried or about to be carried in such vehicle.
- b) No person parking in a disability park with a permit shall exceed a maximum period of two hours.

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

- 7.1 If an Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as parking space, the Authorised Officer 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 Authorised Officer 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 Authorised Officer 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 Authorised Officer 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 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**

### **10.0 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 by Parking Wardens appointed by the Council.

### **11.0 OFFENCES**

11.1 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.
- c) Drives or parks a vehicle on any grassed or cultivated area under the control of Council.

### **12.0 PENALTIES**

12.1 Where a Parking Warden has reason to believe that the user of a vehicle has committed a parking offence that is an infringement offence:

- a) The user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957 and in such case the maximum penalty shall be the maximum penalty for such offences provided for in the Transport Act 1962, and the Land Transport Act 1998;
- b) A Parking Warden may issue an infringement notice in respect of the alleged offence in which case the infringement fee payable shall be the maximum infringement fee specified in Part 1 of the Second Schedule to the Transport Act 1962 or the Land Transport Act 1998, as amended from time to time.

- 12.2. The fees fixed for parking infringements shall be the maximum fees as specified in part one of the second schedule to the Transport Act 1962 and as amended from time to time.

### **13.0 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.

### **14.0 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.
- d) A vehicle where the driver has an authorisation from the Council to occupy a parking space beyond a parking time limit.

## **15.0 REVOCATION**

The Westland District Council Traffic and Parking Bylaw 1999 is hereby revoked.

The initial resolution to make this Bylaw was passed by the Westland District Council at an ordinary meeting of the Council held on the twenty-sixth day of September 2013 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 28<sup>th</sup> day of November, 2013.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL was affixed in the presence of:

---

**MAYOR**

---

**CHIEF EXECUTIVE**

**Adopted by Council on the 28 November 2013.**