

WESTLAND DISTRICT COUNCIL
TRAFFIC AND PARKING BYLAW 2013



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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. 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. INTERPRETATION

"Authorised officer" means any person appointed or authorised by Council to act on its behalf and includes:

- (a) any police officer; or
- (b) parking warden appointed under section 128D of the Land Transport Act 1998 or enforcement officer.

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

"Boat" includes a speedboat, yacht, jet-ski, canoe, kayak, dinghy, or raft.

"Bylaw" means this Traffic Bylaw.

"Coupon exemption permit" means a permit issued by Council under clause 8.4 of this Bylaw.

"Coupon parking area" means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to the valid display of a parking coupon.

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

"Cycle track" means any land set aside by Council as a public cycle track under section 332 of the Local Government Act 1974.

"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.

"Enforcement officer" means a sworn member of the New Zealand Police or any person appointed as a parking warden by Council.

"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.

"Metered parking area" means an area specified by Council resolution under clause 4.1(a) of this Bylaw, in which parking is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by Council.

"Motor vehicle" has the meaning set out in section 2(1) of the Land Transport Act 1988.

"Night" means the period commencing 30 minutes after sunset and ending 30 minutes before sunrise.

"Outdoor Dining" or **"Parklets"** means an area specifically set aside and designated as such for the purpose of creating an area for use as dining or

seating for the general public or shop customers. These areas will generally be constructed within the road corridor and licensed to individuals or businesses for development of dining areas or miniature park type arrangements. Development and licensing of these areas will be covered by a separate specific policy document.

“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” has the meaning set out in clause 1.6 of Part 1 of the Land Transport (Road User) Rule 2004, and **“park”** and **“parked”** have corresponding meanings.

“Parking coupon” means a coupon, issued by or on behalf of Council to any person, authorising the parking of a vehicle in a coupon parking area under this Bylaw, and it may include any conditions Council considers appropriate.

“Parking space” means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

“Public place” includes any road, street, public highway, footpath, footway, court, alley, lane, access way or thoroughfare open to or used by the public as of right and includes a reserve within the meaning of section 2 of the Reserves Act 1977.

“Road” has the meaning set out in section 2(1) of the Land Transport Act 1998.

“Skating ban area” means a public place specified by Council resolution under clause 15.1 of this Bylaw and outlined in Schedule 1.

“Time restricted parking area” means a parking space specified by Council resolution under clause 3.1 of this Bylaw as a time restricted parking area.

“Traffic control device” has the meaning given to that term in the Land Transport Rule: Traffic Control Devices 2004.

“Traffic management plan” means a document describing the diagram, implementation, maintenance and removal of temporary traffic management that has been approved by Council resolution.

“Trailer” means a vehicle without motor power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include:

- (a) a side car attached to a motorcycle; or
- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

“Vehicle” has the meaning set out in section 2(1) of the Land Transport Act 1998.

“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.

3. GENERAL

3.1 This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Act 1998.

3.2 Council may by resolution:

(a) prohibit or otherwise restrict the stopping, standing or parking of vehicles on any road or part of a road or on any piece of land owned or controlled by Council;

(b) set aside, designate or reserve any road, part of a road or any piece of land owned or controlled by Council, as:

- (i) stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
- (ii) operation mobility parking spaces;
- (iii) parking places and zone parking;
- (iv) transport stations;
- (v) clearways;
- (vi) cycle lanes and cycle paths;
- (vii) reserved parking areas;
- (viii) outdoor dining or "parklets" as defined in any WDC policy on Outdoor Dining and "Parklets";
- (ix) special vehicle lanes or lanes for vehicles carrying specified classes of loads or not less than a specified number of occupants;
- (x) one-way roads; and
- (xi) nominate intersections and places where traffic control devices may be installed, used, or erected (including but not limited to traffic signals, 'give way' signs and 'stop' signs); and

(c) prohibit or restrict:

- (i) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing U-turns) on specified roads;
- (ii) left turns, right turns or through movements;
- (iii) weights of vehicles or loads that may pass over bridges or culverts;
- (iv) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reasons of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
- (v) parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
- (vi) the use of roads by pedestrians;
- (vii) the use of roads by cyclists;
- (viii) the use of roads or public places for the display of motor vehicles for trading or sale; and

- (ix) parking during road upgrade and / or maintenance work; and
- (d) permit turning movements to be made only by:
 - (i) passenger service vehicles;
 - (ii) vehicles of other specified classes; and
 - (iii) vehicles carrying specified classes of loads or not less than a specified number of occupants.

3.3 A resolution may be made under clause 3.2:

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- (c) that applies to any road or part of a road under the care, control, or management of Council; or
- (d) that applies at any specified time or period of time.

3.4 Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 3.2 at any time

PART II - VEHICLES ON FOOTPATHS AND BERMS

4. CROSSING FOOTPATH OR BERM

4.1 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.

4.2 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 - COUNCIL POWERS TO IMPOSE PARKING RESTRICTIONS GENERALLY, AND TO SPECIFY TIME RESTRICTED, COUPON OR METERED PARKING AREAS, OUTDOOR DINING AND PARKLET AREAS, AND RESERVED PARKING OR NO STOPPING AREAS

5. STOPPING, STANDING AND PARKING OF VEHICLES

- 5.1** 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.
- 5.2** 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.
- 5.3** 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.

6. TIME RESTRICTED PARKING

- 6.1** Council may by resolution specify any road, part of a road, or piece of land owned or controlled by Council, to be a time restricted parking area.
- 6.2** Council may impose the following conditions by resolution in respect of any time restricted parking area:
- (a) the time or times during which parking restrictions have effect;
 - (b) the number and situation of parking spaces within each time restricted parking area;
 - (c) the maximum time allowed for parking in any space within any time restricted parking area;
 - (d) the fees payable for parking in any parking space within a time restricted parking area;
 - (e) the class or description of vehicles that may stop, stand or park within a time restricted parking area;
 - (f) the means by which fees may be paid in respect of each time restricted parking area and
 - (g) any other condition Council sees fit.
- 6.3** 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.

7. COUPON OR METERED PARKING AREAS

7.1 Council may by resolution specify:

- (a) any geographic area as a coupon parking area or a metered parking area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
- (b) the days and times for which fees apply to each coupon parking area or metered parking area;
- (c) the length of time, if any, for which a vehicle may be parked in a parking space in a coupon parking area without validly displaying a parking coupon or a coupon exemption permit;
- (d) the date and time at which a decision made under this clause 7.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area or metered parking area.

7.2 Council may amend by resolution or revoke a decision made under clause 7.1 of this Bylaw at any time.

8. OUTDOOR DINING OR “PARKLETS”

8.1 Council may by resolution specify:

- (a) any geographic area as an Outdoor Dining or “Parklet” area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these;
- (b) the date and time at which a decision made under this clause 8.1 comes into effect.

8.2 Council may by resolution amend or revoke a decision made under clause 8.1 of this Bylaw at any time.

9. RESERVED PARKING AND NO STOPPING AREAS

9.1 Council may by resolution designate any parking space or spaces as a reserved parking or no stopping area for any specified period.

9.2 Council may grant a permit for temporary reserved parking or to allow parking on a temporary no stopping area on such conditions as Council considers appropriate.

9.3 No person may park a vehicle in a parking space that has a “Reserved Parking” sign in place unless the person:

- (a) holds a reserved parking permit from Council; and
- (b) is acting in accordance with any conditions imposed by Council on the permit.

9.4 No person may stop, stand or park a vehicle in a parking space that has a “No Stopping” sign in place.

PART IV – RESTRICTIONS ON PARKING

10. TIME RESTRICTED PARKING

10.1 No person being the driver or the person in charge of any vehicle may drive, stop, stand or park, or otherwise use that vehicle in a manner that is contrary to any prohibition, limitation or restriction imposed from time to time by resolution of Council in relation to a time restricted parking area.

11. RESTRICTION ON PARKING IN COUPON PARKING AREAS

11.1 No person may park in a parking space in a coupon parking area on the days and during the times specified by Council under clause 7.1(b) of this Bylaw, and for longer than any period of time specified by Council under clause 7.1(c) of this Bylaw, unless the person validly displays:

- (a) a parking coupon; or
- (b) a coupon exemption permit.

11.2 For the purposes of clause 11.1 of this Bylaw, a parking coupon or coupon exemption permit is validly displayed only if:

- (a) the person parks the vehicle in accordance with any conditions imposed by Council on the use of a parking coupon or coupon exemption permit; and
- (b) the parking coupon or coupon exemption permit is displayed prominently inside the vehicle to which the coupon or permit relates, so that it can be read from outside the vehicle.

11.3 A person may apply to Council for a coupon exemption permit, using a Council approved form, if the person requires the permit in connection with the activities of a business, school, or community service group.

11.4 Council may issue a coupon exemption permit on such conditions as Council considers appropriate.

12. RESTRICTION ON PARKING IN METERED PARKING AREAS

12.1 No person may stop, stand, or park a vehicle in a parking space in a metered parking area on the days and during the times specified by Council under clause 7.3 of this Bylaw without paying the prescribed fee for that parking space.

13. RESTRICTIONS ON PARKING IN PARKING SPACES

13.1 No person may park a vehicle on or over the road markings indicating the limits of a parking space.

13.2 Clause 13.1 of this Bylaw does not apply to a vehicle with a trailer attached to it if:

- (a) the vehicle and the trailer are parked within the outer limits of two adjacent parking spaces; and
- (b) if the parking spaces are in a payment parking area, the person in charge of the vehicle pays the prescribed fee in respect of both parking spaces.

13.3 No person may park a vehicle in a parking space that is already occupied by another vehicle.

13.4 Clause 13.3 of this Bylaw does not apply to a motor cycle if:

- (a) it is parked in the same parking space as another motor cycle;
- (b) there is sufficient room to park more than one motor cycle in the parking space so that any of the motor cycles can be safely removed from the parking space at any time; and
- (c) if the parking space is in a payment parking area, a person in charge of one of the motor cycles in the parking space pays the prescribed fee.

13.5 a) No driver or person in charge of a vehicle shall park such vehicle on any disabled person 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.

14. PARKING ON THE GRASS

14.1 No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road:

- (a) so as to cause or be likely to cause damage to the cultivated area; or
- (b) so as to obstruct other traffic or pedestrians or any view of the roadway to the driver of a vehicle entering or exiting the roadway.

14.2 Clause 14.1(a) of this Bylaw does not apply if an occupier of a property parks adjacent to that person's property contrary to clause 14.1(a) because there is no off-street parking on that person's property due to the topography of the land and no on street parking within a reasonable walking distance of that person's property.

15. PARKING IMMOBILISED OR UNLICENSED VEHICLES

15.1 No person may stop, stand, or park a vehicle on a road for 7 days or more that:

- (a) has no motive power in or attached to it; or
- (b) is in such a state that it cannot be driven safely.

15.2 Council may seize and impound any vehicle in breach of clauses 15.1 of this Bylaw.

16. TEMPORARY DISCONTINUANCE OF A PARKING SPACE

16.1 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.

16.2 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.

PART V – TRAFFIC RESTRICTIONS

17. DISPLAYING VEHICLES FOR SALE ON ROAD

17.1 A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

18. SKATEBOARDS

18.1 Council may by resolution specify a skating ban area, either generally or only in relation to specified times and days.

18.2 Council may by resolution amend or revoke a decision made under clause 18.1 of this Bylaw at any time.

18.3 No person may ride in or on a skateboard, go-cart, roller blades, roller skates, or similar thing:

- (a) on a public place in a manner that is dangerous or creates a nuisance for traffic or pedestrians;
- (b) on a road or public place during the night; or
- (c) in a skating ban area.

18.4 Clause 18.3 of this Bylaw does not apply to any facilities in a public place, provided by Council, that are for the purpose of riding in or on a skateboard, go-cart, roller blades, roller skates or similar thing.

18.5 No person may organise, hold, or conduct a competition or gathering that involves riding on or in a skateboard, go-cart, roller blades, roller skates, or similar thing on a road or public place without the prior written permission of Council.

18.6 Any person doing an activity under clause 18.5 of this Bylaw must comply with any conditions imposed by Council on its written permission.

19. PLACING CONTAINERS ON ROADS

19.1 No person may place or permit another to place a container that is greater than 1.5 metres wide or three (3) metres long on a road without the prior written permission of Council.

19.2 Any person doing an activity under clause 19.1 of this Bylaw must comply with any conditions imposed by Council in its written permission.

19.3 Subject to clause 19.1, no person may place or permit another to place a container that is less than 1.5 metres wide or three (3) metres long on a road unless:

- (a) it is not practicable to place the container on any land owned by that person that is adjacent to the road where the container is placed;
- (b) the name of, and a 24 hour contact telephone number for, the owner of the container are prominently displayed on the container;
- (c) the container does not obstruct any part of a footpath and is at least 15 metres from any corner, intersection, or pedestrian crossing. Council may require this distance to be increased.
- (d) the container has a white face presented to any oncoming traffic, and has a reflector of at least 100mm x 100mm on the corners of the container closest to oncoming traffic; and
- (e) where there is no illumination by street light the container must not be placed on any road during the hours of darkness unless the corner of the container closest to the centre of the road is fitted with a rearward facing red light visible to approaching traffic from a distance of 100 metres;
- (f) if the container is in a parking space in a coupon parking area, metered parking area, or residents' parking area or an area subject to a time restriction imposed by Council under any enactment, the person has the prior written permission of Council and is complying with any conditions imposed by Council on its written permission.

19.4 In this clause 19, "container" includes a skip bin, bulk bin, or other receptacle for holding litter or other materials, or any pallet load or pile of bulk materials.

20. ADVERTISING ON THE ROAD

20.1 No person may place an advertising sign, notice, or marker on a road so as to:

- (a) cause a safety hazard for traffic or pedestrians;
- (b) obstruct or be likely to obstruct pedestrians or traffic or any view of the roadway to the driver of a vehicle that is approaching any corner, bend, rise, dip, traffic island, or intersection unless authorised by Council.

21. ROAD UPGRADE AND / OR MAINTENANCE WORK

21.1 Clauses 21.2 and 21.3 apply if Council intends to undertake road upgrade and / or maintenance work, and a vehicle or vehicles are potentially parked and are likely to impede the works.

21.2 No later than 48 hours before work commences, Council must provide notice of the activity, through residential post boxes or on vehicles parked in the street in which the activity is to take place. The notice will require that vehicles be removed from the

road, parking space, building or transport station to allow the upgrade and / or maintenance activity to occur. After issuing a notice, Council will not be required to make any further contact with the owners of the vehicles prior to their removal.

21.3 No vehicle may remain parked contrary to a notice issued in accordance with clause 21.2.

22. VEHICLE AND CONTAINER REMOVAL

22.1 In addition to the powers conferred on it by any other enactment, Council or an authorised officer may remove or cause to be removed from any road or part of a road or on any piece of land owned or controlled by Council, any vehicle or thing using those places in breach of this Bylaw.

PART VI – OTHER

23. DEFENCES

23.1 Any person who would otherwise commit an offence under this Bylaw has a defence if the act complained of was done in compliance with the directions of an enforcement officer.

23.2 Any person prosecuted for an offence under clauses 9 or 10 of this Bylaw has a defence if the act complained of was done during the loading or unloading of a vehicle in the course of trade, and the vehicle was being used with due consideration for the safety and convenience of traffic and pedestrians.

24. EXEMPTIONS TO THIS BYLAW

24.1 This Bylaw does not apply to any person who commits an act that was done in accordance with a valid traffic management plan.

24.2 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.

25. FEES AND OFFENCES

25.1 Council may, by resolution, prescribe, abolish or amend fees, whether annual, hourly or otherwise as Council may reasonably require for any parking space, parking spaces or permission required under this Bylaw.

25.2 Every person commits an offence against this Bylaw who fails to comply with any requirement or restriction imposed by this Bylaw or any resolution made under it.

25.3 Council may recover from any person who commits a breach of this Bylaw the appropriate costs in connection with the removal of the vehicle or thing.

25.4 Council may, by resolution, prescribe, abolish or amend infringement fines amounts for breaches of this Bylaw or any resolution made under it.

25.5 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.

26. RESTRICTIONS BY RESOLUTION

26.1 If a prohibition, restriction, control or direction is already provided for in an enactment or Land Transport Rule, a Council resolution is not required.

27. 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 29th day of November, 2013.

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

MAYOR

CHIEF EXECUTIVE

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 2 July 2018.