

HUTT CITY COUNCIL BYLAW 2007

TRAFFIC

Adopted by Council 3 July 2007

1. Interpretation

"Beach" does not include the area below the line of mean low water springs.

"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 the Council under clause 5.4 of this Bylaw.

"Coupon parking area" means an area specified by the Council under clause 2.1(a) of this Bylaw, in which parking is subject to the valid display of a parking coupon.

"Council" means the Hutt City Council.

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

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

"Metered parking area" means an area specified by the Council under clause 2.1(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 the 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.

"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 the Council to any person, authorising the parking of a vehicle in a coupon parking area under this Bylaw, and it may include any conditions the Council considers appropriate.

"Parking space" means a space defined by road markings for the accommodation of a vehicle.

"Prescribed fee" means a fee prescribed by the Council under clause 2.3 of this Bylaw.

"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.

"Residents' parking permit" means a permit issued by the Council under clause 3.6 of this Bylaw.

"Residents' parking area" means an area specified by the Council under clause 3.1(a) of this Bylaw as a residents' parking area.

"Residents' parking space" means a parking space specified by the Council under clause 3.1(b) of this Bylaw as a residents' parking space, but only during the days and times specified by Council under clause 3.1(c) of this Bylaw.

"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 the Council under clause 12.1 of this Bylaw.

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

“**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.

PART 1 – Council Powers to Specify Coupon or Metered Parking areas, Residents’ Parking Areas, and Reserved Parking or No Stopping Areas

2. Coupon or metered parking areas

2.1 The Council may 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 2.1 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.

2.2 The Council may amend or revoke a decision made under clause 2.1 of this Bylaw at any time.

2.3 The Council may prescribe fees for a metered parking area or a coupon parking area using the special consultative procedure under the Local Government Act 2002.

2.4 Parking in a coupon parking area or a metered parking area may be subject to any other restrictions as may be imposed by the Council under any enactment.

3. Residents’ parking

3.1 The Council may specify:

- (a) any geographic area as a residents’ 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 parking spaces in the residents’ parking area that are resident’s parking spaces;
- (c) the days and times that the parking spaces referred to in clause 3.1(b) of this Bylaw are residents’ parking spaces;
- (d) the date and time at which a decision made under this clause 3.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents’ parking area.

- 3.2 The Council may amend or revoke a decision made under clause 3.1 of this Bylaw at any time.
- 3.3 Any residents' parking space is not subject to any coupon parking area or metered parking area restrictions, or any time-limit restrictions that are imposed by the Council under any enactment.
- 3.4 A person may apply to the Council for a residents' parking permit, using a Council approved form.
- 3.5 A person may apply for a residents' parking permit only in respect of a particular vehicle and a particular residents' parking area if:
- (a) the person's main place of residence is on a road in the residents' parking area; and
 - (b) the person is the registered owner of the vehicle; or
 - (c) the person has the registered owner's written permission to apply for a residents' parking permit in respect of the vehicle.
- 3.6 The Council may grant a residents' parking permit on such conditions as the Council considers appropriate.
- 3.7 A person who holds a residents' parking permit may apply to the Council to have the permit re-issued in respect of a different vehicle for the remaining part of the permit's duration without paying any fee.

4. Reserved parking and no stopping areas

- 4.1 The Council may designate any parking space or spaces as a reserved parking or no stopping area for any specified period.
- 4.2 The Council may grant a permit for temporary reserved parking or a temporary no stopping area on such conditions as the Council considers appropriate.
- 4.3 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 the Council; and
 - (b) is acting in accordance with any conditions imposed by the Council on the permit.
- 4.4 No person may stop, stand or park a vehicle in a parking space that has a "No Stopping" sign in place.

PART 2 – Restrictions on Parking

5. Restriction on parking in coupon parking areas

- 5.1 No person may park in a parking space in a coupon parking area on the days and during the times specified by the Council under clause 2.1(b) of this Bylaw, and for longer than any period of time specified by the Council under clause 2.1(c) of this Bylaw, unless the person validly displays:
- (a) a parking coupon; or
 - (b) a coupon exemption permit.
- 5.2 For the purposes of clause 5.1 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 the 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.
- 5.3 A person may apply to the 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.
- 5.4 The Council may issue a coupon exemption permit on such conditions as the Council considers appropriate.
- 5.5 A Council officer may require the driver or person in charge of a vehicle parked in a coupon parking area to produce a parking coupon for inspection.

6. Restriction on parking in metered parking areas

- 6.1 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 the Council under clause 2.1(b) of this Bylaw without paying the prescribed fee for that parking space.

7. Restriction on parking in resident's parking areas

- 7.1 No person may park in a residents' parking space in a residents' parking area unless:
- (a) the person holds a residents' parking permit from the Council for that residents' parking area;
 - (b) the person parks the vehicle in accordance with any conditions imposed by the Council on the permit; and
 - (c) the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle.

8. Restrictions on parking in parking spaces

- 8.1 No person may park a vehicle on or over the road markings indicating the limits of a parking space.
- 8.2 Clause 8.1 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.
- 8.3 No person may park a vehicle in a parking space that is already occupied by another vehicle.
- 8.4 Clause 8.3 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.

9. Parking on the grass

- 9.1** 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, so as to cause or be likely to cause damage to the cultivated area.
- 9.2** Clause 9.1 of this Bylaw does not apply if:
- (a) a person parks contrary to clause 9.1 because there is no off-street parking on that person's property due to the topography of the land; and
 - (b) the person parks the vehicle with due consideration for the safety and convenience of traffic and pedestrians.

10. Parking immobilised or unlicensed vehicles

- 10.1** No person may stop, stand, or park a vehicle on a road that does not have the vehicle registration number displayed on it, either on registration plates or a licence issued under Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.
- 10.2** No person may stop, stand, or park a vehicle on a road that:
- (a) has no motive power in or attached to it; or
 - (b) is in such a state that it cannot be driven safely, for 7 days or more.
- 10.3** The Council may seize and impound any vehicle in breach of clauses 10.1 or 10.2 of this Bylaw in accordance with section 164 of the Local Government Act 2002.
- 10.4** In this clause 10, "vehicle" includes trailers, caravans, boats, and the shell or hulk of a vehicle.

PART 3 – Traffic Restrictions

11. Displaying vehicles for sale on road

- 11.1** No person may stop, stand, or park a vehicle on a road for the purpose of displaying the vehicle for sale, with one or more other vehicles that are being displayed for sale, so as to cause a safety hazard for traffic or pedestrians.

12. Skateboards

- 12.1** The Council may specify a skating ban area, either generally or only in relation to specified times and days.
- 12.2** The Council may amend or revoke a decision made under clause 12.1 of this Bylaw at any time.
- 12.3** Before making a decision under clause 12.1 of this Bylaw, the Council must take into account:
- (a) whether it is necessary to consult with the public to gauge community views on a proposed skating ban area;
 - (b) the nature, features, and scale, of the proposed skating ban area;
 - (c) the problems that have been caused by skating activities in the proposed skating ban area, including the nature and severity of the problems and the times and days that problems have occurred; and
 - (d) the extent to which the proposed skating ban area may assist in addressing these problems.

- 12.4** 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.
- 12.5** Clause 12.4 of this Bylaw does not apply to any facilities in a public place, provided by the Council, that are for the purpose of riding in or on a skateboard, go-cart, roller blades, roller skates or similar thing.
- 12.6** 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 the Council.
- 12.7** Any person doing an activity under clause 12.6 of this Bylaw must comply with any conditions imposed by Council on its written permission.

13. Placing containers on roads

- 13.1** No person may place or permit another to place a container that is greater than 1.5 metres wide or 3 metres long on a road without the prior written permission of the Council.
- 13.2** Any person doing an activity under clause 13.1 of this Bylaw must comply with any conditions imposed by the Council in its written permission.
- 13.3** Subject to clause 13.1, no person may place or permit another to place a container that is less than 1.5 metres wide or 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;
 - (d) the container has a white face presented to any oncoming traffic, and has a reflector of at least 100mm x 100mm on any corner of the container facing traffic; and
 - (e) 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 the Council under any enactment, the person has the prior written permission of the Council and is complying with any conditions imposed by the Council on its written permission.
- 13.4** In this clause 13, "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.

14. Advertising on the road

- 14.1** No person may place an advertising sign, notice, or marker on a road so as to cause a safety hazard for traffic or pedestrians.

15. Window washers

- 15.1 No person may wash or clean the windows or attempt to wash or clean the windows of any vehicle stopped at any intersection or approach to any intersection.

16. Cycle tracks

- 16.1 No person may drive or ride a motor vehicle on a cycle track.

17. Beaches

- 17.1 No person may drive, ride or park a motor vehicle on a beach unless:
- (a) it is necessary to do so in order to launch or land a boat at a boat launching area designated by the Council; or
 - (b) the person has the prior written permission of the Council to do so, and complies with any conditions imposed by the Council on its written permission.
- 17.2 The Council may give permission under clause 17.1(b) to a person or give a general permission in respect of an event without identifying particular persons.

PART 4 - Other

18. Defences

- 18.1 Any person prosecuted for an offence under this Bylaw has a defence if the act complained of was done in compliance with the directions of an enforcement officer.
- 18.2 Any person prosecuted for an offence under clauses 5 or 6 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.

19. Exemptions to this Bylaw

- 19.1 This Bylaw does not apply to any person who commits an act that:
- (a) was done in accordance with a valid traffic management plan approved by the Council; or
 - (b) is the subject of a dispensation granted by the Council under clause 111 of the Introductory Bylaw.
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Commentary

The following comments do not form part of the Traffic Bylaw. They are provided to alert readers to relevant law and information that relate to the Bylaw.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002, and the Transport Act 1962.

Offences

It is an offence under section 239 of the Local Government Act 2002 to breach a bylaw. If you breach this Bylaw, you may be liable on conviction to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002.

Definitions

The interpretation section of this Bylaw refers to various definitions in some Acts. These include:

"Parking" means -

- (a) *in relation to a portion of a road where parking is for the time being governed by the location of parking meters or vending machines placed under the authority of a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;*
- (b) *in relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.*

"Road" includes -

- (a) *A street; and*
- (b) *A motorway; and*
- (c) *A beach; and*
- (d) *A place to which the public have access, whether as of right or not; and*
- (e) *All bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d);*
- (f) *All sites at which vehicles may be weighed for the purposes of this Act or any other enactment:*

"Motor vehicle" -

- (a) *Means a vehicle drawn or propelled by mechanical power; and*
- (b) *Includes a trailer; but*
- (c) *Does not include -*
 - (i) *A vehicle running on rails; or*
 - (ii) *Repealed.*
 - (iii) *A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or*
 - (iv) *A trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or*
 - (v) *A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or*
 - (vi) *A pedestrian-controlled machine; or*

- (vii) *A vehicle that the Director has declared under section 168A is not a motor vehicle; or*
- (viii) *a mobility device.*

“Vehicle” -

- (a) *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 –*
 - (i) *a perambulator or pushchair;*
 - (ii) *a shopping or sporting trundler not propelled by mechanical power;*
 - (iii) *a wheelbarrow or hand-trolley;*
 - (iv) *repealed;*
 - (v) *a pedestrian -controlled lawnmower;*
 - (vi) *a pedestrian-controlled agricultural machine not propelled by mechanical power;*
 - (vii) *an article of furniture;*
 - (viii) *[a] wheel-chair not propelled by mechanical power;*
 - (ix) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;*
 - (x) *any rail vehicle.*

Beaches

The Bylaw generally prohibits driving or parking on beaches. However, the Council envisages that it may grant permission under clause 17.1(b) of the Bylaw to attendees of particular events, such as regattas, to park on beaches. If you are organising an event that may require parking on a beach, please contact the Council (see the section on “Getting a permit from the Council” below).

Signs

The Council is obliged to install signs that instruct road users about requirements, restrictions and prohibitions on road users that the Council has made under this Bylaw. Signs will be installed in accordance with the Land Transport Rule: Traffic Control Devices 2004.

Fees

The Council may set fees under this Bylaw for parking in various parking areas in accordance with the special consultative procedure under the Local Government Act 2002. It is expected that the setting of parking fees will normally be carried out as part of the long-term council community plan process.

Getting a permit from the Council

If you want a permit from the Council in relation to this Bylaw, you should contact the Council Call Centre on ph 570 6666 and they will direct you to the appropriate person. There may be an application form you will need to fill in. Council officers will be able to assist you in completing an application form if you have any queries.