

HUTT CITY COUNCIL BYLAW 2005

SPEED LIMITS

Adopted by Council 8 March 2005

This Bylaw allows the Council to designate urban traffic areas and to set and amend speed limits by resolution for the Lower Hutt City area, on all roads under its jurisdiction and in certain designated locations.

This Bylaw is made pursuant to section 684(13) of the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

1 Definitions

1.1 In this Bylaw

“**Council**” means the Hutt City Council.

“**Designated locations**” has the same meaning as in Section 4.1(2) of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

“**Road**” has the same meaning as in Part 2 of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001, but does not include any State Highways within the Council’s district.

“**Speed limit**” has the same meaning as in Part 2 of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001, but does not include temporary speed limits set under section 5 of that Rule.

“**Urban traffic area**” has the same meaning as in Part 2 of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

“**Vehicle**” has the same meaning as in section 2(1) of the Land Transport Act 1998.

2 Application of this Bylaw

2.1 This bylaw applies to all roads under the jurisdiction of the Council.

3 Speed Limits

3.1 The Council may, by resolution, set speed limits or designate urban traffic areas for any roads under the Council’s jurisdiction.

3.2 The Council may, by resolution, set speed limits for roads in any designated locations under the Council’s jurisdiction.

3.3 In setting speed limits under clauses 3.1 or 3.2, the Council may set only speed limits of 20, 30, 40, 50, 60, 70, 80, or 100km/h.

3.4 The Council may amend or revoke a resolution made under clauses 3.1 or 3.2 at any time.

3.5 Where a speed limit is set or amended, the Council must mark such areas to which the speed limit applies by notices or signs as required by the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

- 3.6 The Council must maintain a Lower Hutt City Speed Limits Plan, recording the current speed limits for the roads under the Council's jurisdiction, and make that available on the Council's website and for inspection by members of the public at the Council's offices.

4 Consultation

- 4.1 Subject to clause 4.2, before making a resolution under clause 3.1 or amending or revoking such a resolution under clause 3.4, the Council must follow the consultation process set out in Section 7.1 of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.
- 4.2 Clause 4.1 does not apply if the Council is making a resolution in accordance with section 10 of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.
- 4.3 Before making a resolution under clause 3.2 or amending or revoking such a resolution under clause 3.4, the Council must follow the consultation process set out in Section 4.1(4) of the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

5 Offences

- 5.1 Every person commits an offence against this bylaw who operates a vehicle in contravention of the speed limits set under this bylaw or by the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

Commentary

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

The purpose of this bylaw is to allow the Council, by resolution, to designate urban traffic areas and to set or amend speed limits, after following the consultation process set out in the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

Consultation processes

The Council is obliged to follow the *Guidelines for setting speed limits and procedures for calculating speed limits* and the consultation processes set out in the *Land Transport Rule: Setting of Speed Limits 2003 Rule 54001* when setting speed limits or designating urban traffic areas.

Before making a resolution to set speed limits or designate urban traffic areas for roads under its jurisdiction, the Council must consult with any people that may be affected by the proposed speed limit.

The persons that must be consulted include:

- (a) road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
- (b) a territorial authority that is affected by the existing or proposed speed limit; and
- (c) any local community that the road controlling authority considers to be affected by the proposed speed limit; and
- (d) the Commissioner of Police; and
- (e) the Chief Executive Officer of the New Zealand Automobile Association Incorporated; and

- (f) the Chief Executive Officer of the Road Transport Forum New Zealand; and
- (g) any other organisation or any user group that the road controlling authority considers to be affected by the proposed speed limit; and
- (h) the Director of Land Transport Safety appointed under section 186 of the Land Transport Act 1998.

As part of the consultation process, the Council must write to the people that may be affected to advise them of the proposed speed limit and must then give them a reasonable time to make submissions on the proposal.

Before the Council sets speed limits for roads in designated locations under the Council's jurisdiction, it must consult with the director of Land Transport Safety, the Commissioner of Police and any other persons that may be affected by the proposed speed limit. The Council must give these people a reasonable time to make submissions on the proposal.

The Land Transport Rule: Setting of Speed Limits 2003 Rule 54001 does not require the Council to consult when it passes its first resolution confirming all current speed limits.

Signs and Notices

Before any new speed limit comes into force, the Council must ensure that appropriate signs and notices are placed on the roads and areas affected so that drivers are made aware of the new speed limits.

Under the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001, the signs must comply with the Traffic Regulations 1976, so that they look like the usual speed limit signs.

Urban traffic areas and rural areas

The Land Transport Rule: Setting of Speed Limits Rule 54001 sets the speed limit at 50km/h for all urban traffic areas. The Council will, by resolution, define what areas under its jurisdiction are urban traffic areas.

The Rule also sets the rural speed limit at 100km/h. The rural speed limit applies to motorways and roads in rural areas, which are generally all areas that are not urban traffic areas.

State Highways

The Council is not responsible for setting speed limits for State highways as they do not fall within its jurisdiction. Central government agencies (currently Transit New Zealand) remain responsible for setting speed limits for State highways.

Lower Hutt City Speed Limits Plan

Under the bylaw, the Council is required to maintain a plan recording the most up-to-date speed limits for the roads under the Council's jurisdiction.

It is available on the Council's website at www.huttcity.govt.nz. Members of the public can also inspect it at the Council's offices during normal business hours.

Register of speed limits

The Council is required to establish and maintain a register of speed limits for roads under its jurisdiction under the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001.

The register must record the current speed limits as confirmed by the Council, and any changes to those speed limits by the Council (through resolutions setting new speed limits or designating new urban traffic areas). It does not need to record any temporary speed limits that are in place.

In general, the register will record the history of speed limits for roads within the Council's jurisdiction for at least seven years.

The register is available for inspection by members of the public at the Council's offices during normal business hours.

Offences and penalties

Offences, penalties and fees relating to infringement of speed limits are provided for in the relevant provisions of the Land Transport Act 1998 and Transport Act 1962. These do not change as a result of this bylaw.

The Police remain responsible for the enforcement of speed limits.

Definitions

The interpretation section of this bylaw refers to various definitions in some Acts and the Land Transport Rule: Setting of Speed Limits 2003 Rule 54001. These definitions are:

Section 4.1(2), Land Transport Rule: Setting of Speed Limits 2003 Rule 54001

A "**designated location**" is any of the following:

- (a) a car park;
- (b) an educational or scientific facility;
- (c) an industrial facility
- (d) a health facility;
- (e) a residential facility;
- (f) a camping ground;
- (g) a sports facility or other recreational area;
- (h) a botanical garden;
- (i) a port or wharf area;
- (j) an airport;
- (k) a beach;
- (l) a cemetery;
- (m) a facility operated by the New Zealand Defence Force;
- (n) any other location approved by the Director of Land Transport Safety.