

PROPOSED HUTT CITY COUNCIL TRAFFIC BYLAW 2017

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1. 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.

"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 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 Hutt City Council.

"Cycle track" means any land set aside by 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 Council.

"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.

"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.

"Residents' parking permit" means a permit issued by Council under clause 5.6 of this Bylaw.

"Residents' parking area" means an area specified by Council resolution under clause 5.1(a) of this Bylaw as a residents' parking area.

"Residents' parking space" means a parking space specified by Council resolution under clause 5.1(b) of this Bylaw as a residents' parking space, but only during the days and times specified by Council under clause 5.1(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 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.

2. GENERAL

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

2.2 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) residents' parking;
 - (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.

2.3 A resolution may be made under clause 2.2:

- (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.

2.4 Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 2.2 at any time.

PART 1 - COUNCIL POWERS TO SPECIFY TIME RESTRICTED, COUPON OR METERED PARKING AREAS, RESIDENTS' PARKING AREAS, AND RESERVED PARKING OR NO STOPPING AREAS

3. TIME RESTRICTED PARKING

3.1 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.

3.2 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.

4. COUPON OR METERED PARKING AREAS

4.1 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 4.1 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.

4.2 Council may amend by resolution or revoke a decision made under clause 4.1 of this Bylaw at any time.

5. RESIDENTS' PARKING

5.1 Council may by resolution 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 5.1(b) of this Bylaw are residents' parking spaces; and
- (d) the date and time at which a decision made under this clause 5.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents' parking area.

5.2 Council may by resolution amend or revoke a decision made under clause 5.1 of this Bylaw at any time.

6. RESERVED PARKING AND NO STOPPING AREAS

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

6.2 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.

6.3 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.

6.4 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

7. TIME RESTRICTED PARKING

- 7.1** 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.

8. RESTRICTION ON PARKING IN COUPON PARKING AREAS

- 8.1** 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 4.1(b) of this Bylaw, and for longer than any period of time specified by Council under clause 4.1(c) of this Bylaw, unless the person validly displays:

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

- 8.2** For the purposes of clause 8.1 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.

- 8.3** 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.

- 8.4** Council may issue a coupon exemption permit on such conditions as Council considers appropriate.

9. RESTRICTION ON PARKING IN METERED PARKING AREAS

- 9.1** 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 4.1(b) of this Bylaw without paying the prescribed fee for that parking space.

10. RESTRICTION ON PARKING IN RESIDENT'S PARKING AREAS

- 10.1** No person may park in a residents' parking space in a residents' parking area unless:

- (a) the person holds a residents' parking permit from Council for that residents' parking area;
- (b) the person parks the vehicle in accordance with any conditions imposed by 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.

11. RESTRICTIONS ON PARKING IN PARKING SPACES

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

11.2 Clause 11.1 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.

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

11.4 Clause 11.3 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.

12. PARKING ON THE GRASS

12.1 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.

12.2 Clause 12.1(a) of this Bylaw does not apply if an occupier of a property parks adjacent to that person's property contrary to clause 12.1(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.

13. PARKING IMMOBILISED OR UNLICENSED VEHICLES

13.1 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..

13.2 Council may seize and impound any vehicle in breach of clauses 13.1 of this Bylaw.

PART 3 – TRAFFIC RESTRICTIONS

14. DISPLAYING VEHICLES FOR SALE ON ROAD

- 14.1** 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.

15. SKATEBOARDS

- 15.1** Council may by resolution specify a skating ban area, either generally or only in relation to specified times and days.
- 15.2** Council may by resolution amend or revoke a decision made under clause 15.1 of this Bylaw at any time.
- 15.3** 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.
- 15.4** Clause 15.3 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.
- 15.5** 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.
- 15.6** Any person doing an activity under clause 15.5 of this Bylaw must comply with any conditions imposed by Council on its written permission.

16. PLACING CONTAINERS ON ROADS

- 16.1** 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.
- 16.2** Any person doing an activity under clause 16.1 of this Bylaw must comply with any conditions imposed by Council in its written permission.
- 16.3** Subject to clause 16.1, 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.

16.4 In this clause 16, "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.

17. ADVERTISING ON THE ROAD

17.1 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.

18. WINDOW WASHERS

18.1 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.

19. BEACHES

19.1 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 Council resolution; or
- (b) the person has the prior written permission of Council to do so, and complies with any conditions imposed by Council on its written permission.

19.2 Council may give permission under clause 19.1(b) to a person or give a general permission in respect of an event without identifying particular persons.

20. ROAD UPGRADE AND / OR MAINTENANCE WORK

20.1 Clauses 20.2 and 20.3 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.

20.2 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.

- 20.3** No vehicle may remain parked contrary to a notice issued in accordance with clause 20.2.

21. VEHICLE AND CONTAINER REMOVAL

- 21.1** 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 4 - OTHER

22. DEFENCES

- 22.1** 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.
- 22.2** Any person prosecuted for an offence under clauses 8 or 9 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.

23. EXEMPTIONS TO THIS BYLAW

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

24. FEES AND OFFENCES

- 24.1** 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.
- 24.2** 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.
- 24.3** 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.
- 24.4** Council may, by resolution, prescribe, abolish or amend infringement fines amounts for breaches of this Bylaw or any resolution made under it.

25. RESTRICTIONS BY RESOLUTION

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

