



WHANGAREI  
DISTRICT COUNCIL



# PARKING AND TRAFFIC BYLAW 2017



Pursuant to the Land Transport Act 1998, Whangarei District Council makes the following bylaw about parking and traffic management in the Whangarei District.

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## 1. Title

This Bylaw is the Parking and Traffic Bylaw 2017.

## 2. Commencement

15 December 2017.

## 3. Application

This bylaw applies throughout the District of the Whangarei District Council except to roads which are not under the control of the Council.

*Explanatory note: This Bylaw does not apply to roads under the control of the New Zealand Transport Agency.*

## **PART 1 – PRELIMINARY PROVISIONS**

## 4. Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on roads, parking places and transport stations owned or controlled by Whangarei District Council.

## 5. Interpretation

- 5.1** Any word used in this Bylaw that is defined in section 2 of the Act, has, for the purposes of this Bylaw, the same meaning as in section 2, unless otherwise provided for in this clause.
- 5.2** Any word used in this Bylaw that is defined in rule 1.6 of the Rules, has, for the purposes of this Bylaw, the same meaning as in rule 1.6, unless otherwise provided for in this clause.
- 5.3** In this Bylaw, unless the context otherwise requires -

**Act** means the Land Transport Act 1998 and any regulations or rules made under that Act

**Approved disabled person's parking permit** means a disabled person's parking permit or mobility parking permit:

- a. issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated, or
- b. approved by Whangarei District Council

**Class of vehicle means** a category of vehicles defined by reference to any common feature and includes:

- a. vehicles by type, description, weight, size or dimension
- b. vehicles carrying specified classes of load by the mass, size or nature of such loads
- c. vehicles carrying no fewer than a specified number of occupants
- d. vehicles used for specified purposes
- e. vehicles driven by specified classes of persons
- f. carpool and shared vehicles
- g. vehicles displaying a specified permit authorised by Whangarei District Council.

**Clearway** means a length of roadway over which a no-stopping parking restriction applies for the purpose of increasing the number of through traffic lanes or providing increased space to allow for the free movement of traffic during the period for which the clearway restriction applies.

**Council** means the Whangarei District Council

**Emergency vehicle** means a vehicle used for attendance at emergencies and operated:

- a. by an enforcement officer
- b. by an ambulance service
- c. as a fire service vehicle
- d. as a civil defence emergency vehicle
- e. as a defence force emergency vehicle.

**Livestock** means any horse, cattle, sheep, pig, goat, mule, ass, llama or deer and includes any other animal farmed for profit

**Mobility parking permit** means a current approved disabled person's parking permit

**Mobility parking space** means a space reserved by Council for vehicles lawfully displaying a mobility parking permit

**Motorcycle** includes a moped

**Paid parking space** means a parking space for which Council has determined a charge for parking is to be paid

**Parking machine** means a parking meter or other device that is used to facilitate the payment of charges for parking a vehicle in a paid parking space

**Parking place** has the same meaning as in section 591(6) of the Local Government Act 1974

*Explanatory note: The main part of this definition is 'a place (including a building) where vehicles, or any class of vehicles, may wait'. A parking place, which may be on a road, also includes the means of egress and ingress from the parking place and any facilities associated with it.*

**Parking space** means a parking place or part of a parking place identified by sign, marking or notice for the use of a single vehicle or a specified number of motorcycles

**Rules** means the Land Transport (Road User) Rules 2004

**Shared path** means an area of road, separated from a roadway, that may be used by some or all of the following:

- a. pedestrians
- b. cyclists
- c. riders of mobility devices
- d. riders of wheeled recreational devices

at the same time, and includes a cycle path

**Transport station** has the same meaning as in section 591(6) of the Local Government Act 1974.

*Explanatory note: The main part of this definition is 'a place where transport-service vehicles, or any class of transport-service vehicles may wait between trips'. It also includes the means of egress and ingress from the transport station and any facilities associated with it.*

**5.4** Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

**5.5** The Interpretation Act 1999 applies to this Bylaw.

## 6. Resolutions made under this Bylaw

**6.1** The power to make a resolution under this Bylaw includes the power:

- a. to regulate, control or prohibit the matter or thing generally, or for any specified classes of case, or in a particular case;
- b. to apply the regulation to all vehicles or traffic or to any specified class of vehicles or traffic;
- c. to apply the regulation to any specified road or roads or part of a road or roads under the control of Council;
- d. to apply the regulation at any specified time or period of time.

**6.2** A power for the Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace it with another or to reinstate an earlier resolution. In the event of any conflict between resolutions the most recent resolution shall prevail.

## PART 2 – VEHICLES AND ROAD USE

### 7. One-way roads

**7.1** Council may by resolution specify roads where vehicles must travel in one specified direction only.

**7.2** A driver of a vehicle on a one-way road must travel only in the direction specified under clause 7.1.

**7.3** Despite clause 7.1, Council may by resolution specify that cycles may travel in the opposite direction to other vehicles on a one-way road.

### 8. Left or right turns and U-turns

**8.1** Council may by resolution prohibit or restrict:

- a. vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
- b. vehicles on any road turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).

**8.2** A person must not drive a vehicle contrary to any turning prohibition or restriction made under clause 8.1.

### 9. Shared paths

**9.1** Council may by resolution:

- a. fix the length, route and location of a shared path;
- b. specify that a shared path may be used by persons in some or all of the following categories, and specify the priority between such users:
  - i. pedestrians
  - ii. cyclists
  - iii. riders of mobility devices
  - iv. riders of wheeled recreational devices.

9.2 A person must not use a shared path in a manner contrary to any restriction made under clause 9.1.

## 10. Special vehicle lanes

10.1 Council may by resolution specify a road, or a part of a road, as a special vehicle lane, use of which is restricted to a specified class or classes of vehicle.

10.2 A person must not use a special vehicle lane contrary to any restriction made under clause 10.1.

## 11. Shared zones

11.1 Council may by resolution specify any road to be a shared zone, intended to be used by pedestrians and vehicles.

11.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared zone.

11.3 A person must not use a shared zone in a manner contrary to any restriction made under clause 11.2.

## 12. Unformed legal roads

12.1 Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.

12.2 A person must not use a motor vehicle on a road contrary to a restriction made under clause 12.1.

## 13. Livestock movement

13.1 No person shall drive livestock along or across any road, unless the livestock is confined within a motor vehicle:

- a. during the hours of darkness; or
- b. at any time when there is insufficient visibility to clearly see a person, a vehicle or livestock that is 170 metres away; or
- c. on any road with an average daily traffic count of 2500 vehicles a day or more; or
- d. in the case of dairy cattle, where the cattle can be moved using a cattle race on private land or a cattle underpass.

13.2 In any case where livestock may be driven along a road:

- a. the number of livestock in any one mob shall not exceed 600 head, or 3,000 head in the case of sheep
- b. each mob shall be accompanied by one drover per 300 head of cattle or per 1500 head of sheep
- c. each mob shall be accompanied by pilot vehicles in front of and behind the mob. Such vehicles shall maintain a distance of no less than 200 metres from the mob.

13.3 Dairy cattle may be moved regularly across a road, where, as well as complying with clause 13.1, the following facilities have been installed and are in use at all crossing points:

- a. entranceways, including additional adjacent shoulders, that are constructed to Council's requirements for Vehicle Entrance Crossings
- b. warning signs that meet the requirements of the New Zealand Transport Agency Traffic Control Devices Manual

- c. an amber flashing light operating for the period the dairy cattle are on the road
- d. at least one person in charge of the herd being present for the period the dairy cattle are on the road.

**13.4** Council may recover the costs incurred in repairing any damage to a road or private property, or cleaning up any animal excreta on the road, caused by the movement of livestock from the person in charge of the livestock.

*Explanatory note: The purpose of controlling the movement of livestock on roads is to support the safety of, and minimise inconvenience to, road users, to protect Council roads and any utilities within the roads, and to prevent roads being used as stock races.*

## **PART 3: PARKING**

### **14. Stopping, standing and parking**

**14.1** Council may by resolution:

- a. prohibit or restrict the stopping, standing or parking of vehicles on any road
- b. limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description.

**14.2** A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made under clause 14.1.

### **15. Parking places**

**15.1** Council may by resolution:

- a. reserve any area of land or any road or any part of a road or any building or any part of a building owned or under the care, management or control of Council to be a parking place
- b. specify the vehicles or classes of vehicle that may or must not use a parking place
- c. prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place
- d. prescribe:
  - i. any charges to be paid for the use of a parking place
  - ii. how parking charges may be paid; including by the use of parking machines or any other specified manner
  - iii. the manner of displaying proof of payment if necessary
  - iv. opening and closing times for off-street parking places.

**15.2** Restrictions that apply generally to a parking place are subject to any specific stopping, standing or parking restrictions which apply to particular parking spaces within that parking place.

**15.3** A person must not park a vehicle in a parking place in contravention of a prohibition or restriction made under clause 15.1.

**15.4** To avoid doubt, clause 15.1(1) does not limit Council's power to provide parking places under section 591 of the Local Government Act 1974.

*Explanatory note: This clause allows Council to designate parking spaces or prohibit parking for specific types of vehicles, including, but not limited to, electric vehicles and heavy vehicles.*

### **16. Mobility parking**

**16.1** Council may by resolution specify any parking space as a mobility parking space, and may prescribe any time limits and parking charges for vehicles parking in the mobility parking space.

**16.2** A person must not park a vehicle in a mobility parking space unless:

- a. the vehicle is lawfully displaying a mobility parking permit; and
- b. the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

- 16.3** Where a vehicle lawfully displaying a mobility parking permit is parked in a time limited parking space for which payment is required:
- payment is required for up to the first hour of parking, or the applicable part payment for a period shorter than an hour.
  - a payment for the first hour allows that vehicle to remain in the parking space for up to the maximum time indicated.

*Explanatory note: Most time limited paid parking spaces have at least a two-hour (120 minute) parking limit. Clause 16.4 provides the same concession as for mobility parking spaces, but ensures turnover of parking spaces by applying the same maximum parking period for all users.*

- 16.4** A vehicle lawfully displaying a mobility parking permit may park in any time unlimited paid parking space for double the length of time paid for.

*Explanatory note: Clause 16.4 provides that in an unlimited paid parking space, payment is required for the first half of the parking period. Example: If a mobility parking permitted vehicle is parked in an unlimited paid parking space which attracts a charge of \$1 per hour and the user intends to use the space for 4 hours, then a payment of \$2 is required.*

- 16.5** A vehicle lawfully displaying a mobility parking permit may park in any time limited parking space for double the length of the indicated time limit for that parking space, but only where the time limit for that space is 120 minutes or less.

*Explanatory note: To support the turnover of available parking spaces, Clause 16.5 limits this concession for parking spaces with a time limit of 120 minutes or less. This means that for parking spaces with a 180 or 240 minute maximum time limit there is no concession and the indicated time limit applies for all vehicles. Example: A mobility parking permitted vehicle may park in a 60 minute parking space for 120 minutes, but may only park for 180 minutes in a 180 minute parking space.*

## 17. Motorcycle parking

- 17.1** Council may by resolution determine any parking place to be reserved for the sole use of motorcycles and prescribe the maximum number of motorcycles that can park in the parking place.
- 17.2** No person may park a vehicle that is not a motorcycle in a parking place reserved for motorcycles.
- 17.3** No person may park a motorcycle in a parking space reserved for motorcycles other than at right angles to the road way.
- 17.4** Where more than one motorcycle occupies a standard paid parking space, only one parking fee shall be required for that space.
- 17.5** No motorcycle may remain parked in the parking space if the payment for that space has expired.

*Explanatory note: If two motorcycles share a standard paid parking space, then a valid payment for one of the motorcycles must be in place for the entire duration of the parking time for both motorcycles. Motorcycles must park in accordance with the general restrictions of clause 21 of this Bylaw.*

## 18. Clearways, passenger service vehicles and transport stations

- 18.1** Council may by resolution:
- determine any road, part of a road or any parking space to be a clearway, a stand or stop for specified classes of passenger service vehicle, or a transport station
  - specify the vehicles or classes of vehicles that may or must not use a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station
  - prescribe the times, manner and conditions for the parking of vehicles in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station.
- 18.2** A person must not park a vehicle in a clearway, a stand or stop for specified classes of passenger service vehicle, or transport station in contravention of a prohibition or restriction made under clause 18.1.

## 19. Loading zone

- 19.1 Council may by resolution;
- determine any road or part of a road or any parking space to be a loading zone
  - specify the class(es) of vehicle that may use the loading zone
  - prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.
- 19.2 A person must not use a loading zone in contravention of a prohibition or restriction made under clause 19.1

## 20. Heavy motor vehicle parking

- 20.1 Council may by resolution determine any road or part of a road, or any parking space, to be an area where the parking of heavy motor vehicles or any specified class of heavy motor vehicles is prohibited or restricted.
- 20.2 No person may park any heavy motor vehicle in contravention of a prohibition or restriction made under clause 20.1.

*Explanatory note: Heavy motor vehicles are vehicles with a gross vehicle mass of more than 3500 kg. Restrictions may apply during specified hours or for specified periods of time that are different from general parking restrictions in that area.*

## 21. General restrictions

- 21.1 No person may park a vehicle in a parking space:
- so that any part of the vehicle extends beyond the marked space or is not entirely within the space; or
  - that is already occupied by another vehicle unless the vehicles are motorcycles.
- 21.2 Notwithstanding clause 21.1, if, because of its size, it is necessary for a vehicle to occupy more than one adjoining parking space, it may do so. If the parking spaces are paid parking spaces, then the fee for each occupied space must be paid.
- 21.3 No person shall park any vehicle in a parking space:
- beyond the expiry of the time paid for in a paid parking space
  - beyond the maximum period for parking in that parking space.
- 21.4 No person may park in any paid parking space without paying the required parking fee by correctly activating any parking meter controlling the space or making payment in compliance with any instructions on any signs or machines located at the parking place.
- 21.5 A person parking in a paid parking space using a pay and display receipt must display that receipt in or on the vehicle in a place so that it can be easily read by a parking warden.
- 21.6 No person may park in a parking space where parking is temporarily discontinued by Council using signs or cones.

## 22. Community concession parking permits

- 22.1 Council may issue concession parking permits to persons in community groups or sectors, or volunteer organisations, that allow permit holders to park in parking places free of charge and/or without being restricted to any maximum time limits.
- 22.2 The groups in respect of which such concession parking permits may be issued include, but are not limited to:
- Drivers over 70 years of age
  - Disabled person working parking permits
  - Volunteer community organisations



- 22.3 Council may impose conditions on the use of the permit, including by specifying parking areas or parking spaces where the permit applies.
- 22.4 Council may by resolution -
- a. charge a fee for receiving and processing an application and issuing a permit
  - b. prescribe any charges to be paid for the use of a permit
  - c. determine situations when permit fees may be remitted, refunded or waived.
- 22.5 A community concession parking permit may be cancelled by Council at any time.

*Explanatory note: All permits and associated application processes, forms and conditions under clause 22 of this Bylaw are managed under Council's Grants, Concessions and Loans Policy.*

## 23. Parking permits

- 23.1 Council may issue parking permits that allow permit holders to park in parking places without requiring the charges for the parking space to be paid and/or without being restricted to any maximum time limits.
- 23.2 Council may impose conditions on the use of the permit, including by specifying parking areas or parking spaces where the permit applies.
- 23.3 Council may by resolution:
- a. charge a fee for receiving and processing an application and issuing a permit
  - b. prescribe any charges to be paid for the use of a permit
  - c. determine situations when permit fees may be remitted, refunded or waived.
- 23.4 A permit under this clause may be cancelled by Council at any time.

## 24. Parking vehicles off a roadway

- 24.1 A person must not stop, stand or park a motor vehicle in an area for which the speed limit is 50km/h or less on any part of a road or land owned or controlled by the Council which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or shrubbery.
- 24.2 Clause 25.1 does not apply if the part of the road is designed and constructed to accommodate a parked vehicle.

## 25. Machinery or equipment on roads

- 25.1 A person must not leave any waste-taker bins, cranes, freight containers or large machinery on any road unless that person has the written permission of Council, or by or under the authority of any Act. This clause does not apply to containers that are used solely for kerbside collection of waste or diverted material authorised by Council and placed off the roadway, if such containers are not left on any road for a period exceeding 24 hours.

## 26. Repairs on vehicles

- 26.1 A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

## 27. Broken down vehicles

- 27.1 A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

## **PART 4: ENFORCEMENT POWERS**

### 28. Removal of vehicles and things

- 28.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any parking place, transport station or road any vehicle or thing that is parked or present in breach of the Bylaw.
- 28.2 Council may recover from the person who committed the breach of this Bylaw the reasonable costs in connection with the removal of the vehicle or thing.

### 29. Removal of construction

- 29.1 Council may remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

## **PART 5: OFFENCES AND PENALTIES**

### 30. Bylaw breaches

- 30.1 A person who fails to comply with any control, restriction, limitation or prohibition in, or made pursuant to this Bylaw, commits an offence under the Act and is liable to the penalties set out in the Act.

## **PART 6: EXCEPTIONS**

### 31. Exceptions

- 31.1 A person is not in breach of this Bylaw if that person proves that:
- a. the act or omission complained of took place in response to a situation on a road; and
  - b. the situation was not of the person's own making; and
  - c. the act or omission was taken:
    - i. to avoid the death or injury of a person, or
    - ii. if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 31.2 Clause 32.1 does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this Bylaw.
- 31.3 Any restrictions made under Parts 2 and 3 of this Bylaw do not apply to -
- a. a vehicle that is engaged in urgent repair work to a public utility service
  - b. a vehicle that is being used as an emergency vehicle in transit to or attendance at an emergency
  - c. a branded Whangarei District Council vehicle used by any officer or contractor engaged in work for the Council
  - d. a vehicle that is being used by a contractor engaged in work for Council and which displays evidence of this on the vehicle.
- 31.4 A person is not in breach of this Bylaw if that person proves that the act or omission -
- a. took place in compliance with the directions of an enforcement officer or a parking warden; or
  - b. in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

## **PART 7: SAVINGS**

### **32. Savings**

- 32.1** Any resolution, approval, permit or other act of authority made under any Parking and Traffic Bylaw of the Whangarei District Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by Council.

# ADDITIONAL INFORMATION TO PARKING AND TRAFFIC BYLAW 2017

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

## Section 1: History of Bylaw

| Action | Description                    | Date of decision | Commencement     |
|--------|--------------------------------|------------------|------------------|
| Revoke | Parking and Traffic Bylaw 2005 | NA               | 15 December 2017 |
| Make   | Parking and Traffic Bylaw 2017 | 14 December 2017 | 15 December 2017 |

## Section 2: Related documents

| Document   | Description  | Location  | Date       |
|--|--|---|------------|
| <i>Reports to Council/Committee/Panels</i>                               |  |   |            |
| 2017 Bylaw review and consultation programme                             | Approval of the 2017 bylaws review programme                                 | <a href="#">Council meetings webpage - link</a> | 18/5/2017  |
| 2017 Bylaw review pre-consultation programme                             | Approval of the pre-consultation programme                                   | <a href="#">Council meetings webpage - link</a> | 15/6/2017  |
| Adoption of Statement of Proposal for proposed Parking and Traffic Bylaw | Statement of Proposal including draft Bylaw adoption for public consultation | <a href="#">Council meetings webpage - link</a> | 29/6/2017  |
| Hearing – proposed Parking and Traffic Bylaw consultation                | Hearing for interested parties to share their views in person                | <a href="#">Council meetings webpage - link</a> | 1/11/2017  |
| Deliberations – proposed Parking and Traffic Bylaw                       | Deliberations on submission issues raised                                    | <a href="#">Council meetings webpage - link</a> | 22/11/2017 |
| Making of Bylaw  | Council makes final Bylaw  | <a href="#">Council meetings webpage - link</a> | 14/12/2017 |

| Document                 | Description   | Location   | Date |
|--------------------------|---|--|------|
| Legislation              |   |  |      |
| Land Transport Act 1998  | Provides the functions, duties powers and penalties to make and enforce this Bylaw. | <a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a> | NA   |
| Bylaws Act 1910          | Provides for certain matters related to the validity of bylaws.                     | <a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a> | NA   |
| Interpretations Act 1999 | Provides for certain matters related to the interpretation of bylaws.               | <a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a> | NA   |

## Section 3: Delegations

| Clause | Function, Duty, Power to be delegated  | Delegated Authority | Delegation date  | Delegation active date |
|--------|--|---------------------|------------------|------------------------|
| All    | All of its responsibilities, duties and powers under this bylaw, except - <ul style="list-style-type: none"> <li>a. the power to set fees</li> <li>b. the power to make a decision for which a Council resolution is required</li> <li>c. the power to hear and decided on any appeal process</li> </ul> | Chief Executive     | 14 December 2017 | 15 December 2017       |

## Section 4: Enforcement powers

| Legislative provision                                | Description   |
|--|---|
| Sections 128E and 139 of the Land Transport Act 1998 | Allows parking wardens to enforce any stationary vehicle offence or special vehicle land offence, may direct the driver to remove any vehicle if it is obstructing the road or if it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public etc.<br><br>Allows parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011.<br><br>Allows parking warden to move vehicles causing obstruction. |

## Section 5: Offences and penalties

| Provision  | Description of offence  | Maximum fine upon conviction | Infringement fee |
|--|---|------------------------------|------------------|
| Land Transport (Offences and Penalties) Regulations 1999 | As prescribed in Schedule 1 and Schedule 1B of the regulations                                  | varies                       | varies           |
| Section 22AB of the Land Transport Act 1998              | Failure to comply with clauses of the Bylaw that do not constitute a stationary vehicle offence | \$500                        | nil              |