

Parking and Traffic Bylaw

2009

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Whangarei District Council hereby makes the following bylaw pursuant to the Local Government 1974, and the Local Government Act 2002 read in conjunction with the Transport Act 1962. The Land Transport Act 1988 and the Land Transport Management Act 2003.

1 Short title and commencement

- 1.1 The short title of this bylaw is the Parking and Traffic Bylaw 2007.
- 1.2 This bylaw comes into force on the 1st day of November 2007.
- 1.3 This bylaw was amended by Council resolution on 25 February 2009.
- 1.4 These amendments come into force on 25 March 2009.

2 Interpretation

In this bylaw unless inconsistent with the context:

Authorised officer means a parking warden or parking enforcement officer and includes an enforcement officer so appointed by Council pursuant to S.177 of the Local Government Act 2002.

Authorised period and authorised time means that period of time commencing when:

- a The prescribed parking fee is inserted into a parking meter and ending when the parking meter indicates that the period of time for which parking in the metered space governed by that parking meter has expired, provided that the number of authorised periods during which a vehicle may park in a parking space may be limited by Council from time to time by resolution; or
- b A vehicle is parked within an area which Council by resolution has designated as a 'time limited' area and ending when the duration for which a vehicle may park within that area as directed by the applicable signs governing parking in that area ended and in which the appropriate signs have been erected has ended; or
- c The prescribed parking fee is inserted into a receipt dispenser and ending when the receipt issued by the receipt dispenser indicates that the period of time authorised by that receipt has expired; or
- d The prescribed parking fee is inserted into a multiple parking meter and ending when the multiple parking meter indicates that the period of time for which parking in the metered space governed by that multiple parking meter has expired, provided that the number of authorised periods during which a vehicle may park in a parking space may be limited by Council from time to time by resolution; or
- e An electronic payment is made and ending when that period of time paid for has expired

Bicycle means a vehicle having at least two wheels and is designed to be propelled solely by the muscular energy of the rider, includes a tricycle driven with pedals or handles, but does not include any motor vehicle as defined in Section 2(1) of the Land Transport Act 1998 and its amendments

Bus means a passenger service vehicle that has more than nine seating positions (*including the driver's seating position*)

Bus stand means an area designated by Council for the standing or parking of a bus for such period or periods of time as shall be specified by Council

Bus stop means an area designated by Council in which a bus may stop for no more than five minutes to enable passengers to board or alight from that bus in the course of its business

Caravan means any vehicle or contrivance that is equipped with wheels or revolving runners upon which it moves or is moved and which is so designed as to render it capable of being used as a human abode and includes caravans, campervans, motor homes and house buses

Chief Executive Officer means the person appointed as the Chief Executive Officer of Council pursuant to Section 42 of the Local Government Act 2002.

Clearway means a length of roadway designated by Council over which a no-stopping parking restriction for a nominated period of time 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.

Constable or member of the police means a person appointed as a constable or member of the Police under the Police Act 1958.

Constituted stand means a space or section of street marked out pursuant to this bylaw as being reserved by Council for the use of that person or those persons or that type of motor vehicle or those types of motor vehicles licensed to use such space or section of street.

Council means Whangarei District Council.

Cycle means a bicycle.

Day means a 24 hour period.

Designated stand means an area designated pursuant to this bylaw as an area in which taxis indicating their availability for hire, may wait for hire.

Disabled person means:

- a A person issued with a mobility parking permit by the New Zealand C.C.S. Incorporated; and/or
- b Any person who suffers from physical or mental disablement to such a degree that the person is seriously limited in the extent to which the person can engage in the activities, pursuits, and processes of everyday life

A Disabled Person Parking Space means an area designated for the stopping, standing or parking of vehicles driven or operated by a disabled person and which display a mobility parking permit

Driver means the driver of a vehicle and includes the rider of a motorcycle and drive has a corresponding meaning

Electronic payment means a payment of a prescribed parking fee by way of a mobile device or the internet

Footpath means a path or way laid out or existing on any part of a road, public place or parking place, primarily designed for and used by pedestrians and includes any part of a vehicle crossing or temporary crossing laid out or constructed over a footpath and includes any footbridge or grass berm

Goods service vehicle has the same meaning as in S.2 (1) of the Transport Services Licensing Act 1989.

Grass berm means that area of footpath which is laid out in grass

Grass verge means that area of public road, excluding the footpath, which is laid out in grass

Heavy motor vehicle has the same meaning as in S.2(1) of the Land Transport Act 1998

Heavy goods vehicle means a heavy motor vehicle designed exclusively or principally for the carriage of goods being all kinds of movable personal property

Jacobs engineer brake is a heavy vehicle braking system operated by the vehicle's engine

Lane in relation to any road means a longitudinal strip of the road at least 2.5 metres wide (*or 1.2 metres in the case of cycleways*) intended for the passage of traffic which is separated from other parts of the road by a longitudinal line or lines of paint or raised studs; but does not include any area on either side of the road on which diagonal lines have been painted. A two-way road divided by a centreline is deemed to be marked in lanes

Large passenger service vehicle means a passenger service vehicle that is designed or adapted to carry 13 or more persons (*including the driver*)

Livestock means any horse, cattle, sheep, pig, goat, mule or ass of whatever age or sex and whether in a domestic or wild state and includes any other animal farmed for profit

Loading zone means an area of marked roadway designated solely for the purpose of any part of a road, private road, public place or parking place designated for the stopping, standing or parking of a goods service vehicle engaged in the loading or unloading goods or passengers

- Metered area and parking meter area** means any road and/or any area of road, land or building belonging to Council or under the control of Council which is authorised by resolution of Council to be used as a place where vehicles may park and at which parking meters shall be installed and maintained
- Metered space** means any part of a road, or a space or section within a metered area or parking metered area or metered zone marked out and defined by lines painted on the ground and designed to accommodate one or more parked vehicles and at which a parking meter has been installed
- Metered zone** means any road and/or any area of road, land or building belonging to Council or under the control of Council which is authorised by resolution of Council to be used as a place where vehicles may park and at which parking meters shall be installed and maintained
- Mobility parking permit** means a card issued by the New Zealand C.C.S. Incorporated which is to be displayed in vehicles operated by disabled persons for which certain parking concessions are available
- Motorcycle** means a motor vehicle running on two wheels, or not more than three wheels when fitted with a sidecar; and includes any vehicle with motorcycle controls declared by the Secretary for Transport to be a motorcycle; but does not include a moped
- Motor vehicle and/or motorcar** have the same meaning as in Section 2(1) of the Land Transport Act 1998 and its amendments
- Multiple parking meter area** means any area of road, land or building belonging to Council or under its control which is authorised by resolution of Council to be used as a place where vehicles may park upon payment of the prescribed fee and at which any multiple parking meter is installed which is intended to serve any number of vehicles which may be parked on such area of road, land or building
- Multiple parking meter** means a parking meter which functions in respect of more than one parking space or metered space and includes pay and display parking meters
- Owner** in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where the motor vehicle is:
- a subject to a bailment that is for a period not exceeding 28 days; or
 - b 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** means:
- a The stopping or standing of a motor vehicle on any portion of a road, land or building where parking is for the time being governed by the location of parking meters or multiple parking meters placed pursuant to this bylaw or is a receipt display parking area; and/or
 - b The stopping or standing of a motor vehicle on any portion of a road, land or building where parking is for the time being governed by signs limiting or designating the maximum period of time any motor vehicle may park in such area; and/or
 - c In relation to any other portion of a road, land or building the stopping or standing of a vehicle on that portion of the road; and
- Park and parked** have corresponding meanings
- Parking concessions** means concessions granted by Council from time to time, to disabled persons or persons over the age of seventy years
- Parking expiry time** means:
- a In respect of a receipt issued by a receipt dispenser in a receipt display car park the time printed on that receipt by the receipt dispenser; and
 - b In respect of a parking meter means the zero time displayed by the parking meter; and

- c In respect of a multiple parking meter means the zero time displayed by the multiple parking meter
- d In respect of an electronic payment means the time indicated at the completion of payment on the device used to make the electronic payment.

Parking meter means:

- a A mechanical or electronic appliance designed for the purpose of automatically measuring and indicating the time during which a vehicle is or may be parked at a metered space after the payment of a fee and installed thereat pursuant to this bylaw and includes the standard to which the meter is affixed; and/or
- b A pay and display parking meter; and/or
- c A receipt dispenser for a receipt display parking area

Parking space means a space or section on a road, land or building set aside for the parking of a motor vehicle or set aside for the parking of a motor vehicle in a metered area, multiple parking meter area or receipt display parking area or a pay and display area indicated by and lying within markings made by Council for the accommodation of a vehicle

Parking warden and parking enforcement officer means an officer appointed by Council as a parking warden or parking enforcement officer or as an enforcement officer to enforce the provisions of these bylaws and the powers reserved under the Local Government Act 2002.

Passenger service vehicle has the same meaning as in Section 2(1) of the Transport Services Licensing Act 1989

Pay and display parking area means any road, street or portion of a street, car park or building declared by resolution of Council as a place where vehicles may be parked, governed by the display of receipts issued by a receipt dispenser provided in such road, street or car park or building for that purpose and includes areas set aside by resolution of Council as a receipt display zone and/or a receipt display car park and/or as a receipt display parking area

Pay and display parking meter means a parking meter designed for the purpose of issuing a receipt indicating the date and time of payment of a fee, amount of fee paid and time until which a vehicle may be parked within a parking meter area or a receipt display parking area controlled by that pay and display parking meter

Permit means a permit issued by Council authorising:

- i A resident of the district to park a vehicle on a road, supplied by Council under this bylaw, to a resident as part of a residents parking scheme; or
- ii The operator of a trade vehicle to park a vehicle undertaking works within a metered area.

Police officer includes any member of the Police appointed under the Police Act 1958

Prescribed coin means a coin or coins of New Zealand prescribed by resolution of Council pursuant to this bylaw as the fee payable for parking at a metered space or a multiple parking meter area or for parking for a specified period in a receipt display parking area or a pay and display parking area as the case may be

Prescribed manner means the manner of paying the prescribed parking fee as directed by notice affixed to a parking meter, multiple parking meter, pay and display parking meter and/or receipt dispenser

Prescribed parking fee means the fees prescribed by Council pursuant to the parking provisions of this bylaw as the fee payable for parking at a metered space or multiple meter parking meter area or for parking for a specified period in a receipt display parking area or a pay and display parking area as the case may be

- Public place** means a place under the control of Council and that is open to, or being used by, the public whether or not there is a charge for admission and includes a road
- Receipt dispenser** means a mechanical and/or electrical appliance designed for the purpose of automatically issuing a receipt displaying a time related to the prescribed coins inserted until which a vehicle is authorised to park in a receipt display parking area or a pay and display parking area and includes a pay and display parking meter
- Receipt display parking area** means any road, street or portion of a street, car park or building declared by resolution of Council as a place where vehicles may be parked, governed by the display of receipts issued by a receipt dispenser provided in such road, street or car park or building for that purpose and includes areas set aside by resolution of Council as a receipt display zone and/or a receipt display car park and/or as a pay and display parking area
- Resident** in respect of a particular road which is the subject of a residents parking scheme under this bylaw, means a person who's only or principal residential accommodation is a dwelling or other building which has its only or principal legal access to that particular road or which has such access in the vicinity of that road.
- Residents parking scheme** means the provision by Council of parking places for residents pursuant to this bylaw which may be in conjunction with any ancillary parking or loading restrictions for all vehicles used by non-residents.
- Rider** in relation to any animal includes a person who while riding any other animal on a road, leads the first-mentioned animal by a rope, rein, or other similar means of guidance, and ridden animal includes any animal so led.
- Road** includes a street and has the meaning as in Section 2(1) of the Land Transport Act 1998.
- Roading manager** means the officer of Council holding the office of Council's Roding Manager and includes any person authorised to act on his/her behalf.
- Roadway** means that portion of the road used or reasonably usable for the time being for vehicle traffic in general; and for the purposes of this bylaw includes a public cycle track constituted under Section 332 of the Local Government Act 1974 and amendments hereto.
- Street** has the meaning ascribed to road in Section 2(1) of the Land Transport Act 1998.
- Taxi** has the same meaning as in Section 2(1) of the Transport Services Licensing Act 1989.
- Taxi stand** means an area of road designated by Council as an area in which taxis may, indicating their availability for hire, wait for hire.
- Traffic Control Device** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.
- Traffic Sign** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.
- Unexpired receipt** means a receipt issued by a receipt dispenser which displays a time on a particular date, which has not yet passed.
- Vehicle** has the same meaning in S.2 (1) of the Land Transport Act 1998.

Part I – Parking

Resolution to impose restrictions

3 Parking

3.1 Council may from time to time by resolution declare:

- 1 Any street, road, land or building over which Council has control, or any part of a street, road, land or building over which Council has control, to be a:
 - a metered area
 - b parking meter area
 - c metered space

- d metered zone
 - e multiple parking meter area
 - f multiple parking meter
 - g pay and display parking area
 - h receipt display parking area
 - l receipt display zone
 - j receipt display car park.
- 2 The number of parking spaces within any area set out in clause 3.1(1)
 - 3 What parking spaces are to be used exclusively by disabled persons
 - 4 The number and situation of parking spaces within a receipt display parking area
 - 5 The number and situation of parking spaces within a pay and display parking area
 - 6 The fees payable for the parking of vehicles in any metered space, metered area, parking meter area, metered zone, multiple parking meter area, pay and display parking area and/or a receipt display parking area
 - 7 The number and situation of receipt dispensers in a receipt display parking area or a pay and display parking area
 - 8 The maximum time allowed for the parking of a vehicle in a parking space set aside for the parking of a vehicle pursuant to this bylaw

3.2 In accordance with any resolution of Council, Council shall:

Marking of spaces

- a Establish and mark out metered spaces or parking spaces in all metered zones and metered areas and shall have placed or installed a parking meter at each metered space;

Installation of meters

- b Have parking meters placed upon and firmly fastened to the kerb or footpath at or near each metered space or parking space and each such meter shall clearly indicate the time allowed for parking in such space and the prescribed parking fee and the maximum authorised time if any;

Marking of spaces

- c Have the extremities of each metered space or parking space clearly indicated by white lines painted on the street;

Installation of meters

- d Have in every receipt display parking area and every pay and display parking area one or more receipt dispensers which shall, upon a prescribed parking fee being paid in the prescribed manner, dispense a receipt bearing a parking expiry time appropriate to that prescribed parking fee;

Signage

- e Have clearly displayed in every receipt display parking area and every pay and display parking area the maximum authorised time if any;

Marking of spaces

- f Have the extremities of each parking space in a receipt display parking area and every pay and display parking area clearly indicated by white lines painted on the pavement.

3.3

- 1 No driver of a vehicle shall park that vehicle in any parking space laid out within any area described in clause 3.1(1) of this bylaw without complying with the directions and requirements governing parking in that parking space with compliance to include paying the prescribed parking fee to cover the period of parking, receiving and displaying a ticket from the parking meter, multiple parking meter or receipt dispenser in respect of that payment, or activating a prepaid parking or other payment device approved by Council as the case may be

- 2 Any person being the driver of or in charge of a motor vehicle who shall stop, stand or park that vehicle in contravention with clause 3.2 of this bylaw will commit a breach of this bylaw and will be liable to pay the infringement fees prescribed in Part 1 and Part 2 of the First Schedule to this bylaw.

4 Method of parking

Parking within a defined space

- 4.1 No driver or person in charge of a vehicle shall park such vehicle in a metered space or parking space across any line marking the metered space or parking space or in such a position that the said vehicle shall not be entirely within the area designated by painted lines as a metered space or parking space.

Motorcycles use of parking spaces

- 4.2 No driver or person in charge of a vehicle shall park such vehicle in a metered space or parking space which is already occupied by another vehicle provided however that it shall be lawful for any number of motorcycles including motorcycles with sidecars attached thereto, but no other vehicle, to occupy any metered space or parking space at the same time, provided always that if the metered space is parallel to the kerb or footpath no such vehicles shall be parked in such a manner that any part thereof lies closer than a distance of 1.2 metres from the line on the street marking the rear extremity of the metered space and provided further that where more than one motorcycle occupies a metered space it shall not be necessary for the payment of more than one parking fee but no such vehicle shall remain parked in the metered space while the red indicator in the head of the parking meter placed at such metered space shows that the authorised time has expired.

Parking in a space parallel to the kerb

- 4.3 If the metered space is parallel to the kerb or footpath the driver or person in charge of any vehicle occupying such space shall park the vehicle so that it shall be headed in the general direction of the movement of traffic on the side of the street on which the vehicle is parked and so that the vehicle shall be as close as practicable to the line on the street marking that extremity of the metered space which is in the direction in which the vehicle is headed.

Parking in a space at an angle to the kerb

- 4.4 If the metered space is at an angle to the kerb or footpath the driver or person in charge of any vehicle occupying such space shall park the vehicle in such manner that it is headed substantially in the general direction of the movement of traffic on the side of the street on which such vehicle is parked.
- 4.5 Any person being the driver of or in charge of a motor vehicle who shall stop, stand or park that vehicle in contravention with clauses 4.1 or 4.2 or 4.3 or 4.4 of this bylaw will commit a breach of this bylaw and will be liable to pay the infringement fees prescribed in Part 3 of the First Schedule to this bylaw.

5 Payment of fees for parking in a metered space

Payment of fees

- 5.1 Unless the maximum authorised time is thereby exceeded, when any vehicle shall be parked in a metered space the driver or person in charge of such vehicle shall forthwith either
- deposit or cause to be deposited in the parking meter or multiple parking meter installed at or for such space the prescribed parking fee in the prescribed manner; or
 - make an electronic payment of the prescribed parking fee.

Thereupon the metered space may be lawfully occupied by the vehicle during the period indicated on the parking meter or advised electronically by mobile or electronic device but no longer, provided that the driver or person in charge of such vehicle may without any payment park the same during such time if any as may be indicated on the parking meter as being unexpired from its previous use.

Meter usage

- 5.2 Unless the maximum authorised time is thereby exceeded, it shall be lawful for the driver or person in charge of a vehicle immediately upon the expiration of any authorised period of parking again to deposit or cause to be deposited the prescribed parking fee in the parking meter or multiple parking meter or make an electronic payment and thereafter the said vehicle may lawfully occupy the metered space for the further period indicated on the parking meter or advised electronically by mobile or electronic device.

Maximum parking time

- 5.3 No driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to remain parked in a metered space while the red indicator in the head of the parking meter placed at such metered space shows that the authorised time has expired. or, in any case, for a period longer than the maximum authorised time.
- 5.4 Clause 5.3 does not apply should a driver or person in charge of any vehicle have made an electronic payment and the authorised period has not expired.
- 5.5 No driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to remain in a metered space for a period longer than the maximum authorised time.

Fines

- 5.4 Any person being the driver of or in charge of a motor vehicle who shall stop, stand or park that vehicle in contravention with clauses 5.1 to 5.5 of this bylaw will commit a breach of this bylaw and will be liable to pay the infringement fees prescribed in Part 1 of the First Schedule to this bylaw.

6 Payment of fees for parking in a receipt display parking area or a pay and display parking area

Payment of fees

- 6.1 Forthwith after parking a vehicle in a parking space in a receipt display parking area or a pay and display parking area the driver or person in charge of that vehicle shall either;
- a) deposit or cause to be deposited in a receipt dispenser the prescribed parking fee for the intended duration of parking of that vehicle and shall place the receipt then issued by the receipt dispenser in or on the vehicle in the manner prescribed in sub clause 6.2 of this clause; or
 - b) make an electronic payment of the prescribed parking fee for the intended duration of parking that vehicle.

Maximum time

- 6.2 No driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to remain parked in a parking space in a receipt display parking area or a pay and display parking area unless there is an unexpired receipt attached to the inside of the windscreen of the vehicle or, in the case of a vehicle not fitted with a windscreen, in a conspicuous position so as to be readily discernible to and readable by a constable, parking enforcement officer or parking warden.
- 6.3 Clause 6.2 does not apply should a driver or person in charge of any vehicle have made an electronic payment and the authorised period has not expired.

Receipt display

- 6.4 No driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to remain parked in a parking space in a receipt display parking area or a pay and display parking area displaying more than one current receipt attached to the inside of the windscreen of the vehicle or in the case of a vehicle not fitted with a windscreen in a conspicuous position so as to be readily discernible to and readable by a constable or parking warden or parking enforcement officer.

Fines

- 6.5 Any person being the driver of or in charge of a motor vehicle who shall stop, stand or park that vehicle in contravention with clauses 6.1 to 6.4 of this bylaw will commit a breach of this bylaw and will be liable to pay the infringement fees prescribed in Part 2 of the First Schedule to this bylaw.

7 Temporary discontinuance of metered space or parking space

Temporary removal of a parking space

- 7.1 The Chief Executive Officer or an authorised officer may temporarily remove any metered space or spaces or any parking space or spaces from use by the placement or erection of a sign or signs indicating 'No Parking' in the space or spaces.
- 7.2 It shall be unlawful for any person to park a vehicle at such metered space or spaces or parking space or spaces while such sign is so placed or erected at such space or spaces.

- 7.3 If, in the opinion of the Chief Executive Officer or an authorised officer of Council or any enforcement officer, any metered space or spaces or any parking space or spaces should be temporarily discontinued as a metered space or parking space, Council may place or erect a sign or signs indicating 'No Parking' at such metered space or spaces or parking space or spaces and it shall be unlawful for any person to park a vehicle at such metered space or spaces or parking space or spaces while such sign is so placed or erected.

8 Reservation of metered space or parking space

Reserving parking for businesses or other organisations

- 8.1 The Chief Executive Officer or an authorised officer may in special circumstances allow for a person to have exclusive right to park in a particular metered space or parking space.
- 8.2 Council may upon the payment of a fee erect or place a sign or signs indicating 'reserved parking' at such metered space or parking space.
- 8.3 It shall be unlawful for any other person than the approved applicant to park a vehicle at such metered space or such parking space while such sign or signs are so placed or erected.
- 8.4 Notwithstanding any provision in this bylaw to the contrary, it shall be lawful for the applicant under sub-clause 8.1 of this clause, upon payment of a fee fixed by the Chief Executive Officer to park a vehicle or cause a vehicle to be parked in a metered space or parking space marked with a sign as provided in that sub-clause for such period as may be permitted by Council or the authorised officer of Council.

9 Interference with parking meters

Damage to meters

- 9.1 Every person commits an offence against the bylaw who misuses any parking meter or multiple parking meter or receipt dispenser or pay and display parking meter who interferes, tampers or attempts to interfere or tamper with the working or operation of any parking meter or multiple parking meter or receipt dispenser or pay and display parking meter who without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing on or to paint, write upon or disfigure any parking meter or multiple parking meter or receipt dispenser or pay and display parking meter.

10 Prescribed coins only to be deposited

Coins

- 10.1 No person shall deposit or cause to be deposited in any parking meter or multiple parking meter or receipt dispenser or pay and display parking meter anything whatever other than the prescribed coin.

11 Unlawful parking

- 11.1 It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle to be parked in any metered area, metered space or parking space or in any receipt display parking area or in any pay and display parking area except as permitted by the provisions of this bylaw.

12 Unlawful operation of parking meter

- 12.1 No person shall operate or attempt to operate any parking meter or multiple parking meter or receipt dispenser or pay and display parking meter by any means other than the prescribed manner.

13 Altering, forging or counterfeiting receipt

Forging

- 13.1 Every person commits an offence against this bylaw who alters, forges or counterfeits any document or uses any such altered forged or counterfeited document with intent to cause a constable or parking warden to act upon that document as if were an unaltered receipt issued by a receipt dispenser.

14 Parking and stopping restrictions

- 14.1 Subject to the erection of the appropriate traffic sign(s) and/or traffic control device(s) Council may from time to time by resolution publicly notified:

- a Prohibit or restrict the stopping, standing or parking of a vehicle of any specified class or description, on a road, private road, public place or parking place or on any part thereof;
 - b Limit the stopping, standing or parking on any road, private road, public place or parking place or on any part thereof to vehicles of a specified class or description;
 - c Limit the period of time that a vehicle may park on any part of a road, private road, public place or parking place or on any part thereof where stopping, standing or parking is limited to such vehicles.
- 14.2 Any such resolution may apply to a specified road, private road, public place or parking place or to any part thereof, or be effective during a specified period of time.
- 14.3 No person being the driver of or in charge of a vehicle shall stop, stand or park that vehicle on any part of a road, private road, public place or parking place in contravention of a prohibition, limitation or restriction imposed by resolution of Council and indicated by a traffic sign and/or a traffic control device prescribed by the Land Transport (*Road User*) Rule 2004 and/or any traffic control device and/or traffic sign prescribed by the Land Transport Rule: Traffic Control Devices 2004.
- 14.4 Any driver or person in charge of any vehicle who causes, allows, permits or suffers such vehicle to be parked contrary to the provisions of clauses 14.1 or 14.2 or 14.3 of this bylaw shall commit a breach of the bylaw and shall be liable for the infringement fees set out in Part 3 of the First Schedule to this bylaw.

15 Time controlled parking

- 15.1 No driver or person in charge of any vehicle shall cause, allow, permit or suffer such vehicle to remain parked in a parking space for a period longer than the maximum period of time that a vehicle may park in such parking space where such period of time is restricted or limited by a resolution of Council and evidenced by signs erected by Council specifying the maximum period of time that a vehicle may park in that parking space.
- 15.2 Any person who is in breach of clause 15.1 will be liable to pay the infringement fees prescribed in Part 1 of the First Schedule of this bylaw.

Traffic management

16 Prohibiting right hand turns at specified intersections

Resolution

- 16.1 The driver of any motor vehicle or bicycle shall not turn to the right at any intersection where Council by resolution prohibits vehicles turning to the right and erects signage detailing such prohibition.

Exemption

- 16.2 Any resolution for the purposes of clause 16.1 may prohibit vehicles turning to the right at all times or only at such times as Council may from time to time determine **provided** however, that notwithstanding the fact that no resolution has been passed or no sign is erected as provided herein, any police Officer or Parking Warden controlling traffic at any intersection may prohibit vehicles turning to the right at such intersection if in their opinion it is reasonably necessary for the safety and expeditious handling of traffic that the turning of vehicles to the right should for the time being be prohibited.

17 Prohibiting of u-turns at specified locations

Resolution

- 17.1 The driver of any vehicle or bicycle shall not carry out a u-turn on a section of road, where Council by resolution prohibits vehicles to u-turn and erects signage detailing such prohibition.

18 One way streets

Resolution

- 18.1 The driver of any vehicle and a rider of any horse or bicycle shall only travel along a section of road in the direction indicated by signage, where Council by resolution prohibits vehicles from travelling in a given direction, and signage indicating the direction of travel is displayed.

Exemption

18.2 Any resolution for the purposes of clause 18.1 may prohibit vehicles from travelling in certain directions at all times or only at such times as Council may from time to time determine PROVIDED however, that notwithstanding the fact that no resolution has been passed or no sign erected as provided herein, any Police Officer or Parking Warden controlling traffic may direct vehicles to travel along a section of road if in their opinion it is necessary for the safety and expeditious handling of traffic.

19 Prohibited parking

Parking prohibited on berms and footpaths

19.1 No person shall cause, permit or suffer any vehicle to stand or remain standing or be driven upon, across, or on any grass berm or footpath, unless across any designated or specified vehicle access immediately adjacent and provided specifically for access to that grass berm or footpath, in any public place under the control of Council excluding emergency services and New Zealand Police in the execution of their duties.

Specific parking areas

20 Prescribed motor vehicle stands

Resolution for loading zone

20.1 Loading zone

Council may by resolution:

- a Determine that any part of a road shall be a loading zone
- b Restrict the stopping, standing or parking of vehicles other than goods service vehicles in a loading zone
- c Restrict the period of parking time of any vehicle in a loading zone.

20.2 Clearways/restricted parking areas

Council may by resolution:

Clearways

- a Prohibit or restrict the stopping, standing or parking of motor vehicles on any road
- b Limit the stopping, standing or parking of parking vehicles on any road to vehicles of any specified class or description
- c Limit the period of time motor vehicles may park on any part of the road where parking is limited to such vehicles
- d Prohibit vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction
- e Prohibit vehicles from turning to the right or to the left providing always any such restrictions shall be identified by appropriate signs recording the prohibition or restriction
- f Prescribe times of the day when motor vehicles shall not stop, stand or park on any road or part of a road
- g Determine any part of a road to be a clearway to which no-stopping parking restrictions shall apply and the period of time for which the clearway restriction attaching to that part of a roadway applies.

Resolution for taxis zones

20.3 Taxi Stands

Council may from time to time by resolution determine those portions of road which are to be set aside as designated stands for use by taxis.

Resolution for bus stops

20.4 Bus stops

Council may from time to time by resolution publicly notified determine those portions of road which are to be set aside as constituted stands for use by a bus as a bus stop passenger service vehicles.

20.5 Bus stands

Council may from time to time by resolution determine those portions of road which are to be set aside as constituted stands for use by a bus as a bus stand.

- 20.6 In all cases where no stands are appointed by this bylaw a Constable or Parking Warden shall have power, in cases of necessity, to appoint a temporary stand, and the driver of any vehicle may use the same in accordance with the instructions of the Constable or Parking Warden.
- 20.7 Council may prescribe markings, signs, notices or devices erected or placed in a conspicuous position in or on any road or other area controlled by it to indicate where on any road, or area or portion thereof, the stopping, standing or parking of any vehicle, whether attended or unattended is prohibited or restricted by this bylaw.
- 20.8 Any person who parks on or in an area set aside pursuant to clauses 20.1 through 20.5 of this bylaw without being authorised to park in such loading zone, prohibited parking area, restricted parking area, clearway, taxi stand, bus stop, bus stand or parking spaces provided for such use will on a breach of such parking restriction applying to that area commit an offence and will be liable to pay the infringement fees set out in Part 3 of the First Schedule of this bylaw.

21 Parking reserved for vehicles displaying mobility parking permits

Resolution

- 21.1 Council may from time to time by resolution reserve any specified parking place either generally or at specified times for the exclusive use of any disabled person who has on display in their vehicle a Mobility Parking Permit.

Signs and markings

- 21.2 Council shall by markings, signs, notices or devices 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, standing, or parking of any vehicle other than that driven by a disabled person displaying a Mobility Parking Permit, whether attended or unattended, is prohibited or restricted.

Variations to scheme

- 21.3 Council may, from time to time, supplement, alter or remove any of the signs, markings, notices or devices referred to in clause 21.2 but while maintained shall apply to all vehicles displaying a Mobility Parking Permit.
- 21.4 Any person who parks in a disabled person's parking space contrary to the provisions of clauses 21.1, 21.2 and 21.3 of this bylaw commits an offence and will be liable to pay the infringement fee set out in Part 3 of the First Schedule of this bylaw.

22 Parking places and transport stations

Resolution

- 22.1 Council may from time to time by resolution:
- a Declare any piece of land, any street, any part of a street, any building or any part of a building owned or occupied by Council to be a parking place or transport station
 - b Direct the times, manner and conditions for parking of vehicles in any such parking place or transport station
 - c Direct the classes of vehicles that shall be permitted to be parked in any such parking place or transport station
 - d Fix the fees payable for parking of vehicles in any such parking place or transport station
 - e Make provision for the efficient management and control of any such parking place or transport station.

Conditions

22.2 No driver or person in charge of a vehicle shall cause, allow, permit or suffer such vehicle to be parked in any such parking place or transport station except as permitted by such resolution.

Changes

22.3 Any such resolution may from time to time be amended or rescinded by a further resolution of Council.

Livestock

23 Licensing of vehicles animal power

23.1

Operate a vehicle using animals

- a No person shall keep or operate any vehicle drawn or propelled by animal power available for the carriage of goods for hire or reward otherwise than pursuant to a licence under and in accordance with the provisions of this bylaw

Application

- b Any person being the owner of any such vehicle in respect of which that person desires to obtain a licence shall make application therefore to Council in writing.

23.2 Application

Every such application referred to in Clause 23 shall be in such form as shall be prescribed by the Chief Executive Officer and shall set out

- i The full name, address, and occupation of the owner of the vehicle;
- ii A description of the vehicle sufficient to identify it;
- iii The purpose for which the vehicle is to be used;
- iv The maximum weight of goods intended to be carried in the vehicle;
- v The number of animals and species proposed to be used in the operation of the vehicle; and
- vi The tare weight of the vehicle.

23.3 Fees

Fees

- a Every applicant for a licence under this clause of this bylaw shall, when lodging his application, pay Council such fee as may from time to time by Council be prescribed by resolution publicly notified.
- b In any case in which no licence is issued pursuant to an application so made as aforesaid the amount of the fee accompanying the application shall be refunded to the applicant.

23.4 Insufficient or false information

Information

- a Council may withhold a licence if it considers that insufficient information has been supplied relative to the matter herein referred to or required by any relevant bylaw, or if it considers that the vehicle is in any respect unsuitable for the purpose for which a licence is required, and it shall in that event give the applicant notice of such withholding and particulars of any deficiency or unsuitability, and the applicant shall thereupon make good such deficiency or remedy such unsuitability.
- b Where any application sets out any false statement the person signing such application shall be guilty of an offence against this part of this bylaw.

23.5 Issuing of licence

Where Council is satisfied that the application and the vehicles proposed to be licensed are in accordance with this Part of this bylaw and with all other relevant bylaws and Acts it may issue a licence in respect of the vehicle described in the application in such form as shall be set by the Chief Executive Officer.

23.6 Terms and conditions

No person shall operate any licensed vehicle except in accordance with and subject to the following terms and conditions:

- i Every such licence shall remain in force until the 31st day of March next following the date of issue thereof and no longer.

- ii The licence shall specify the maximum weight of goods which may be carried on such vehicle according to the number of animals to be used in the operation of such vehicle and shall also specify the maximum number of animals to be used, and no person shall operate any licensed vehicle carrying a greater load than the maximum load authorised by the licence for the time being in force in respect of such vehicle.
- iii Every licensed vehicle shall be drawn or propelled by a number of animals sufficient for its load in accordance with the licence for the time being in force in respect thereof.
- iv Every licensed vehicle shall have affixed in a position approved by Council an indication disk or device supplied by Council setting out the number and particulars of the licence in respect thereof.
- v Such indication disk or device shall at all times be kept clear, undefaced, and visible for inspection.
- vi If at any time during the term of the licence the said disk or device shall become lost, defaced or illegible Council shall, upon the payment of a prescribed fee, issue a new disk or device in substitution therefore.
- vii The owner of any licensed vehicle shall within seven days notify Council in writing of any change of place of abode.
- viii Any owner selling or otherwise disposing of their vehicle shall within seven days thereafter give written notice to Council of such sale and of the name and place of abode of the purchaser; and shall at the same time forward to Council the licence for such vehicle; and the purchaser shall, before plying or permitting such vehicle to ply for hire, apply to Council to have such licence transferred to them and shall pay for such transfer such fee as may from time to time by Council be prescribed by resolution publicly notified.
- ix Upon every licensed vehicle there shall be permanently and legibly written in characters not less than 25 mm in height and in a conspicuous place as may be directed by Council, the name and address of the owner, the tare weight of the vehicle, and the words Licensed To Carry, followed by the maximum weight of goods which may be carried.
- x No licensed vehicle shall at any time have thereon any weight of goods in excess of the weight it is licensed to carry.
- xi The owner of a licensed vehicle shall, upon request by any Constable, or Parking Warden, produce within 48 hours the licence in respect of such vehicle.
- xii In the event of loss or mutilation of any licence Council may, on application by the owner of the licensed vehicle and on payment of such fee as may from time to time by Council be prescribed by resolution publicly notified, issue a duplicate of such licence.
- xiii Every licensed vehicle shall be kept clean and in good repair and condition.
- xiv No person shall by outcry solicit any person to hire any licensed vehicle, nor obstruct the driver of any other licensed vehicle in loading or unloading goods.
- xv No driver of any licensed vehicle shall permit the same to stand in any public place longer than may be reasonably necessary for loading or unloading goods, except while on a stand which the said vehicles is authorised to occupy under this Part of this bylaw.
- xvi No driver of any licensed vehicles shall refuse or delay to admit and carry in or by his vehicle the quantity or weight of goods painted or marked thereon and specified in the licence granted in respect thereof unless the vehicle shall have already been hired in such circumstances as to preclude such carriage the proof whereof shall be upon the driver or such driver shall be otherwise excused by the provisions of this Part of this bylaw or other justifiable circumstances.
- xvii No licensee under this Part of this bylaw having agreed to take or accept any order to carry or deliver any goods at any time to or from any place shall neglect or refuse to fulfil such agreement or engagement and such licensee shall perform such agreement without any unnecessary delay.

Terms and conditions

23.7 Vehicle in dangerous or unfit condition

Vehicle conditions

- a If in the opinion of any Constable or Parking Warden it shall at any time appear that any licensed vehicle is in a dangerous or unclean condition or is otherwise unfit for use as such, or if there shall

have been a breach or non-observance or non-performance of any of the terms or conditions of the licence, Council may give notice in writing to the licensee of such vehicle requiring them to appear to be fixed in such notice to show cause why such licence should not be cancelled or suspended.

- b No person shall be required to appear less than seven days after the service of such notice.
- c Council may, at such time and place after hearing such person or their representative and if they shall not so attend then in their absence, cancel such licence or suspend the same for such time as it considers advisable.

Removal of vehicles

24 Abandoned vehicles

Authorisation

24.1 Where, in the opinion of the Chief Executive Officer or his/her authorised officer a vehicle is considered abandoned on a road or public place, by virtue of:

Complaints

- i Three or more complaints received by Council; and/or

Types of complaints

- ii It being deemed, a nuisance or impacting on the surrounding amenity of the area

Notice to owner

then a notice will be issued/sent to the last known registered owner, which will provide for 48 hours from the date of posting for the owner to remove the vehicle.

Removal

24.2 If the vehicle is not moved, then the Chief Executive Officer or his/her authorised officer will arrange for the removal and storage.

Abandoned vehicles

24.3 Where, in the opinion of the Chief Executive Officer or his/her authorised officer a vehicle is considered abandoned, by virtue of being deemed to be in a dangerous location or in a dangerous state, then the Chief Executive Officer or his/her authorised officer will arrange for the immediate removal and storage.

Removal of vehicle

24.4 If the vehicle is not claimed, then Council may dispose of the vehicle as deemed necessary and attempt to recover costs with any cost not recovered to be sought from the last registered owner.

25 Removal of vehicles

This clause was deleted by Council resolution on 25 February 2009

26 Road maintenance and re-sealing work

Removal of vehicle

26.1 In the event where road maintenance and/or re-sealing work is taking place, the Chief Executive Officer or Roding Manager believes that the progress of the work is being inhibited by parked vehicles, they may move the vehicles to the berm or road reserve to enable work to continue.

Preconstruction notice

26.2 Before any work commences, the Roding Manager or his authorised officer must make every effort to advise property owners in the area of the impending work. Further, where a vehicle or vehicles are potentially parked and likely to impede progress, the engineer must attempt to locate the vehicle owner via the vehicle registration, and to make contact before work commences.

27 Wheel clamping

Wheel clamping

This clause was deleted by Council resolution on 25 February 2009.

Waste-taker bins and containers

28 Waste-taker bins

28.1 Waste-taker bins and similar receptacles may be placed on the road if:

Waste bins

- a The bin or receptacle is contained within an area on the road that has been fenced off by a builder's fence

Builders area

- b In areas where parking is for the time being controlled by meters:
 - i Application is made to the Roding Manager for the issue of a parking meter shrouding sign Reserved Parking Keep Clear and if the application is granted the sign shall be attached to the meter controlling the parking space being used: and
 - ii The bin or receptacle is contained wholly within the parking space; and
 - iii The edge of the bin or receptacle facing on-coming traffic is painted white or fluorescent red, orange or yellow in contrast to the colour of the main body of the bin. The edge markings shall be so maintained as to ensure their clear visibility to traffic
- c The bin or receptacle is on a road, and not contained within a parking space nor within a builder's fence:

On road

- i Positioned as far as practicable to the left of the road to ensure the safe passage of vehicles and pedestrians; and

On road

- ii The end of the bin or receptacle is flagged with a free standing clean white, or fluorescent red, orange or yellow marker. The marker shall measure not less than 600 mm by 600 mm and shall not project more than 200 mm beyond the side of the bin or receptacle.

Times

28.2 No bin or receptacle shall be left on any road between half an hour after sunset of one day and half an hour before sunrise the following day unless hurdled off and properly lit to the satisfaction of the Roding Manager.

Removal

28.3 Where any waste-taker bin or similar receptacle is placed on the road and the above conditions in sub-clause 28.1 of this clause have not been complied with, such bin or receptacle may be removed by Council and the cost of removal and damage shall be charged to the owner of the bin or receptacle.

29 Placing of shipping containers on a road

No containers on the road

29.1 No person shall leave a shipping container on any road without the prior written consent of the Roding Manager.

Exception

29.2 The Roding Manager may from time to time, give written permission, whether unconditionally or subject to such conditions as he thinks fit, for a shipping container to be left on any road.

Conditions

29.3 Any such permission may be granted for the leaving of shipping containers on roads generally, or any specified road or roads and for such period as the Roding Manager thinks fit, and may at any time be varied or revoked in writing by the Roding Manager.

30 Cycleways

Places for cycle lanes

30.1 Council may in accordance with the provisions of this bylaw on any road or part thereof, including any footpath forming part of any road, or on any land vested in or under the control of Council form or define a public cycle track.

Resolution

30.2 Council may from time to time by resolution:

- a Fix the length, route and siting of public cycle track on any such road, footpath or land;
- b Alter the length, route or siting of such public cycle track.

30.3 When a cycle track has been laid out in accordance with the provisions of this bylaw every vehicle shall yield the right of way thereon to a cyclist provided however that this obligation shall not prejudice the stopping, standing or parking of vehicles on a cycle track that forms part of the carriageway of a road and on which stopping, standing or parking of vehicles is not prohibited by any other enactment, regulation or bylaw.

30.4 Every person who:

- a Rides a cycle upon any cycle track carelessly or without reasonable consideration for other persons using the cycle track; or
- b Otherwise commits a breach of this bylaw;

shall commit an offence the penalty for which shall be a fine as set in the Fourth Schedule to this bylaw.

30.5 Footpath areas declared to be cycle ways as at the date of this bylaw are those set out in the Fifth Schedule to this bylaw.

31 Residents parking scheme

31.1 Council resolution

Resolution

Council may from time to time by resolution institute a Residents Parking Scheme in respect of one or more roads under its control, and may from time to time rescind or alter such resolution which may specify:

Roads affected

- a The road, or parts thereof, to be the subject of a residents parking scheme;

Time of operation

- b The hours and days of the week during which a residents parking scheme shall operate;

Fees

- c Such fees as it shall require, if any, to cover the reasonable cost to Council of the service involved in granting a permit to park, instituting and maintaining the residents parking scheme, erecting traffic signs and placing road-markings, and otherwise in relation to the reserving of the parking places;

Vehicles permitted

- d That parking on a road shall be limited only to the vehicles of residents, and that all other vehicles, or specified classes or types of vehicles, shall be the subject of a parking or loading prohibition or restriction, or any combinations thereof, in respect of that road;

Exemption

- e That the vehicles of residents may be parked on a road that is subject to meter and/or coupon parking with exemption from the payment of fees and from the time limitation and restriction that would otherwise apply pursuant to this bylaw;
- f That the vehicles of residents may be parked on a road that is subject to time limitation and restriction imposed pursuant to this bylaw with exemption from such time limitation and restriction.

Permits

31.2 The person to whom a permit is issued shall be entitled to park in accordance with the permit only in the road in which such person is a resident.

Permit transfer

31.3 Transfer of permit

- a No permit shall be or be capable of being assigned or transferred to any person whatsoever
- b A resident shall forthwith return a permit to Council when ceasing to own the subject vehicle, or upon ceasing to be a resident
- c If a resident obtains a different vehicle from that subject of a current permit, he/she shall forthwith surrender that permit, and upon making a new application shall be supplied with a new permit for that different vehicle for the balance of the then current permit period without paying a further fee.

New vehicle

31.4 Offences

Every person commits an offence who:

Offences

- a Makes a false application or supplies false details in an application for a permit
- b Places a permit on a vehicle for which it was not issued
- c Places or maintains a permit, or allows a permit to be placed or maintained, on a vehicle which is no longer being used by a resident
- d Parks, or permits to be parked, a vehicle on any road where a residents parking scheme is in force
- e Not being the holder of a current permit in respect of that vehicle; or
- f Being the holder of a current permit does not display the permit on the vehicle.

Owners agree

31.5 Property owners agreement

If an objection in writing made by any person who considers that he/she is likely to be affected by a residents parking scheme in respect of that part of the road adjoining their property is received by Council, then the residents parking scheme shall not apply to such part of the road.

Removal of vehicles

31.6 Removal of vehicles

Any vehicle, which is parked on a road the subject of a residents parking scheme, without a current permit for that vehicle may be removed on the authorisation of any Police Officer or Roading Manager to such secure place for vehicle parking. Such vehicle may be detained there by Council until the reasonable costs of such removal and of any subsequent daily storage are paid by the owner of that vehicle.

Heavy motor vehicles

32 Engine Braking Restrictions

Noise

- 32.1 No person shall, within any part of the Whangarei District which has a 50 kilometre per hour speed restriction, operate a Jacobs Engine Brake or any braking system device of the Jacobs Engineer Brake type, or any engine brake having essentially the same method of operation as that type of engine brake.

33 Prohibited activities on roads

Loss of traction

- 33.1 No person shall operate a motor vehicle weighing less than 3,500 kilograms on any part of a road in such a manner as to cause the vehicle to undergo sustained loss of traction by one or more of the driving wheels of the motor vehicle without permission of Council.

Pouring of fuel or liquids on road

- 33.2 No person shall wilfully pour petrol, oil, diesel or any liquid on to a road to be used by a motor vehicle to undergo sustained loss of traction by one or more of the driving wheels of the motor vehicle without the permission of Council.

34 Use of cranes etc

Cranes on the road

- 34.1 No person shall operate any crane, mobile crane, concrete pump truck, concrete truck, excavator or drill rig, parked on a road, without the prior consent of the Chief Executive Officer or the Roading Manager. Conditions may be imposed in granting such consent.

35 Washing of vehicles

Washing vehicle windows on the road

- 35.1 No person shall within the area administered by Council, wash or clean, for payment or donation, the windows of any vehicle stopped on the road carriageway. Any person who is found to be engaged in this practice and who fails to move on, following the direction to do so by a Police Officer or authorised Officer, commits an offence against this bylaw.
- 35.2 No person shall within the area administered by Council wash or clean a vehicle on the road carriageway or allow any chemicals to be discharged into the stormwater system. Any person who is found to be engaged in this practice and who fails to desist following the direction to do so by a Police Officer or authorised Council officer, commits an offence against this bylaw.

36 Displaying vehicles on street

Selling vehicles of the road

No person shall use any road or public place for the prime purpose of keeping, placing or parking of vehicles for sale, exhibition, demonstration, storage or otherwise, unless the written consent of Council is first obtained.

This clause was amended by Council resolution on 25 February 2009.

37 Advertising on road

- 37.1 No person shall park or leave any vehicle on a road or public place in circumstances where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign notice or placard carried upon or affixed to the same, or for the purpose of providing support for any flagpole.

Use of vehicle for advertising

38 Immobilised/immobile vehicles

Broken down vehicles

- 38.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any motor vehicle including a motor vehicle without wheels which is mechanically immobilised without the consent of the Roading Manager.

Removal

- 38.2 Any vehicle left standing in breach of this clause may be removed by Council to such place as is nominated by the Chief Executive Office or authorised officer.
- 38.3 Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

39 Caravans/mobile homes

Parking

- 39.1 No person shall stop, stand or park any caravan or mobile home on any road or public place for any continuous period exceeding three days without the previous consent of the Chief Executive Officer or authorised officer.
- 39.2 Except as provided for in 39.1 above, no person shall stop, stand or park any caravan or mobile home on any road or public place for any continuous period exceeding three days unless the vehicle has a certificate of self containment for waste water that is generated from the vehicle subject to the following conditions:
- a Black and grey water must be disposed of in a Council approved dump point
 - b All refuse must be disposed on in an approved refuse collection bag and put on for collection on an appropriate day. Bags and advice about collection days are available at Council offices
 - c All overnight sites must be left in a clean and tidy state
 - d Comply with a request to move on, by an officer of the Council.

40 Working on vehicles

Vehicle repairs banned

- 40.1 No person shall park any vehicle on any road or public place to carry out any repairs unless:
- a Those repairs are of an urgent or minor nature;
 - b It is impracticable to carry out those repairs elsewhere;

and in either case the owner or person in charge of the vehicle takes all reasonable care to prevent the occurrence of any accident, mishap, collision or damage or any injury to or interference with any person, animal or property arising from the placement of the vehicle.

41 Stationary period

- 41.1 No person in charge of any animal or vehicle other than a licensed vehicle authorised to occupy such stand shall permit the same to remain stationary upon any stand duly appointed or for the time being existing as a stand for any licensed vehicle of any class whatsoever for a longer period than is reasonably necessary for the loading or unloading of goods or the taking up or setting down of passengers.

42 Dispensations

- 42.1 Council may from time to time by resolution grant dispensation from any of the requirements of this bylaw to any person or groups of persons as it shall specify.

43 Powers of officers

- 43.1 Any Constable or Parking Warden or Parking Enforcement Officer who may from time to time be exercising their authority in the district shall, during the period of their appointment, have, in addition to any other powers conferred on them by the provisions of this Part of this bylaw, the following powers:

- i The Constable or Parking Warden may require the driver or person in charge of any animal or vehicle whether licensed or not to move such animal or vehicle from any position which the same may be occupying in any public place
- ii The Constable or Parking Warden may move any animal or vehicle which has been left unattended on any public place to any other position
- iii The Constable or Parking Warden may require the driver or person in charge of any licensed vehicle to proceed to the nearest available weighbridge and there to weigh the said vehicle with any load which it may be carrying, provided that such Inspector shall pay the charge if any for the weighing of such vehicle and load
- iv The Constable or Parking Warden may direct whether by signal or word of mouth the driver or person in charge of any animal or vehicle on any public place to proceed along a certain route or in a certain direction or not to proceed along a certain route or in a certain direction
- v The Constable or Parking Warden may require the driver or person in charge of any animal or vehicle to stop the same and remain stationary for such period as such Inspector shall deem necessary
- vi The Constable or Parking Warden may, if in their opinion the driver or person in charge of any vehicle is for the time being incapable of properly controlling or handling the vehicle, require such person or driver to vacate the driver's seat of the vehicle and may themselves take charge thereof
- vii The Constable or Parking Warden may require the driver of or any person in charge to give their name, address and occupation.

43.2 Any person who shall fail to comply with any request or direction of or by a Constable or Parking Warden or Parking Enforcement Officer shall be guilty of an offence against this Part of this bylaw.

44 Exemptions

Exemptions

44.1 The driver or person in charge of the following vehicles shall be exempt from the provisions of this bylaw for a vehicle used

Ambulance

- i As an ambulance and being at the time used on urgent ambulance service
- ii By a fireman and at the time engaged at an outbreak of fire.

Fire

- iii By a fire brigade for attendance at fires and at the time engaged at an outbreak of fire.

Council

- iv On behalf of Council by elected members or employees of Council who are at the time engaged on official Council business and who display the appropriate exemption card in a readily visible position or are driving in a vehicle marked as being the property of Council.

44.2 Over 70 parking scheme

Concessional parking for drivers over 70 years of age

The driver of a vehicle where the driver is aged over 70 years of age shall be permitted to park in any metered space, parking space, pay and display parking meter, and any receipt display parking area free of any charge for the maximum time that any vehicle could park in that space providing always that there is displayed an over 70 parking meter exemption card as issued by Council on the vehicle dashboard.

44.3 Disabled person working parking permits

A disabled person who works within the urban area of Council shall be entitled to park in any parking space that is either controlled by a parking meter or receipt display meter area free of any charge providing that person:

- i Holds a Mobility Parking Permit

- ii Works within the urban area of Council
- iii Has endorsement from their employer for the application for such permit
- iv Holds a permit confirming the hours and days worked; and
- v Holds a permit issued by Council

provided always that:

- 1 The person to whom such a permit is issued parks only in accordance with the permit provided
- 2 The disabled working permit is displayed on the dashboard of the vehicle
- 3 Any permit issued shall not be assigned or transferred to or used by any other person; and
- 4 In the event that the holder of such a permit obtains different employment then he or she must provide confirmation from the new employer to Council of the new employment and the hours and days worked.

44.4 Offences

Every person commits an offence who:

- a Makes a false application or supplies false details in an application for a disabled working parking permit
- b Places or maintains a permit, or allows a permit to be placed or maintained, on a vehicle which is not being used by the disabled permit holder specifically for the purposes of work
- c Does not notify Council when ceasing to work in the Whangarei area and return the permit issued

With any such offence to be treated as a parking offence.

44.5 Mobility parking permits

A person displaying a Mobility Parking Permit may park in a restricted time parking area, a metered space or receipt parking space for double the advertised time for that area provided they have paid for the first half of the time.

Operation mobility

45 Repeals and savings

- 45.1 Every determination or resolution of Whangarei City Council and Council providing for any aspect of parking control covered by the provisions of this bylaw including:
- i The determination of authorised periods and time, parking fees and charges, infringement fees and charges
 - ii The setting aside of areas as metered areas, metered zones, multiple parking meter areas, pay and display parking areas and receipt display parking areas
 - iii The establishment of areas as constituted stands, taxi stands, clearways, loading zones, designated stands, constituted stands or bus stops and/or
 - iv Any other determinations providing for the parking provisions set out in paragraphs 3, 4, 5, 6, 14, 15, 16, 17, 18, 19 and 20 of this bylaw
 - v The setting aside of areas as parking areas where the stopping or parking of vehicles in such areas is restricted to a maximum period of time; and/or
 - vi The setting out of or establishment of all signs, prohibitions, limitations and restrictions marked out or erected in accordance with resolutions of Whangarei District Council or Council

shall continue in force and shall continue to apply notwithstanding the repeal of the Whangarei District Parking Bylaw 1986, the Whangarei City Bylaw No 2 – 1964 Amendment No 2 and the Whangarei District Parking and Traffic Bylaw 2005.

- 45.2 Save as herein provided the Whangarei City Parking Bylaw 1986, the Whangarei City Bylaw No. 2 – 1964 Amendment No. 2 and the Whangarei District Parking and Traffic Bylaw 2005 are hereby repealed.

46 Power to amend certain schedules by resolution

Council may from time to time by resolution publicly notified make additions to or deletions from the Schedules to this bylaw.

47 Offences

47.1 Penalties

Every person commits an offence against this bylaw who:

- a Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by any traffic sign or any traffic control device or any other signs and notices, laid down, placed, or made or erected, in or upon any road or public place pursuant to any provision of this bylaw
- b Fails to comply with any condition, duty or obligation imposed by or pursuant to this bylaw.

47.2 Any person found guilty of an offence against this bylaw shall be liable to a fine not exceeding \$500.00.

Schedule of amendments

Date of Council Resolution	Clause(s)	Summary of Amendment
25 February 2009	25, 27	Delete
	36.1	Amend – wording clarification

First Schedule

1 Parking infringement fees for metered areas parking metered areas, multiple parking meter areas and time restricted parking areas

Time parked in excess	Current fee (\$)	Discount if paid within 7 Days (\$)
No more than 30 minutes	10.00	2.00
More than 30 minutes but not more than 1 hour	14.00	3.00
More than 1 hour but not more than 2 hours	20.00	
More than 2 hours but not more than 4 hours	30.00	
More than 4 hours but not more than 6 hours	34.00	
More than 6 hours	57.00	
Failing to operate a meter	20.00	

2 Parking infringement fees for receipt display parking areas or pay and display parking areas

Time parked in excess	Current fee (\$)	Discount if paid within 7 Days (\$)
No more than 30 minutes	10.00	2.00
More than 30 minutes but not more than 1 hour	14.00	3.00
More than 1 hour but not more than 2 hours	20.00	
More than 2 hours but not more than 4 hours	30.00	
More than 4 hours but not more than 6 hours	34.00	
More than 6 hours	57.00	
Failing to properly display a parking receipt issued by a receipt dispenser	40.00	
Displaying more than one parking receipt issued by a receipt dispenser	40.00	

3 Parking in breach of the applicable parking restriction as set out below

a	Parking on or within 6 metres of an intersection	60.00
b	Parking on or near a pedestrian crossing	60.00
c	Parking on broken yellow lines	60.00
d	Double parking	60.00
e	Inconsiderate parking	60.00
f	Parking on a clearway	60.00
g	Parking in a bus stop or bus stand	40.00
h	Parking in a taxi stand	40.00
i	Parking in a loading zone	40.00
j	Parking in a Disabled Persons parking space	40.00
	All other parking offences	40.00

Second Schedule

Removal fees payable where vehicles are removed pursuant to Clauses 25 and 27 of this bylaw

- i For any vehicle whose gross laden weight is less than 3500 kilograms towing fees of
 - a \$52.50 for towage between the hours of 7am and 6pm on any day other than Saturday, Sunday or any public holiday; and
 - b \$70.00 for towage at any other time.
- ii For any vehicle whose gross laden weight is more than 3500 kilograms towing fees of:
 - a \$130.00 for towage between the hours of 7am and 6pm on any day other than Saturday, Sunday or any public holiday; and
 - b \$200.00 for towage at any other time.

Third Schedule

Clamping charges payable pursuant to Clause 27 of this bylaw

Clause 27 was deleted by Council resolution on 25 February 2009.

Fourth Schedule

Riding upon a cycle track carelessly or without reasonable consideration for other persons using the cycle track - \$40.00.

Fifth Schedule

Cycleways

- 1 The following footpath areas be declared as cycleways:
 - a Kamo Road from Park Avenue to Kamo. Both sides of Kamo Road. This would connect with the proposed cycle route from Alexander Street to Kamo Road
 - b Kiripaka Road up to Speddings Road shopping centre, Tikipunga. Western side of Kiripaka Road
 - c Maunu Road from Silverstream Road to Puriri Park Road. Eastern side of Maunu Road
 - d Riverside Drive from the Town Basin to Memorial Drive. On the Hatea River side of Riverside Drive
 - e Western Hills Drive from Rust Avenue to Manse Street. On the Whangarei Boys High School side of Western Hills Drive

Provided always that these prohibitions shall not apply when escorted by a Police Officer.