

Kaipara District Council

Consolidated

General Bylaw

2020

Made by Kaipara District Council by Resolution in Council: 28

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Kaipara te Oranganui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

Consolidated General Bylaw 2020

Part 6 – Traffic

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1. Purpose

1.1 The purpose of this Part of the Bylaw is to set requirements for parking and control of vehicular or other traffic on any road under the control of Council within the Kaipara district.

Schedules to this Bylaw may be amended from time to time by Council. Up-to-date register of resolutions are held at the Council office.

Explanatory note: *This Bylaw does not apply to roads under the control of the NZ Transport Agency. Speed Limits have their own Bylaw, please refer to the Kaipara District Council Speed Limits Bylaw 2018.*

2. Interpretation

2.1 In this Bylaw, unless the context otherwise requires:

- Berm and grass verge* means any part of the land lying between the formed carriageway of the road and the adjacent road boundary.
- Class of vehicle* means a particular grouping of vehicles defined by reference to any common feature and includes:
- a. vehicles of 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 relevant permit authorised by Council.
- Disabled person* has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.
- Enforcement Officer* has the meaning in section 2(1) of the Land Transport Act 1998.
- 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.
- Footpath* means as much of any road or public place that is laid out or constructed by the authority of Council for pedestrian use; and includes the edging, kerbing and channelling thereof.
- Goods service vehicle* means a motor vehicle used or capable of being used in a goods service for the carriage of goods, but does not include a vehicle specified as an exempt goods service vehicle in regulations or rules made under the Land Transport Act 1998.

- Immobile vehicle* means any vehicle that has no effective motor power in or attached to it, or cannot be driven safely, and includes boats, trailers, caravans and the shell or hulk of a vehicle.
- Large passenger service* means a passenger service provided in a large passenger service vehicle.
- Large passenger service vehicle* means any passenger service vehicle that is designed or adapted to carry more than 12 people (including the driver).
- Mobility 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
 - b. approved by an Authorised Officer.
- Parking and park* means:
- a. in relation to any portion of a road where parking of the vehicle is permitted but subject to payment of a charge
 - b. in relation to any other portion of any land or building, the stopping or standing of a vehicle upon that portion of land or building.
- Parking place and parking* means a road or part of a road or any zone or other place, including a building, provided by Council where vehicles, or any class of vehicles, may stop, stand or park.
- Parking warden* means any parking warden appointed by Council to hold the office of parking warden under section 128D of the Land Transport Act 1998.
- Passenger service* has the meaning in section 2(1) of the Land Transport Act 1998.
- Passenger service vehicle* has the meaning in section 2(1) of the Land Transport Act 1998.
- Road* means:
- a. a street
 - b. a beach
 - c. a place to which the public have access, whether as of right or not
 - d. bridges, culverts, gates and fords forming part of a road or street, or a place referred to in sub clause (c) which is under the control of Council.
- Small passenger service* means a passenger service provided in:
- a. a small passenger service vehicle
 - b. a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is provided by one of the passengers being carried

- c. a vehicle designed or adapted to carry 12 or fewer people (including the driver) that is being used in a facilitated cost-sharing arrangement.

Small passenger service vehicle means any passenger service vehicle that is designed or adapted to carry 12 or fewer people (including the driver)

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

2.2 Nothing in this Part of the Bylaw shall derogate from any provision of, or the necessity for, compliance with:

- a. Land Transport Act 1998 or any Act passed in amendment of or substitution of that Act.
- b. Any regulations or rules made under the Land Transport Act 1998 or any regulations or rules made in amendment of or substitution for those regulations or rules.

3. Resolutions made under this part of the Bylaw

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

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

3.2 The power for 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.

4. Stopping, standing and parking

4.1 Council may, by resolution publicly notified:

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

4.2 Council may, by resolution publicly notified, prohibit, restrict or control the parking of vehicles in any parking place (including on a reserve) or transport station or any part or parts of such parking place or transport station.

4.3 Every resolution under clause 4.2 may:

- a. be made in respect of any specified class of vehicle

- b. prescribe the times, manner and conditions for the parking of the vehicles or classes of vehicle
 - c. prescribe:
 - i. any charges to be paid for the use of the parking place or transport station
 - ii. the manner by which parking charges must be paid by the use of parking machines or electronic payment or in any other specified manner.
- 4.4 In relation to a parking space within a time-limited area, a vehicle first parked then manoeuvred within and parked again in that space shall be deemed to have continuously parked in that location until it has been entirely removed from that parking space.

5. Mobility parking

- 5.1 Council may, by resolution publicly notified, 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.
- 5.2 A person must not park a vehicle in a mobility parking space unless:
- a. the vehicle is lawfully displaying a mobility parking permit
 - b. the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

6. Electric charge stations

- 6.1 Council may, by resolution publicly notified, specify any parking space as an electric charging station parking space.
- 6.2 A person must not stop or park any vehicle on any electric charging station parking space unless the vehicle is an electric vehicle which is in the course of being charged.

7. Immobile vehicles

- 7.1 Except with the written permission of an Authorised Officer given in respect of any immobile vehicle and in compliance with any conditions subject to which permission is given, a person must not park an immobile vehicle on any road or other land under the control or ownership of Council, for a period exceeding seven (7) days. After seven (7) days the immobile vehicle is required to be permanently removed.
- 7.2 If after seven (7) days, the owner or person in charge of any immobile vehicle referred to in clause 7.1 cannot be located or refuses to remove the immobile vehicle, subject to sections 356 to 356B of the Local Government Act 1974, section 113 of the Land Transport Act 1998 and any other applicable legislation, Council may take such reasonable steps as it considers appropriate to remove the vehicle from the road or land, and may recover the costs of doing so.

8. General parking restriction

- 8.1 Except as directed by a police officer, enforcement officer, parking warden, or except in a traffic emergency, a person must not park any vehicle or permit any

vehicle to remain parked on any road, parking place, transport station or reserve, or any part or parts of such road, parking place, transport station or reserve contrary to this Part of the Bylaw or a resolution made under this Part of the Bylaw.

- 8.2 A person must not upon any berm or road reserve in an urban area:
- a. drive or park any vehicle
 - b. cause or permit any vehicle to be driven or parked.
- 8.3 A person must not 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.
- 8.4 Notwithstanding clause 8.2, if, because of its size, it is necessary for a vehicle to occupy more than one adjoining parking space, it may do so.
- 8.5 A person must not park any vehicle in a parking space beyond the maximum time period for parking in that parking space.
- 8.6 A person must not, without approval from an Authorised Officer, park in a parking space where parking is temporarily prohibited by an Authorised Officer using signs or cones.

9. Selling vehicles on the road

- 9.1 A person must not use any road or public place for the parking of any vehicle for sale, exhibition, demonstration, advertisement, signage or storage of that vehicle, without prior written approval from an Authorised Officer and in accordance with any conditions placed on any such approval.
- 9.2 Council may, by resolution publicly notified, specify and identify places where the parking of any vehicle for sale shall be permitted.

10. Goods service vehicles

- 10.1 A person must not use any goods service vehicle for the purpose of delivering or picking up any parcels or goods to or from the front entrance of any business premises, if there is vehicular access available to the rear entrance of the premises either by service lane, loading docks, private right-of-way, or lane, yard or otherwise.
- 10.2 Council may by resolution:
- a. determine any road or part of a road or any parking space to be a loading zone
 - b. specify the class(es) of vehicle that may use the loading zone
 - c. prescribe the maximum length of time any vehicle or class of vehicle may park in a loading zone.
- 10.3 A person must not use a loading zone in contravention of a prohibition or restriction made under clause 10.2.

11. Weight restricted bridges

- 11.1 Council may by resolution publicly notified:
- a. prohibit or restrict any specified classes(s) of vehicles from using any particular bridge under its control within the district

- b. specify weight limits for vehicles that may use a particular bridge that is under the control of Council and the conditions under which vehicles of a particular weight may use that particular bridge.

11.2 A person may apply to Council to use a particular weight restricted vehicle on a particular bridge contrary to clause 11.1. An Authorised Officer may approve such use and set such conditions as they consider appropriate when allowing any approvals.

12. One-way roads

12.1 Council may by resolution publicly notified prohibit the driving of vehicles or riding of any horse or bicycle along any road except in one specified direction only.

12.2 No person shall drive a vehicle, horse or bicycle other than in the direction specified under clause 12.1.

13. Left or right turns and U-turns

13.1 Council may by resolution prohibit:

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

13.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Council has prohibited or restricted such movements.

14. Routes and manoeuvres on roads

14.1 Council may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.

14.2 A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Council.

15. Traffic control by size, nature or goods (including heavy vehicles)

15.1 Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.

15.2 A person must not use a road contrary to a prohibition or restriction made by Council.

15.3 If in the opinion of Council, it is safe to do so, Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of:

- a. loading or unloading goods or passengers at any property whose access is by way of the road

- b. providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available
- c. undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available
- d. undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

16. Temporary speed restrictions

- 16.1 An Authorised Officer may temporarily restrict the use of or speed limit of, or class of vehicle which may use any part of any road or any other vehicle access way under the jurisdiction of the Council. Any such restriction shall be defined by the display of temporary warning signs in accordance with the Land Transport Act 1998.

17. Road works

- 17.1 Without limiting the Land Transport Act 1998, any vehicle being used for the purpose of maintenance or construction of roading or of any other utility or otherwise with permission of an Authorised Officer, may be driven or parked contrary to any restriction in force under this Part of this Bylaw, so long as that is with due consideration for other road users.

18. Damage to signs

- 18.1 A person must not interfere with, damage or remove any infrastructure associated with land transport and the provision of roading services. This includes the road structure and surface, guardrails and sight trails, streetlights, fences, signs, markers and road marking. Council may recover the costs incurred from such damage, interference or removal of its roading infrastructure.

19. Exemptions and dispensations

- 19.1 The driver or person in charge of the following emergency vehicles shall be exempt from the provisions of this Bylaw for a vehicle used under the following conditions:
- a. an ambulance being used in an emergency response.
 - b. a fire response vehicle engaged in an emergency response.
- 19.2 The driver or person in charge of the following vehicles shall be exempt from the parking and no stopping provisions of this Bylaw for a vehicle used under the following conditions:
- a. 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.
 - b. where any vehicle is engaged in a public work at that place, where:
 - i. no other practicable alternative is available
 - ii. the vehicle is being used with due consideration to other road users
 - iii. the use of the vehicle is reasonably necessary for the purposes of the public work.
 - c. Any authorised vehicle engaged in the collection of or delivery of money or other valuable items to any bank.

- d. Volunteer firefighters' personal vehicles shall be exempt from parking restrictions where Council has issued permits to allow parking contrary to this Bylaw. Council may impose conditions on the use of the permit, including specifying parking areas or parking spaces where the permit applies. Any permit may be cancelled by Council at any time.

20. Offences and penalties

- 20.1 Without limiting clause 12 of Part 1 of this Bylaw and any enforcement powers under the Land Transport Act 1998, every person commits an offence against this Part of this Bylaw and is liable for the applicable penalty who:
- a. commits or causes to be committed, any act contrary to this Part of the Bylaw or any resolution made under this Part of this Bylaw
 - b. fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed or made or erected on or upon any road, parking place, reserve or other places controlled by Council pursuant to any of the provisions of this Part of this Bylaw or any resolution made under this Part of this Bylaw
 - c. fails to comply with any condition, duty, or obligation, imposed by this Part of this Bylaw or by any resolution made under this Part of this Bylaw
 - d. obstructs or hinders any Authorised Officer in the performance of any power or duty conferred upon him or her by this Part of this Bylaw or by any resolution made under this Part of this Bylaw.

21. Removal of vehicles and items in breach of Bylaw

- 21.1 Where any item or any vehicle is parked on any public place or any road, berm, footpath parking place or transport station in contravention of this Bylaw, Council may give notice to the owner to immediately remove such item or vehicle to any other place. Where the owner fails to comply with the notice given under this clause, the Council may take such action as it considers appropriate to remove such items at the owners cost, which may include:
- a. a towage fee for the removal of the item or vehicle
 - b. reasonable storage charges on a daily basis until the item or vehicle is collected as specified in any Regulations or Notices made pursuant to the Land Transport Act 1998.

Explanatory Note: *Removal and disposal of vehicles are to be undertaken in accordance with the relevant provisions in the Local Government Act 1974, Local Government Act 2002 and/or Land Transport Act 1998.*

22. Savings

- 22.1 Any resolution, approval, permit or other act of authority made under any Traffic Bylaw of the Council, which is current at the time this Bylaw comes into force, remains in force on its terms until amended, replaced or revoked by resolution of Council. These include the previous schedules of the General Bylaws 2008, being:
- Schedule A Parts of Carriageway covered by No Stopping Areas

- Schedule B Parts of Carriageway covered by Parking Restrictions
- Schedule C Parts of Carriageway covered by Operation Mobility Carparks
- Schedule D Give way and Stop Signs
- Schedule E Parts of Carriageway covered by Parking Restrictions – Bus stops/taxi stands

Explanatory Note: *The Schedules are not themselves part of the Bylaw but are a record of resolutions made by the Council under this Bylaw and former Bylaws.*