



Traffic and Parking Enforcement Bylaw 2008

Explanatory Note

The objective of this Bylaw is to assist traffic management and parking control measures (where these are considered to be necessary in any part of the Western Bay of Plenty District) in respect of roads, public places and parking areas under the control of the Council.

The Transport Act 1962, the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, and the Land Transport Act 1998 contain the authority for Council to make bylaws regulating traffic and parking.



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Western Bay of Plenty District Council

Traffic and Parking Enforcement Bylaw

Authority

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, section 72 of the Transport Act 1962, and the Land Transport Act 1998, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008. This Bylaw comes into force on 1 July 2008.

Repeal

The Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2002 is repealed.

Scope

The objective of this *Bylaw* is to assist traffic management and parking control measures (where these are considered to be necessary in any part of the Western Bay of Plenty District) in respect of roads, public places and parking areas under the control of the Council.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2002, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The content of Schedules 1 to 6 of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2002, and any amendments to those Schedules by way of resolution of the Council, continue for the purposes of this Bylaw to have full force and effect as if they were made under Clause 1 of Part 1 of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 by resolution of the Council.

The revocation of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2002 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

Application of General Bylaw, Chapter 1

Unless otherwise provided in this Bylaw, the provisions of the Western Bay of Plenty District Council General Bylaw 2008, Chapter 1 Introduction, and any bylaw passed in amendment or substitution of that Chapter are implied unto and form part of this Bylaw.



Interpretation

In this Bylaw

(a) Subject to paragraph (b) below, the definitions in the Western Bay of Plenty District Council General Bylaw 2008 and the Land Transport Act 1998 apply unless otherwise provided in this Bylaw.

(b) For the purposes of this Bylaw, and unless inconsistent with the context, the following definitions apply:

Angle Parking means parking other than parallel with the *Roadway* in the direction of travel, and with the front of the vehicle facing towards the kerb or footpath; and "**angle parks**" has a corresponding meaning.

Authorised Officer means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, any *Enforcement Officer* and any *Parking Enforcement Officer or Parking Warden*.

Driver in relation to any motor vehicle, means any person who uses or drives the motor vehicle on any *Road*, or causes or *Permits* it to be on any *Road* or to be driven on any *Road*, whether or not the person is present with the motor vehicle and includes any person apparently in charge of the motor vehicle.

Footpath has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Goods Vehicle Loading Zone means any *Road, Public Place*, or other area (or portion of) authorised as a place where Goods Service Vehicles may park for a limited time as indicated.

Goods Service Vehicle means any truck, van, utility or station-wagon with rear seats removed or permanently bolted down designed exclusively or principally for the carriage of *Goods*.

Heavy Motor Vehicle has the meaning given to that term in the Land Transport (Road User) Rule 2004.

Infringement Offence has the meaning assigned to it in the Transport Act 1962.

Loading Zone means any *Road, Public Place*, or other area (or portion of) under the control of *Council* authorised as a place where any type of vehicle may stop as long as it is being loaded or unloaded and the vehicle is not left unattended for more than the time indicated.

Motor Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

Omnibus or Bus means a motor vehicle –

(a) designed for the carriage of 9 or more *Persons* inclusive of the driver; and

(b) used for hire or reward for the carriage of passengers on defined routes.

Operation Mobility Carpark means a car park set apart for the exclusive use of *Persons* with physical disabilities and using a vehicle displaying an Operation Mobility *Permit* issued by CCS Disability Action.

Parking has the meaning assigned to that term in the Land Transport (Road User) Rule 2004 or subsequent amendments, and "**park**" has a corresponding meaning.

Parking Enforcement Officer or Parking Warden means any person appointed by the *Council* as a parking warden under section 7 of the Transport Act 1962.

Parking Space means a portion of a road or parking area marked out with painted lines for the specific purpose of accommodating a parked vehicle.



Passenger Service Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

Private road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Private way has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Public Notice has the meaning assigned to that term in section 5(1) of the Local Government Act 2002, and **publicly notified** has a corresponding meaning.

Road has the meaning assigned to that term in section 315(1) of the Local Government Act 1974.

Taxi means a motor vehicle –

- (a) designed principally for the carriage of *Persons* not exceeding 8 in number, inclusive of the driver; and
- (b) used for hire or reward for the carriage of passengers otherwise than on defined routes; and
- (c) available for hire to any member of the public.

Vehicle has the meaning assigned to that term in section 2(1) of the Land Transport Act 1998.

Vehicle Stand means a portion of any *Road* appointed by the *Council* as a place –

- (a) in relation to any passenger service vehicles or specified classes of passenger services vehicles, for that or those vehicles to wait for, pick up and set down passengers; or
- (b) in relation to any other vehicle or class of vehicle, for that or those vehicles to stop or park for a specific purpose.

Resolutions under this Bylaw

Where a clause of this Bylaw provides for the Council to prescribe, regulate, control or prohibit any matter by resolution, the Council may by resolution subsequently amend, vary or revoke any resolution made under such a clause.

Any resolutions under Clause 1 of Part 1 of this Bylaw (including any resolutions amending, varying, or revoking any such resolutions) must be publicly notified.

Making of this Bylaw

The initial resolution to make this bylaw was passed by the Western Bay of Plenty District Council at a meeting of the Council held on 1 May 2008 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 26 June 2008.

Chief Executive

Seal

Date _____



Part 1: Parking Prohibitions and Controls

1. Stopping, Standing or Parking of Vehicles

- 1.1 The Council may from time to time by resolution publicly notified, permit, restrict or prohibit the stopping, standing, or parking of *vehicles* on roads or portions of roads, or carpark, or other areas under the control of the Council: Council Resolutions
- (a) Absolutely; or
 - (b) For limited periods of time between certain hours of any day or days of the week; or
 - (c) At an angle to the kerb-line or otherwise.
- 1.2 Clause 1.1 is subject to the erection of any signs required under the Transport Act 1962, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004. Signage
- 1.3 Every person commits a breach of this Bylaw who fails to obey the signs erected as a result of a *Council* resolution prohibiting, restricting, or regulating the stopping, standing or *parking* of *vehicles* in areas under the control of *Council*. Failure to Obey Signs
- 1.4 No person may use any *parking area* for any purpose other than for *parking* of a *motor vehicle* unless authorised in writing by the *Council*. Unlawful Use of Parking Area
- 1.5 No driver or person in charge of any *vehicle* may stop, stand, or *park* a *vehicle* – Placing Vehicle in Parking Spaces
- (a) Outside the marked limits of any *parking space* unless the *vehicle* by reason of its size cannot be contained in one space; or
 - (b) In a *parking space* if that *vehicle* is of a class not permitted to use that *parking space*.
- 1.6 No driver or person in charge of any *vehicle* may *park* a *vehicle* in any *parking space* for longer than the maximum period allowed for *parking* in that space, unless authorised in writing by the Council. Time Limit on Parking
- 1.7 No driver or person in charge of any *vehicle* may - Conduct in Parking Areas
- (a) Exceed the speed limit in any *parking area*; or
 - (b) Drive a *vehicle* in any parking area contrary to the direction of travel prescribed by the *Council* and shown by marks on the road surface or indicated by any other means.
- 1.8 The *Council* may from time to time by resolution publicly notified make such charges for the use of areas set aside by *Council* as *parking spaces*. Charges



- 1.9 An *Authorised Officer* may, at his or her sole discretion, temporarily prohibit, restrict, or control *parking* in a *parking space* by authorising the placement of appropriate signs which must clearly state the nature of the prohibition or restriction. Temporary Restrictions on Parking
- 1.10 Mobility Parking**
- 1.10.1 The *Council* may reserve any *parking space* for the exclusive use of *vehicles* driven by or carrying disabled persons, and displaying a permit issued by CCS Disability Action or their successors either generally or at specific times. Every reserved space must be indicated by appropriate signs. Disabled/Mobility Parking
- 1.11 Motorcycle/Specific Vehicle Parks**
- 1.11.1 The *Council* may set apart areas solely for the *parking* of a *motorcycle* or other specified vehicle and no *vehicle* other than that specified may be parked in such a *parking space* identified by appropriate signs. Motorcycle / Specific Vehicle Parks
- 1.12 Public Vehicle Stands**
- 1.12.1 The Council may from time to time by resolution publicly notified - Specified Vehicle Type Stands
- (a) appoint places to be public stands for specified passenger service vehicles, including buses and taxis;
 - (b) fix rentals for the use of such stands;
 - (c) direct what particular passenger service vehicles may use any such public stand;
 - (d) abolish any such public stand or change the type of passenger service vehicles that may use any such public stand.
- 1.12.2 Clause 1.12.1 is subject to the erection of any signs required under the Transport Act 1962, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004. Marking of Stands
- 1.13 Loading Zone and Goods Vehicle Loading Zone**
- 1.13.1 The *Council* may from time to time by resolution publicly notified – Council Powers
- (a) Determine that any part of a *road* which shall be defined in such resolution, is a "*Loading Zone*" or "*Goods Vehicle Loading Zone*" for the purposes of this *Bylaw*. Loading Zone
 - (b) Prohibit, limit, or restrict the stopping, standing, or *parking* of *vehicles* other than those required for the loading or unloading of goods or passengers, in any *Loading Zone* or *Goods Vehicle Loading Zone*.



- (c) Prohibit the *parking* of any *vehicles* in any *Loading Zone or Goods Vehicle Loading Zone* in excess of a period fixed by the resolution.
- 1.13.2 No person or driver in charge of any *vehicle* in any *Loading Zone* may *park* the *vehicle*, whether attended or unattended, in any *Loading Zone or Goods Vehicle Loading Zone* except in conformity with the terms of the *Loading Zone or Goods Vehicle Loading Zone signs*. Goods Service Loading Zone
- 1.13.3 Clause 1.13.1 is subject to the erection of any signs required under the Transport Act 1962, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004.
- 1.14 “Give Way” or “Stop” Signs at Intersections**
- 1.14.1 The Council may from time to time by resolution publicly notified, nominate intersections where “Give Way” or “Stop” signs will be erected. “Give Way” and “Stop” Signs

Part 2 – Traffic/Vehicle Control

1. Use of Vehicles

- 1.1 No person being the driver or in charge of any *vehicle* may use the *vehicle* so as to cause, or to be likely to cause, damage to ornamental grass plots, shrubs, or flower beds laid or planted on the *road reserve*, or to impede the movement of pedestrians. Damage to Grass Plots
- 1.2 No person other than a person authorised by the *Council* or its *authorised agent* may drive a *vehicle* on to or allow any *vehicle* to stand or remain or park on any property of, or under the control of, the *Council*, except *roads* or any area designated by the *Council* as a *parking space*. Council Property
- 1.3 The owner or driver of any *vehicle* driven on to, or allowed to stand or remain on *Council* property in contravention of clause 1.2, must on demand by any *Authorised Officer*, including a Police Officer remove such *vehicle* from such property immediately. Immediate Removal of Vehicle

2. Traffic Safety

2.1 Containers and Vehicles on Road

- 2.1.1 No person may use or place or leave upon *any road, footpath or public place* any machinery, equipment, materials, or container such that, in the opinion of an *Authorised Officer*, an obstruction or traffic safety hazard is caused or is likely to be caused. Machinery Containers etc
- 2.1.2 No person may without the permission of the Council leave in or on any road or public place for more than seven days any vehicle – Immobile Vehicles Limits on Parking
- (a) Which has no effective motor power in or attached to it; or



- (b) Which is so disabled, damaged, or in such a state that it cannot be safely driven.

Such vehicle must be removed at the request of an *Authorised Officer* within the period of time stipulated in the notice served on the owner of the vehicle by that officer.

2.2 Impounding and Removal

- 2.2.1 If any *vehicle* in the condition specified in clause 2.1.2 is not removed from any road or *public place* within the period stipulated in this part of the notice, or within a period of seven days from the date of service of such notice, or if a *vehicle* is not made complete and in working order to the satisfaction of an *Authorised Officer* within the seven day period, then a Notice of Intention to Impound such *vehicle* may be placed on the *vehicle*.
The *vehicle* may be removed or impounded by order of an *Authorised Officer* at the expiration of 24 hours from the placing of the Notice.
- 2.2.2 If an *Authorised Officer* considers that any *vehicle*, container, machinery, or material left on any *road* or in any *public place* under the control of *Council*, should be removed in the interests of road safety or for the convenience, or in the interests of the public, the *Officer* may require action to remove the *vehicle*, container, machinery or material or the same may be removed or impounded immediately.
- 2.2.3 If any *vehicle*, container, machinery or material removed under the provisions of clause 2.2.1 or 2.2.2 is not claimed and the expenses of removal and/or of storage are not paid by the owner or some other person having an interest therein within seven (7) days after the date of removal or impounding an *Authorised Officer* may proceed to dispose of such items in accordance with the Local Government Act 2002.
- ## 2.3 General Traffic Safety
- 2.3.1 Except as expressly approved by *Council* in terms of the *District Plan*, or the provisions of a *Council* bylaw, no person may cause or permit to be erected or maintained on any building, structure, *motor vehicle* or *public place*, any notices, lights, signs, or signals which are likely to interfere with traffic control or safety.
- 2.3.2 No person may drive any *vehicle* –
- (a) Over any hose in use for the time being in connection with an outbreak or alarm of fire unless hose bridges are provided or if the driver is directed so to drive by a Police Officer or any member of the Fire Service; or
- (b) In such a manner as to hinder or obstruct any member of the Fire Service engaged in connection with any outbreak of fire.
- 2.3.3 No person may interfere with, damage, or remove any traffic control or information sign erected pursuant to the provisions of the Transport Act 1962, the Land Transport Act 1998 or any rules made under the Land Transport Act 1998, or this Bylaw.



- 2.3.4 Any person who, in the opinion of a Police Officer or an *Authorised Officer*, is creating a traffic danger or traffic hazard must immediately stop such activity when requested by the officer to do so. Any person failing to comply with such request is guilty of a breach of this *Bylaw*.
- Creating a Hazard/Activity to Stop

3. Offences

- 3.1 Any *vehicle* which is parked in an area under the control of the *Council*, in breach of this *Bylaw* may be removed by or at the request of any *Parking Enforcement Officer*, *Police Officer* or *Authorised Officer*, to such nearby lawful place for *vehicle parking*, or to any Council vehicle pound, or to any yard in the *District* occupied by any person, firm or company engaged by such officer to remove such *vehicle*, as he or she thinks fit. Such *vehicle* may be detained there by *Council* or the person, firm or company until the reasonable costs associated with such removal are paid by any person lawfully entitled to the possession of the *vehicle*.
- Removal of Illegally Parked Vehicles

- 3.2 The provisions of clause 3.1 do not apply to a *motor vehicle* owned by the NZ Police and operated by a Police Officer in the execution of his or her duty, or an ambulance or a fire fighting appliance or any other emergency service vehicle attending an incident where life or property is under threat.
- Exemptions

- 3.3 Every person, other than a Police Officer, member of the Ambulance or Fire Service or an *Authorised Officer* in the execution of his or her official duties, commits an offence against this Part of this *Bylaw* who:
- Failure to Comply

- (a) Fails to comply in all respects with any prohibition, restriction, direction, or requirement indicated by the lines, markings, traffic signs or lights, or other signs or notices, laid down, placed, made, or erected, in or upon any *road*, or other area controlled by the *Council* in the *District* by any provision of this Part of this *Bylaw*, or of any resolutions made under this *Bylaw*; or
- (b) Fails to comply with any condition, duty or obligation imposed by this or of any resolutions made this *Bylaw*; or
- (c) Otherwise breaches the terms of this *Bylaw*.
- Offences

3.4 Failure to comply with signs etc

Signage

- 3.4.1 No person may stop, stand, or park a *vehicle* on any road, carpark or other area under the control of the Council in contravention of this *Bylaw* or a resolution made under this *Bylaw* and evidenced by appropriate signs or road marks.

3.5 Exemptions

- 3.5.1 This *Bylaw* does not apply to –



- (a) A vehicle that is used on an emergency service by the New Zealand Fire Service, New Zealand Police, Ambulance, or Civil Defence; or
- (b) A vehicle used by an Enforcement Officer or Parking Enforcement Officer or Parking Warden and the act done was necessary in the execution of his or her duty.

4. Penalties

Penalties for
Breach of Bylaw

Breach of Bylaw

- 4.1 Every person who commits a breach of the *Bylaw* (other than those covered by the Second Schedule of the Transport Act 1962) is liable to a fine not exceeding \$500.

Infringement Fees

- 4.1 Infringement fees are fixed in accordance with the Second Schedule of the Transport Act 1962.