



# **Traffic and Parking Enforcement Bylaw 2019**

## **Explanatory Note**

The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.



**Western Bay of Plenty District Council**  
**Traffic and Parking Enforcement Bylaw 2019**  
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## **Authority**

Pursuant to the powers vested in it under section 22AB(1) of the Land Transport Act 1998 and the Local Government Act 2002, 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 2019. This Bylaw comes into force on 30 September 2019.

## **Repeal**

The Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 is repealed.

## **Bylaw Structure**

This Bylaw comprises the document and attached Schedules 1-6.

## **Scope**

This Bylaw applies to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future. The objective of this Bylaw is to allow Council to set requirements for parking and control of traffic on roads, public places and parking areas under the care, control or management of Western Bay of Plenty District Council.

## **Validation**

The Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2019 was duly made at a meeting of the Western Bay of Plenty District Council held on 29 August 2019, after completion of the Special Consultative Procedure, and will come into force on 30 September 2019.

## **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 2008, 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 revocation of the Western Bay of Plenty District Council Traffic and Parking Enforcement Bylaw 2008 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.



# Western Bay of Plenty District Council

## Traffic and Parking Enforcement Bylaw

### Definitions

In this Bylaw

- (a) Subject to paragraph (b) below, the definitions in the Land Transport Act 1998, Land Transport (Road User) Rule 2004 and Land Transport Rule: Traffic Control Devices 2004 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.

**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 Vehicles may park for a limited time as indicated.

**Mobility park** 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 Enforcement Officer** or **Parking Warden** means any person appointed by the Council as a parking warden under section 128D 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 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.

## **Part 1 – Parking Prohibitions and Controls**

### **1. Stopping, Standing or Parking of Vehicles**

1.1. As specified in Schedules 1 to 6 of this bylaw, the Council may permit, restrict or prohibit the stopping, standing, or parking of vehicles on roads or portions of roads, or carparks, or other areas under the control of the Council:

- (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. 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.



- 1.3. No driver or person in charge of any vehicle may stop, stand, or park a vehicle –
  - (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.
- 1.4. 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.
- 1.5. No driver or person in charge of any vehicle may -
  - (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.
- 1.6. 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. These will be included in Council's Schedule of Fees and Charges.
- 1.7. 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.

## **2. Mobility Parking**

- 2.1. 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.

## **3. Motorcycle/Specific Vehicle Parks**

- 3.1. 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.

## **4. Public Vehicle Stands**

- 4.1. As specified in Schedules 1 to 6 of this bylaw, Council may:



- (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.

## **5. Loading Zone and Goods Vehicle Loading Zone**

5.1. As specified in Schedules 1 to 6 of this bylaw, the Council may:

- (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;
- (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 and/or
- (c) Prohibit the parking of any vehicles in any Loading Zone or Goods Vehicle Loading Zone in excess of a period set out in Schedules 1-6.

## **6. Signage**

6.1. All parking prohibitions and controls set out in Part 1 of this bylaw are subject to the erection of any signs required under the Land Transport Act 1998, and (without limitation) the Land Transport Rule: Traffic Control Devices 2004.

6.2. Every person commits a breach of this bylaw who fails to obey the signs erected for the purposes of prohibiting, restricting or regulating the stopping, standing or parking of vehicles in areas under the care, control or management of Council.

## **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.





- 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.
- 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 remove such vehicle from such property immediately.

## **2. Heavy vehicles**

- 2.1. Council may specify in the Schedules 1-6 to this bylaw the roads on which heavy motor vehicles are prohibited at specified times.
- 2.2. No person shall drive or permit to be driven any heavy motor vehicle on or along those roads or parts of roads specified in Schedules 1-6 of this bylaw made under clause 2.1 at the times specified, except for the purpose of picking up or delivering goods to an address in those roads when alternative access is not available for this purpose.

## **3. Traffic Safety: Containers and Vehicles on Road**

- 3.1. 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.
- 3.2. 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 –
  - (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.

## **4. Impounding and Removal**

- 4.1. If any vehicle in the condition specified in clause 3.2 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.

- 4.2. 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.
- 4.3. If any vehicle, container, machinery or material removed under the provisions of clause 4.1 or 4.2 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.

## **5. General Traffic Safety**

- 5.1. 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.
- 5.2. 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.
- 5.3. No person may interfere with, damage, or remove any traffic control or information sign erected pursuant to the provisions of the Land Transport Act 1998 or any rules made under the Land Transport Act 1998, or this Bylaw.
- 5.4. Any person who, in the opinion of an Authorised Officer, is creating a traffic danger or traffic hazard must immediately stop such activity when requested by the Authorised Officer to do so. Any person failing to comply with such request breaches this Bylaw.



## **Part 3 – Offences**

### **1. Offences**

- 1.1. Any vehicle which is parked in an area under the care, control or management 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 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.
- 1.2. Every person commits an offence against this Part of this Bylaw who:
  - (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
  - (b) Fails to comply with any condition, duty or obligation imposed by this Bylaw; or
  - (c) Otherwise breaches the terms of this Bylaw.

### **2. Failure to comply with signs and markings**

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

### **3. Exemptions**

- 3.1. 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 Authorised Officer in the execution of their duty, or
  - (c) Any person with a current parking exemption permit that is visibly displayed on the vehicle in a location readily visible from the kerbside when the vehicle is parked within the parking space to which the exemption applies.



*Advice note: Exemptions to parking requirements (such as time restrictions, angle parking requirements) can be made in the case of trades people/service authorities/property owners carrying out work, and needing to park in one of these areas to undertake the work. The owner of the vehicle must apply for an exemption permit from the Council and pay any fee set by resolution of the Council.*

#### **4. Penalties**

##### Breach of Bylaw

- 4.1. Every person who commits a breach of the Bylaw (other than those covered by Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999 is liable to a fine not exceeding \$500.

##### Infringement Fees

- 4.2. Infringement fees are fixed in accordance with Part 1 Schedule 1B Land Transport (Offences and Penalties) Regulations 1999.
- 4.3. Infringement fees may be waived upon application to Council and in accordance with the criteria set in its Parking Waiver Guidelines, at Council's sole discretion.