

REGULATORY SERVICES

# TRAFFIC AND PARKING BYLAW 2023

DRAFT

Date of adoption: XX

Resolution number: XX

Review Date: XX

Statutory reference for adoption:  
Land Transport Act 1998 22AB

## 1. TITLE

1.1. This bylaw shall be known as the Rangitikei District Council Traffic and Parking Bylaw 2017

## 2. COMMENCEMENT

2.1. *[to be updated with adoption and commencement date post consultation]*

## 3. SCOPE

3.1. This bylaw is made under authority given by section 22AB of the Land Transport Act.

## 4. APPLICATION

4.1. This Bylaw applies to all roads within the Rangitikei District that are administered by Council. It also included the parts of the state highway network within urban areas where Council has been given delegated authority by Waka Kotahi to enforce the provisions of this Bylaw.

## 5. PURPOSE

5.1. The purpose of this bylaw is to set requirements for parking and the control of vehicles, and other roading related issues on any public road or public place.

## 6. REVIEW

6.1. This Bylaw will be reviewed by *[date to be inserted]*<sup>1</sup>.

## 7. INTERPRETATION

7.1. For the purposes of this Bylaw the following definitions apply:

**ADVERTISING SIGN** means any notice, placard, flag, delineation, poster, handbill, sandwich board, billboard, advertising device or appliance or anything of a similar nature and shall include all parts, portions, units and materials of the same together with the frame, background, structure and support or anchorage thereof.

**AUTHORISED OFFICER** means any person appointed by the Council to act on its behalf and with its authority and may include a police officer.

**BUS** means a registered commercial vehicle designed solely or principally for the carriage of ten (10) or more persons.

**CHIEF EXECUTIVE** means the Chief Executive of the Rangitikei District Council or an officer delegated with the Chief Executive's authority under this Bylaw.

**COUNCIL** means the Rangitikei District Council or an authorised officer of Council.

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<sup>1</sup> 5 years following commencement

**FOOTPATH** means that portion of the road reserve or private way laid out or constructed by or under the authority of the Council principally for the use of pedestrians and also includes any footbridge.

**GOODS SERVICE** means the carriage of goods on any road, whether or not for hire or reward, by means of a motor vehicle.

**GOODS SERVICE VEHICLE** means a motor vehicle used or capable of being used in a goods service for the carriage of goods.

**HEAVY VEHICLE** means a vehicle the gross laden weight of which exceeds 3,500kg but it excludes vehicles used, kept, or available for the carriage of passengers for hire or reward.

**MOBILITY DEVICE** means a vehicle that is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment, and is powered solely by a motor that has a maximum power output not exceeding 1500 W; or a vehicle that the New Zealand Transport Agency has declared under section 168A(1) of the Land Transport Act 1998 to be a mobility device.

**MOBILITY PERMIT** means a permit issued by the New Zealand CCS or similar organisation.

**MOBILITY SPACE** means a parking space reserved by Council, for the exclusive use of disabled persons with a Mobility Permit.

**PERMIT** means a permit or written permission issued by Council.

**PUBLIC PLACE** means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road (as defined by section 315 of the Local Government Act 1974) or berm whether or not it is under the control of the Council. It also includes, without limitation, every reserve, park, domain, beach, foreshore and recreational ground under the control of the Council.

**PUBLIC WORK** means work undertaken for the purposes of public work and includes, but is not limited to: telecommunications, power, gas, roading and underground services.

**ROAD** means:

- a) a street
- b) a beach
- c) a place to which the public have access, whether as of right or not
- d) all bridges, culverts, and fords forming part of a road or street
- e) a roadway.

**VEHICLE** means a device equipped with wheels, tracks or revolving runners upon which it moves or is moved. It includes:

- f) Trailers
- g) Caravans
- h) Boats
- i) The shell or hulk of a vehicle

but does not include:

- j) A perambulator or pushchair
- k) A mobility scooter
- l) A bicycle
- m) A skateboard
- n) A motorised wheelchair.

**VEHICLE CROSSING** means a formed area usually at right angles to the road edge and extending from the edge of the roadway to the property boundary, constructed by or under the authority of the Council principally for the purpose of allowing vehicles to access and egress the property without damaging the footpath or berm.

## 8. PARKING

- 8.1. Council, subject to the placing and maintenance of the appropriate signs or markings, may:
- a) Limit, restrict or prohibit parking on any part of any road.
  - b) Specify any part of the road for use as mobility spaces.
  - c) Specify any part of the road for use by buses for picking up and setting down passengers and for the standing of buses between trips.
  - d) Specify any part of the road for use by emergency services vehicles, such as police, fire, or ambulance service vehicles, in the vicinity of their premises.
  - e) Specify any part of the road for use by goods service vehicles as a loading zone.
- 8.2. A vehicle loading or unloading in the course of trade while being used as a licensed goods service vehicle may park on the road with due consideration for the safety and convenience of other road users and where there is no reasonably practicable alternative.
- 8.3. Time limits displayed for the parking of vehicles within parking spaces pursuant to this Bylaw shall be applied between the hours of 8.00am and 6.00pm Mondays to Saturdays excluding statutory holidays and Sundays or where a sign relating to those parking spaces indicates otherwise.
- 8.4. It is an offence under this Bylaw to:
- a) Stop or park, or permit the stopping or parking of, any vehicle at any of the following places or areas:
    - i. On or alongside no-stopping areas indicated by the appropriate signage or a broken yellow line
    - ii. Designated bus stops

- iii. Designated loading zones, unless the vehicle is a licensed goods service vehicle in the course of its business
- iv. Leave a vehicle in any parking space for longer than the time specified.
- b) Leave a vehicle in any parking space during the time the parking space is reserved by the Council for some other person or is not permitted to be used at that time by any vehicle.
- c) Leave a vehicle straddling more than one defined parking space.

## **9. MOBILITY PARKING**

- 9.1. Where the Council has reserved parking spaces as mobility spaces, the space may be used by vehicles displaying a Mobility Permit provided:
- a) The Mobility Permit shall be displayed so that it is visible and legible through the front windscreen, or on the vehicle if no windscreen is fitted;
  - b) The Mobility Permit must be valid (not expired);
  - c) The Mobility Permit is used by the permit holder.
- 9.2. Any vehicle displaying a Mobility Permit will be permitted to park in a time restricted place for twice the time allowed as specified by Council, provided:
- a) The Mobility Permit shall be displayed so that it is visible and legible through the front windscreen, or on the vehicle if no windscreen is fitted;
  - b) The Mobility Permit must be valid (not expired);
  - c) The Mobility Permit is used by the permit holder.
- 9.3. It is an offence under this Bylaw to:
- a) Park in any parking space set aside for persons with mobility difficulties in accordance with section 8.1 (b) of this bylaw.

## **10. SPECIAL VEHICLE LANES**

- 10.1. The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.
- a) Any resolution made under this clause must specify, as the case may be –
  - b) the type of special vehicle lane; and
  - c) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- 10.2. A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

## **11. TRAFFIC CONTROL BY SIZE, NATURE, OR GOODS**

- 11.1. The 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 motor vehicles or class of vehicle due to their size or nature, or the nature of the goods carried; with regard to safety, damage to the road, or any other matter.

- 11.2. A person must not use a road contrary to a prohibition or restriction made by the Council under this clause.

## **12. ENGINE BRAKING**

- 12.1. The use of compression release engine brakes (Jacobs Brakes) by heavy vehicles is prohibited where they cause or create excessive noise, where the permanent speed limit does not exceed 70km/h, or where signs are displayed stating “No Engine Braking”.
- 12.2. Discretion should be used when considering the restriction of engine brakes, taking into account any safety issues that may arise by restricting their use, including the steepness of the road gradient.

## **13. ADVERTISING**

- 13.1. A private resident may sell one private vehicle immediately outside their residential address on residential zoned land that is not adjacent to a State Highway.
- 13.2. With the exception of sales under section 12.1 no person shall, without the prior written permission of an authorised officer, stop or park any vehicle on any road or public place for the principal purpose of advertising that vehicle for sale or storing that vehicle pending its sale.

## **14. VEHICLE CROSSINGS**

- 14.1. Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain a permit from the Council.
- 14.2. An authorised officer may require information reasonably necessary for the proper consideration of the application.
- 14.3. All new vehicle crossings shall have their location and design approved by an authorised officer and shall be constructed by a Council approved contractor.
- 14.4. All costs associated with the construction, repair, relocation, and maintenance of a vehicle crossing shall be the responsibility of the owner or owners of the property or properties benefitting from that vehicle crossing, except when Council has decided to make repairs or replacement of the associated footpath due to normal wear and tear or to upgrade the footpath. In this situation Council will be responsible for the costs associated with the construction, repair, relocation, and maintenance of the portion affected by regular maintenance.
- 14.5. A permit issued by the Council under section 14.1 of this Bylaw may be subject to conditions regarding location, design, dimensions, and materials.
- 14.6. In the event that an authorised officer determines that the current condition or location of an access/accesses is to the detriment of road safety Council may issue a

written notice requiring the property owner(s) to undertake repairs or relocate an access within a specified period of time.

- 14.7. Failure to complete the works as instructed by Council or its authorised officer within the notified time period will result in the works being undertaken on behalf of Council, by a Council approved contractor. All related costs shall be recovered from the property owner or owners.

## **15. TEMPORARY VEHICLE CROSSINGS**

- 15.1. Where a temporary vehicle crossing is required, whether in connection with construction, repair, or excavation work, or otherwise, such crossing shall not be constructed, laid in place or used without the prior written permission of an authorised officer.
- 15.2. All works must be undertaken by a Council approved contractor. Council may impose such conditions as it thinks fit on the design and use of temporary crossings with regard to the safety and convenience of users of the crossing and the road, the protection of the road, or any other matters.

## **16. CONTAINERS, OBJECTS AND VEHICLES ON ROADS**

- 16.1. No person shall leave on a road within the District any vehicle:
- a) Which has no effective motor power in or attached to it; or
  - b) Which has no current Warrant of Fitness displayed on it; or
  - c) Which is not licensed for the current licensing year; or
  - d) Which is in such a state that it cannot safely be driven or is so disabled or damaged that it cannot be driven.
- 16.2. A 'Notice of Intention to Impound' may be placed on any vehicle which does not comply with section 17.2.
- 16.3. After the period listed on the Notice of Intention to Impound elapses, Council may remove, impound, or dispose of the vehicle in accordance with the Local Government Act 1974 (356).
- 16.4. No person shall use or place or leave upon any road, private road, or public place, any container, object, or other material that in the opinion of an authorised officer of Council is an obstruction or causes a traffic safety hazard, or is likely to cause a traffic safety hazard.
- 16.5. If any container or object on any road or public place under the control of Council is in the opinion of an authorised officer of Council an obstruction or traffic safety hazard, or is likely to cause a traffic safety hazard, an authorised officer may take or require action to remove the container or object and may impound it immediately.
- 16.6. If any container or object which has been impounded or removed 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 two (2) months after the date of removal or

impounding, an authorised officer of Council may proceed to dispose of the container or object.

## **17. PROHIBITED ACTIVITIES**

- 17.1. Except with the prior permission of the Council or an authorised officer a person shall not:
- a) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles.
  - b) Drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place.
  - c) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.
  - d) Drive any vehicle across any berm unless by means of a crossing properly constructed in accordance with all bylaws of the Council in force at the time of such construction.
  - e) Park a motor vehicle on a footpath, raised or painted traffic island, verge, or cultivated area forming part of a road.
  - f) Ride, drive or park any vehicle on any grass within any park or reserve, any river bank or stop bank unless that grass, path or river bank has been provided for that purpose by the Council.
  - g) Stop or park a vehicle, whether attended or not, so that any part of the vehicle obstructs or partially obstructs any vehicle entranceway.
  - h) Wilfully and negligently obstruct any public place. If any vehicle is left unattended in a public place so as to cause a nuisance or obstruction, and the owner, driver or person entitled to thereof, or the person entitled to possession, cannot be found after reasonable enquiry in the vicinity, any Police Officer or authorised officer may have the vehicle removed to some other position, including any appropriate premises of the Council or of the Police.

## **18. DAMAGE**

- 18.1. No person shall undertake any activity that causes or may cause damage to any road, footpath or berm or causes a safety hazard.
- 18.2. Where damage to any road has occurred, Council may undertake repairs to the road and an authorised officer may recover the costs of and associated with the replacement or repair from the person causing the damage or from any person who has committed a breach of the Bylaw in connection with the damage.

## **19. VEGETATION**

- 19.1. No person shall plant or erect any trees, shrubs, hedges, scrub, or other growth, or fences or walls that in the opinion of an authorised officer are likely to obstruct visibility or become a source of nuisance or a danger to traffic at corners, bends, or intersections on roads. Council may require the property owner to trim or remove such trees, shrubs hedges, scrub, or other growth.



## **20. EXEMPTIONS**

20.1. The provisions of this bylaw shall not apply to:

- a) Any vehicle parked, stopped or diverted by the direction of any Police Officer, traffic control sign or authorised officer.
- b) Any emergency services vehicle which is engaged on urgent business;
- c) Any vehicle engaged in a public work at that place, where:
  - i. No other practicable alternative is available, and;
  - ii. The vehicle is being used with due consideration to other road users, and;
  - iii. The act is reasonably necessary for the purposes of the public work.
- d) Any event or activity with a Traffic Management Plan that has been approved by an authorised officer and is operating within the conditions and specifications of the Traffic Management Plan.
- e) Any person may apply to the authorised officer for an exemption to any part of this Bylaw. The authorised officer may approve/decline the exemption application and, if granted, may impose conditions.

## **21. FEES**

21.1. Fees for the issue of any permits or exemptions under this Bylaw are set out in Council's Schedule of Fees and Charges.

## **22. APPEALS**

22.1. Where any person is dissatisfied with the actions or directions given by an authorised officer (unless a police officer), that person may request the Chief Executive to review the matter.

## **23. OFFENCES AND PENALTIES**

23.1. Any person who commits an offence or fails to comply with any aspect of this Bylaw may either be subject to the penalties as set out in section 22AB of the Land Transport Act 1998 or the Land Transport (Offences and Penalties) Regulations 1999.

23.2. Any person who fails to comply with the parking requirements of this Bylaw at least twice in a period of four weeks, may have their vehicle impounded, and be required to pay the costs of the removal.

23.3. In addition to any fine imposed in accordance with this Bylaw, the Council may recover costs from any party as a result of its officer or agents taking any action authorised under any part of this Bylaw.