

Grey District Council Traffic and Parking Enforcement Bylaw 2015

**This bylaw was adopted by the Grey District Council
at an Ordinary Meeting held on 8 June 2015
following consideration of submissions received
as part of the Special Consultative procedure**

This bylaw replaces the Traffic & Parking Enforcement Bylaw 2008 which was confirmed by Grey District Council on 14 July 2008.

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GREY DISTRICT COUNCIL TRAFFIC AND PARKING ENFORCEMENT BYLAW 2015

AUTHORITY

In pursuance and exercise of the powers vested in it by the Local Government Act 1974, the Local Government Act 2002, the Land Transport Act 1998 or its successor, and of all other powers thereunto enabling it, the Grey District Council hereby makes and obtains this bylaw.

OBJECTIVE

To assist with traffic and parking control in respect of roads, parking areas and other areas under Council's control.

PART I

INTRODUCTION

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is known as the Grey District Council Traffic and Parking Enforcement Bylaw 2015. The bylaw shall be read in conjunction with the Local Government Act 1974 & 2002, the Land Transport Act 1998 and the Regulations for the time being in force pursuant to the Land Transport Act 1998.
- 1.2 This bylaw shall come into force as soon as finally confirmed by Council after having followed the process prescribed by Section 157 of the Local Government Act 2002.

2.0 DEFINITIONS

In this bylaw, unless the context otherwise requires, means:-

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and with its authority including a parking warden or any Police Officer.

BERM OR GRASS VERGE means any grassed area on a road or within road reserve that is generally separated from the carriageway by channeling or kerbing.

CAMPING means the use of any parked vehicle by a person/s as an overnight shelter or as a place to stay in overnight.

CARRIAGEWAY means that part of a road that is formed and or sealed to allow the passage of vehicles thereon.

COUNCIL means the Grey District Council or any officer/person authorised to exercise the authority of the Council.

FOOTPATH means that portion of a road that is laid out or constructed by authority of the Council primarily for pedestrians; and includes the edging, kerbing and channeling thereof.

HEAVY VEHICLE has the meaning given to that term in the Land Transport (Road User) Rule 2004.

MOBILITY PARK means parking that has specifically been set aside for the sole use of disabled persons who possess a current mobility permit issued by CCS Disability Action.

PARKING means –

- (a) In relation to any portion of a road where parking is for the time being governed by signs and road markings indicating parking limitations and spaces.
- (b) In relation to any other portion of a road, the stopping and standing of a vehicle on that portion of the road; and “park” and “parked” have corresponding meanings.

PARKING AREA means any area of land belonging to or under the control of Council which is authorised by resolution of Council to be used as a place where vehicles may park, with or without payment of a prescribed fee.

PARKING WARDEN means a person appointed as a parking warden by the Council in terms of Section 128D of the Land Transport Act 1998.

POLICE OFFICER means any member of the Police appointed under the Police Act 1958.

PUBLIC PLACE means a place-

- (i) that is under the control of Council; and
- (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (iii) includes a road, whether or not the road is under the control of the Council; and
- (iv) any part of a public place.

PRESCRIBED FEE or FEE means the amount authorised by resolution of the Council pursuant to the provisions of this Bylaw as the fee payable for the provision of parking.

ROAD means:

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

SKATEBOARD means a board or platform fitted with wheels used to support a person and propelled by that person using muscular energy or with the assistance of a declining gradient and which generally has no mechanical means of braking.

TRAFFIC SIGN means a sign of one of the classes described in Section 4 of the Land Transport Rule: Traffic Control Devices 2004 and includes the support to which the sign is attached.

VEHICLE means a motor vehicle drawn or propelled by mechanical power and

- (a) Includes a trailer; but
- (b) does not include—

- a vehicle running on rails; or
- a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- a pedestrian-controlled machine; or
- a vehicle that the Director has declared under section 168A is not a motor vehicle; or
- a mobility device.

PART II

VEHICLES ON FOOTPATHS AND BERMS

3.0 CROSSING FOOTPATH

- 3.1 No person shall take any motor vehicle across any footpath except:
- a) At an authorised crossing and used as access to some property.
 - b) At any other place approved by the Council as a temporary measure when protection of the footpath has been undertaken to ensure no damage will occur to the footpath.
- 3.2 Where damage occurs to a footpath as a result of a vehicle crossing it on an unprotected or inadequately protected point, the cost of repairing the footpath may be recoverable from the owner or the person in charge of the vehicle.

4.0 VEHICLES ON GRASS BERMS/VERGES

- 4.1 No person shall ride, drive, lead, impel or wheel any vehicle or hooped animal along or across any grass berm or verge in any street so as to cause damage to the grass surface or to water and sewerage pipes or other reticulated services that may be positioned under the grass berm.
- 4.2 No person shall stop, stand or park any vehicle on any grass berm laid out in any street, unless it is in the interests of traffic safety to do so or it is the only reasonable or practicable place to park that vehicle having regard to traffic conditions existing at that time.

5.0 HEAVY VEHICLES PARKING ON RESIDENTIAL STREETS

- 5.1 The Council may by resolution establish the Heavy Vehicles on Residential Streets – Parking Restrictions Register which specifies any road or part of a road situated in a residential area which may not be used by heavy motor vehicles for the purpose of stopping, standing, or parking between the times of 9pm and 7am.
- 5.2 The Council may subsequently amend by resolution the Heavy Vehicles on Residential Streets – Parking Restriction Register by adding any road or part of a road in a residential area, or deleting or changing any road or part of a road in a residential area.
- 5.3 No person may stop, stand or park a heavy motor vehicle on any road or part of a road in a residential area specified in the Heavy Vehicles on Residential Streets – Parking Restrictions Register between the times of 9pm and 7am.

- 5.4 For the purposes of subclause 5.3 residential area -
- a) means any land zoned “residential”; and
 - b) includes any land that may not be zoned “residential” but has the following characteristics-
 - (i) continuous residential dwelling on one or both sides of the road; or
 - (ii) residential dwellings mixed with open spaces or local amenities such as hospitals, schools, clubrooms, medical centres and other similar activities.
- 5.5 Nothing in subclause 5.3 shall apply to a heavy motor vehicle
- a) Providing an emergency service; or
 - b) Being loaded or unloaded in the course of trade; or
 - c) Carrying out work as a network utility operator.

PART III

PARKING

6.0 STOPPING, STANDING AND PARKING OF VEHICLES

- 6.1 The Council may, from time to time, by resolution, and subject to the erection of signs and/or road markings per the Land Transport Act 1998 and Traffic Regulations, impose parking, standing or stopping restrictions on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition or any combination of these, on roads, parts of roads, off-street carparks or other areas under the control of Council:
- a) Totally.
 - b) For limited periods between certain hours on any day or days of the week.
 - c) For on-street parking at an angle to the kerb or otherwise.

7.0 HOURS OF PARKING

- 7.1 Every parking space other than in Council carparks may be occupied for only the time limit as specified between the following hours:
- a) Mondays to Sundays between 8.30am and 5.30pm
 - b) On any later shopping nights between 5.30pm and 8.30pm

The above hours may be amended by resolution of Council depending on the changes in shopping habits.

8.0 PROVISION OF PARKING AREAS AND FIXATION OF FEES

- 8.1 The Council may, from time to time, by resolution – which may from time to time be altered, amended or rescinded by further resolution of the Council:
- a) Declare any land owned by the Council, leased by the Council, or otherwise vested in the Council, to be a parking area.
 - b) Declare the times and periods for parking in parking spaces.

- c) Fix the fees payable for the parking of vehicles within parking spaces through its annual planning and budgetary processes.
- d) Provide for and regulate the operation, maintenance, control, protection, use or discontinuance of parking spaces.
- e) Ensure that appropriate signage is displayed in all parking areas.

9.0 PARKING PLACES FOR MOTORCYCLES OR OTHER SPECIFIED VEHICLES

9.1 Council may set apart areas solely for the parking of motorcycles or other specified vehicles and no vehicle apart from those specified may park in such parking spaces identified by appropriate signage.

9.2 Specified Vehicle Stands

Council may, by resolution, publicly notified, designate and mark parking spaces to be public stands for specified passenger service vehicles, including buses, shuttle buses, passenger vans and rental cars, and may fix fees for the use of such stands by resolution of Council.

9.3 Mobility Parking

- a) Council may reserve any parking space for the exclusive use of vehicles driven by or carrying disabled persons and displaying a current mobility parking permit issued by CCS Disability Action or their successors. Such parking shall be appropriately sign posted.
- b) Vehicles displaying a current mobility card that are driven by able bodied persons are not eligible to park in disabled parking spaces unless the disabled passenger/s alights from the vehicle.
- c) Vehicles displaying a current mobility card and being used at the time for the carriage of a disabled passenger/s may park as follows:
 - Up to 30 minutes extra in time restricted parking zones with the exception of P5 parking zones.
 - Stopping only for the disabled person/s to get in or out of the vehicle:
 - On a Goods Loading Zone
 - At the rear of a bus stop
 - At the rear of a taxi stand
 - Double park if no other available parking is available in the immediate vicinity

10.0 METHOD OF PARKING

10.1 This clause shall not apply to Council off-street carpark areas.

- 10.2 a) No driver or person in charge of any vehicle shall stop, stand or park a vehicle –
- i) outside or partially outside the marked parking space limit unless the vehicle, by reason of its size, cannot be contained in one space.
 - ii) in a parking space if the vehicle is of a class not permitted to use the parking space.
 - iii) so as to exceed the specified time limit in any parking space for longer than the maximum period allowed.
- b) If the parking space is parallel to the kerb or footway, the driver or person in charge of any vehicle (except a motorcycle) occupying that space shall park the vehicle so that it shall be headed in the general direction of the movement of the traffic on the side of the street on which the vehicle is parked.

- c) No person shall use any designated parking area or parking space for any purpose other than for motor vehicle parking unless authorised by the Council.
- d) No person shall place, stand, stop, park or keep any bicycle on any parking space situated in a street unless such bicycle is placed, stood, stopped, parked, left or kept against and parallel to the kerb of such street.
- 10.3 Delivery vehicles, being vans or some other vehicle type that are not registered as goods service vehicles where the owner/operator can clearly demonstrate that the vehicle is used principally for the delivery of goods to commercial premises with the rear seats, if any, being permanently secured in a folded down position, may double park to load and unload goods if:
- There is no service lane available, and/or
 - No parking space to accommodate the vehicle is available within 20 metres of the premises being serviced, and/or
 - No loading zone is available within 20 metres of the premises being serviced.
- 10.4 Vehicles that are registered as 'goods service vehicles' (over 6000kg gross laden weight) may double park to load and unload goods if:
- There is no service lane available, and/or
 - No parking space to accommodate the vehicle is available within 20 metres of the premises being serviced, and/or
 - No loading zone is available within 20 metres of the premises being serviced.
- 10.5 The Council may, from time to time, review all car parking fees with the exception of parking infringement fees which are set by central government. The fees shall be set by resolution of the Council and shall be payable in the manner specified in that resolution.

11.0 PARKING IN COUNCIL OFF-STREET CARPARK AREAS

- 11.1 No driver or person in charge of a vehicle shall park that vehicle in a Council carpark without paying the prescribed fee to cover the period of parking.
- 11.2 The driver or person in charge of a vehicle shall park the vehicle so that it is contained wholly within a parking space.
- 11.3 The driver or person in charge of the vehicle shall give to any authorised officer or official appointed by the Council, their full name and address if requested to do so when that official has reasonable grounds to suspect a breach of this clause.
- 11.4 No person shall park any vehicle in any aisle, egress or ingress lane of any Council carpark.
- 11.5 The Council may licence such a space to any person upon payment of a fee which shall be prescribed from time to time by resolution of the Council. The licensee shall be subject to such conditions as the Council thinks fit and the licence may be terminated by the Council for any breach of those conditions.
- 11.6 The Council shall have the right to move or have moved, at the owner's risk and expense, any vehicle which is stopped, standing or parked in contravention of any provisions of this part of this bylaw, provided however that in the case of a reserved space, the licensee of that space shall also have these powers.

PART IV

TRAFFIC/VEHICLE CONTROL ON ROADS, IN PARKS OR LANDSCAPED AREAS

12.0 FLOWER BEDS, GRASS PLOTS AND LANDSCAPED AREAS

No person other than a person actually engaged by the Council in the construction, alteration, maintenance or tending of any flower bed, grass plot or landscaped area shall interfere with or damage any flower bed, grass plot, or landscaped area laid out by the Council in any street or place to which the public have access, or ride, drive or park any vehicle or hoofed animal or allow any animal under his control to stray upon any such flower bed, grass plot or landscaped area except where such grassed plot or landscaped area forms part of an area where dogs may be exercised, whether leashed or unleashed.

13.0 VEHICLES IN PARKS

No person shall ride, drive or park any vehicle whatsoever on any path or grass within any park or reserve or on any riverbank unless that grass, path or riverbank has been provided for that purpose by the Council and there are notices to this effect in the area.

14.0 IMMEDIATE REMOVAL OF VEHICLE

The owner or driver of any vehicle driven on to or allowed to stand or remain in the above locations shall, on demand by an authorised officer or Police Officer, remove such vehicle from such property immediately and in such a manner as to not cause any further damage.

15.0 IMMOBILE VEHICLE LIMITS

- 15.1 No person shall leave in or upon any road, parking area or Council-controlled land, for more than seven (7) days, any vehicle that is registered and/or warranted which has no effective motor power in or attached to it, or which is so disabled, damaged or in such a way that it cannot be safely driven.
- 15.2 Such a vehicle shall be removed at the request of an authorised officer or Police Officer within the period of time stipulated in the notice served on the owner of the vehicle by the officer at the owner's last known postal address.

16.0 IMPOUNDING AND REMOVAL

- 16.1 If any vehicle in the condition specified under Immobile Vehicle Limits above or it is not removed from any road or public place within the period stipulated in the notice, or within seven (7) days from the date of service of such notice, a Notice of Intention to Impound such vehicle may be placed on the vehicle.
- 16.2 The vehicle may be removed or impounded by order of a duly authorised officer of Council at the expiration of 24 hours from the placing of the Notice and if costs and the impounding fee 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, a duly authorised officer of Council may dispose of such vehicle to recoup Council's costs and distribute any surplus proceeds, if any, to the owner or such other interested person/s.

PART V

TRADING AND REPAIRING VEHICLES ON STREET

17.0 IMMOBILE VEHICLES/DISPLAYING VEHICLES ON ROAD

- 17.1 No person shall use any road or public place for keeping or parking of vehicles or other items such as shipping containers for sale, exhibition, storage or otherwise unless the written permission of Council is first obtained

- 17.2 No person shall leave standing in any road or public place for any continuous period exceeding seven (7) days, any vehicle of any description which is mechanically immobilized (including a motor vehicle without wheels) without the consent of the Council or an authorised officer of Council.
- 17.3 Any vehicle left standing in breach of this clause may be removed by the Council to such place as is nominated by an authorised officer at the owner's expense.
- 17.4 The Council shall not be liable for any loss or damage resulting from the removal of any vehicle as aforesaid.

18.0 WORKING ON VEHICLES

- 18.1 No person shall carry out any repairs to any vehicle on any road unless:
- a) The repairs are required to enable the vehicle to continue to its original destination, or the repairs are of such minor nature that the vehicle can be fully operational again within a period of 15 minutes; or
 - b) It is impracticable to carry out those repairs elsewhere,

And in either case, the owner or person in charge of the vehicle took 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.

PART VI

CAMPING IN VEHICLES

19.0 DEFINITIONS

- 19.1 For the purpose of this section, the following definition applies.

CAMPING includes the use of any parked vehicle by a person/s as an overnight shelter or as a place to stay in overnight.

- 19.2 No persons shall:
- (a) Stop, stand or park any vehicle on any road or public place where signs specifically forbidding camping have been installed.
 - (b) Stop, stand or park any vehicle for the purpose of camping that has no on-board facilities to contain waste, wastewater and provide basic hygiene requirements for the occupants, in an area that has no such associated amenities available.

PART VII

MISCELLANEOUS

20.0 ENFORCEMENT OFFICERS

- 20.1 The enforcement of the provisions of this bylaw shall be carried out by a Police Officer on behalf of the Council or, where appropriate, by parking wardens appointed by the Council.

20.2 Parking Wardens

The Council may, from time to time, appoint parking wardens to control parking. For the purposes of this clause, any of the powers, duties and functions of the Council may be carried out by the duly appointed parking warden.

21.0 OFFENCES

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 the lines, zones, markings, traffic signs, or other signs and notices laid down, placed, or made, or erected in or upon any road or public place in the district pursuant to any provision of this bylaw.
- b) Fails to comply with any condition, duty or obligation imposed by this law.

22.0 PENALTIES

Subject to any penalty provided by any other clause of this bylaw, every person who commits an offence against this bylaw shall be liable to a fine not exceeding \$5,000.

23.0 DEFENCES

It shall be a defence to any person charged with a breach of any parking provision in Part III hereof if he/she proves:

- a) That the act complained of was done reasonably in circumstances of traffic emergency or in compliance with the directions of a Police Officer, parking warden, traffic control signal or traffic sign, or in the case of an act done by a Police Officer, was necessary in the execution of his duty.
- b)
 - i) That the vehicle was, at the time of the act complained of, actually engaged in a public work on the road; and
 - ii) That the vehicle was being used on the road with due consideration for other road users; and
 - iii) That the act complained of was reasonably necessary for the purposes of that work; and
 - iv) That he/she took 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 by reason of the act.

24.0 EXEMPT VEHICLES

This bylaw shall not apply to the following classes of vehicles:

- a) A vehicle used as an ambulance and being at the time used on ambulance service.
- b) A vehicle being used by the New Zealand Fire Service to answer a request for an emergency service.
- c) A vehicle used by a Police Officer lawfully engaged in the course of his duties.

25.0 SKATEBOARDS

The use of skateboards of any street, footpath, carpark or mall located within the commercial business district is prohibited unless written permission from Council is first obtained.

The CBD is defined as that area bounded by Smith, Boundary, Herbert and Tainui Streets.