



# **Papakura District Council Parking and Traffic Bylaw 2009**

**Effective from 11 November 2009**

# Papakura District Council Parking and Traffic Bylaw 2009

## 1 Introduction

- 1.1 The Papakura District Council makes this Bylaw under section 72(1) of the Transport Act 1962, section 591A of the Local Government Act 1974 and section 145 of the Local Government Act 2002.

## 2 Title

- 2.1 The title of this Bylaw is the Papakura District Council Parking and Traffic Bylaw 2009.

## 3 Operative Date

- 3.1 This Bylaw comes into effect on the day the Papakura District Council resolves to adopt this Bylaw.

## 4 General Powers not affected

- 4.1 This Bylaw does not prevent or restrict Council from exercising any further powers, functions or duties in relation to roads in accordance with the law.

## 5 Relationship with other legislation and regulations

- 5.1 The provisions of this Bylaw are in addition to other parking and traffic provisions contained in legislation and regulations (for example, the Land Transport (Road User) Rule 2004).
- 5.2 In implementing this Bylaw, Council will comply with all relevant legislation and regulations applicable (for example, in relation to signage and road markings).

## 6 Interpretation

- 6.1 In this Bylaw unless inconsistent with the context:

**Arterial Road** means a road described as a Primary Arterial or Principal (Secondary Arterial) in Schedule 11A in Section Three, Part 11 of the Operative Papakura District Plan 1999.

**Disabled Person Parking Space** means an area reserved for the stopping, standing or parking of vehicles displaying a Mobility Parking Permit.

**Driver** of a vehicle includes any person in charge of the vehicle.

**Footpath** means a path or way laid out or existing on any part of a road primarily designed for and used by pedestrians, and includes any part of a vehicle crossing or temporary crossing laid out or constructed over a footpath.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Heavy Motor Vehicle** means a vehicle that has a gross vehicle mass exceeding 3,500kgs.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Loading Zone** means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Long Term Parking** means parking a vehicle on the road for a continuous period exceeding 3 days.

**Mobility Parking Permit** means a current mobility parking permit issued by a branch of CCS.

**Network Utility Operator** has the meaning set out in section 166 of the Resource Management Act 1991.

**Parking** means the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Parking Place** means a place (including a building) where vehicles, or any class of vehicles, may wait.

(Definition sourced from Local Government Act 1974).

**Passenger Service Vehicle** means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include a vehicle specified as an exempt vehicle in Part 2 of Schedule 1 to the Transport Services Licensing Act 1989 or in regulations referred to under that Act.

(Definition sourced from Transport Services Licensing Act 1989).

**Road** includes a reference to any part of a road and includes-

- (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 the Land Transport Act 1998 or any other enactment or this bylaw:

Provided that the road is under the control of the Papakura District Council.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Road Margin** includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

(Definition sourced from Land Transport (Road User) Rule 2004).

**Roadway** means that portion of the road used or reasonably usable for the time being for vehicular traffic in general.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Special Vehicle Lane** means a lane defined by signs or markings as restricted to a specified class of vehicle; and includes a bus lane, transit lane, cycle lane, and a light rail vehicle lane.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Specified class** means a class of vehicle and includes (but is not limited to the following) vehicle classes as defined in the Land Transport (Road User) Rule 2004

- (a) All terrain vehicle
- (b) Bus
- (c) Cycle
- (d) Defence force emergency vehicle
- (e) Emergency vehicle
- (f) Fire service vehicle.
- (g) Goods Vehicle
- (h) Heavy Motor Vehicle
- (i) Light motor vehicle
- (j) Mobility device

- (k) Moped
- (l) Motor vehicle
- (m) Motorbike
- (n) Passenger service vehicle
- (o) Pilot vehicle
- (p) Power assisted cycle
- (q) School bus
- (r) Tractor
- (s) Wheeled recreational vehicle

**Transit Lane** means a lane for the use of the following (unless specifically excluded by a sign installed at the start of the lane):

- (t) passenger service vehicles; or
- (u) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign; or
- (v) cycles; or
- (w) motorcycles; or
- (x) mopeds.

(Definition sourced from Land Transport (Road User) Rule 2004).

**Stock** means live farm animals, including, but not limited to, any cow, ox, heifer, steer, calf, sheep, ram, ewe, wether, lamb, goat, kid, boar, sow and pig of any kind.

**Stock Vehicle** means a vehicle that is carrying stock.

**Urban Road** means a road running through or adjacent to an area described in the Operative Papakura District Plan 1999 as an:

- (a) Urban Commercial Zone; or
- (b) Urban Industrial Zone; or
- (c) Urban Residential Zone; or
- (d) Urban Community Services Zone; or
- (e) Urban Special Purposes Zone; and

- (f) Includes a Reserves Zone which is adjacent to one of the areas described in paragraphs (a) to (e) above.

In addition to the above, **Urban Road** also means any road having a maximum speed limit of no more than 50 kilometres per hour (excluding temporary speed limits).

**Vehicle** means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and

- (a) Includes a hovercraft, a skateboard, in-line skates, and roller skates;

But does not include:

- (b) A perambulator or pushchair;
- (c) A shopping or sporting trundler not propelled by mechanical power;
- (d) A wheelbarrow or hand-trolley;
- (e) A pedestrian-controlled lawnmower;
- (f) A pedestrian-controlled agricultural machine not propelled by mechanical power;
- (g) An article of furniture;
- (h) A wheel-chair not propelled by mechanical power;
- (i) Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition; or
- (j) Any rail vehicle.

(Definition sourced from Land Transport Act 1998).

6.2 In this Bylaw a reference to:

- 6.2.1 An Act of Parliament or to any section or part of such an Act includes shall be deemed to include any substitute or replacement Act and any replacement or substitute section or part of that Act;
- 6.2.2 The Operative Papakura District Plan 1999 includes any operative change to that Plan or parts of that Plan.

## **Part 1 – Parking**

**(This part of the Bylaw is made in reliance on the powers contained in section 72 of the Transport Act 1962, section 591A of the Local Government Act 1974 and section 145 of the Local Government Act 2002)**

### **7 Parking and Stopping Restrictions**

7.1 The Council may by publicly notified resolution impose such prohibitions, restrictions controls directions or fees concerning parking, stopping or standing on any road or part of a road and/or the use by traffic or otherwise of any road, or part of a road as it sees fit. Such resolutions may include (but are not limited to) matters such as:

7.1.1 Stopping places for special vehicles;

7.1.2 Loading zones;

7.1.3 Disabled person parking spaces;

7.1.4 Reservation of parking places;

7.1.5 Long term parking;

7.1.6 Standing vehicles on roads;

7.1.7 Displaying vehicles on roads;

7.1.8 Heavy motor vehicle parking.

7.2 Any such resolution may apply to a specified road or part of a road, a specified class or description of a vehicle and/or be effective during a specified period of time.

### **8 Method of Parking**

8.1 No driver shall park a vehicle in a parking space so that any part of that vehicle extends beyond any line defining that space.

### **9 Parking on Planted Areas and Road Margins**

9.1 Subject to Clauses 9.2 and 9.3, no driver shall stop, stand or park a vehicle on that part of the road which is:

9.1.1 A grass plot; or

9.1.2 A flower bed; or

9.1.3 Shrubbery; or

9.1.4 In respect of an urban road only, the road margin.

- 9.2 A person may stop, stand or park a vehicle in contravention of clause 9.1 if:
- 9.2.1 The vehicle is stopped or standing on an authorised vehicle crossing; or
  - 9.2.2 Council has indicated by appropriate signage that vehicles may stop, stand or park in that location; or
  - 9.2.3 That person has obtained the prior written permission of the Council to stop, stand or park a vehicle in that location.

## **10 Stopping in Service Lanes**

- 10.1 No driver shall stop, stand or park a vehicle in a service lane so as to cause an obstruction, except for so long as is reasonably necessary to load or unload goods or passengers.

## **Part 2 – Traffic**

**(This Part of the Bylaw is made in reliance on section 72 of the Transport Act 1962)**

## **11 Use of Roads**

- 11.1 The Council may by publicly notified resolution impose such prohibitions, restrictions controls directions or fees concerning the use by traffic or otherwise of any road, or part of a road as it sees fit. Such resolutions may include (but are not limited to) matters such as:
- 11.1.1 One way roads;
  - 11.1.2 Turning traffic prohibitions;
  - 11.1.3 Heavy traffic restrictions/prohibitions;
  - 11.1.4 Stock vehicles restrictions/prohibitions;
  - 11.1.5 Reservation of roads for special vehicles;
  - 11.1.6 Reservation of clearways.

### **Part 3 – Other Matters**

**(This Part of the Bylaw is made in reliance on section 145 Local Government Act 2002)**

#### **12 Vehicles under 3,500kg**

- 12.1 The Council may by publicly notified resolution restrict or prohibit any vehicle weighing less than 3,500kg from being operated on any road or part of a road.
- 12.2 No driver of a vehicle shall drive or permit that vehicle to be driven in contravention of a resolution under Clause 12.1 unless:
  - 12.2.1 That vehicle is used for the express purpose of visiting a property with a frontage to a road described in the resolution; or
  - 12.2.2 Prior written permission from Council has been obtained.
- 12.3 Clause 12.1 does not apply to a vehicle being used for the time being as a passenger service vehicle.

#### **13 Activities on the Road**

- 13.1 No person may, without the prior written permission of the Council:
  - 13.1.1 Place or leave objects (including, but not limited to, shipping containers and rubbish skips) on the road;
  - 13.1.2 Wash or clean windows or attempt to wash and clean the windows of vehicle or vehicles stopped at any intersection or approach to any intersection on a roadway;
  - 13.1.3 Organise or take part in any assembly, procession, public meeting or demonstration on a roadway;
  - 13.1.4 Move stock other than in or on a vehicle, on an urban road or an arterial road.

#### **14 Jacobs Brake**

- 14.1 No person shall at any time operate or cause or permit to be operated, a Jacobs engine brake or similar device on an urban road.

## **Miscellaneous provisions applying to all Parts of this Bylaw**

### **15 Register of Parking and Traffic Resolutions**

- 15.1 The Council will at all times maintain a Register of Parking and Traffic Resolutions made under this Bylaw and delegations for the purposes of this Bylaw, which shall be available to the public for viewing at the head office of the Council.

### **16 Application Procedure for Written Permission**

- 16.1 On application, the Council may grant permission, subject to any conditions it sees fit to:
- 16.1.1 Any person residing in the vicinity of a specific parking space, the sole right to park a vehicle in that parking space during such period as the Council may determine;
  - 16.1.2 Any person parking a vehicle on a road or part of a road on a long-term basis;
  - 16.1.3 Any person parking on a grass plot, flower bed, shrubbery, or the road margin of an urban road during such period as the Council may determine;
  - 16.1.4 Any person parking a vehicle on a road or part of a road for a period in excess of 3 days where the vehicle has no motive power or cannot be safely driven;
  - 16.1.5 Any person parking a vehicle on an arterial road or on a road subject to a Council resolution under clause 7.1 above for the purpose of sale exhibition or demonstration;
  - 16.1.6 Any person parking a heavy motor vehicle on any part of a roadway subject to resolution under clause 7.1 above;
  - 16.1.7 Any person driving or permitting a heavy motor vehicle to be driven on a road contrary to a resolution under clause 7.1 above;
  - 16.1.8 Any person driving or permitting a stock vehicle to be driven on a road contrary to a resolution under clause 7.1 above;
  - 16.1.9 Any person placing or leaving objects (including, but not limited to, shipping containers and rubbish skips) on the road;
  - 16.1.10 Any person washing or cleaning or attempting to wash and clean the windows of a vehicle or vehicles stopped at any intersection or approach to any intersection on a roadway;
  - 16.1.11 Any assembly, procession, public meeting or demonstration on a roadway and to any person taking part in any such event;

- 16.1.12 Any person moving stock (other than in a vehicle) on an urban road or an arterial road;
  - 16.1.13 Any person driving or permitting a vehicle weighing less than 3,500kg to be driven on any road or part of a road where that vehicle is subject to a resolution under clause 7.1 above and provided that the vehicle is not being used as a passenger service vehicle.
- 16.2 An application made under clause 17.1 above must be made in writing to the Director of Regulatory Services and where it involves an application to organise an assembly, procession, public meeting or demonstration on a roadway under clause 13.1.3 above, must be accompanied by a Traffic Management Plan.

## **17 Exemptions**

- 17.1 This Bylaw does not apply, as appropriate, to:
- 17.1.1 a vehicle stopped in a traffic emergency, accident or for other unavoidable cause, for as long as shall be reasonably necessary;
  - 17.1.2 a vehicle parked or stopped or being used in compliance with the directions of a police officer, or traffic sign;
  - 17.1.3 a vehicle which at the time is being used as an ambulance, police vehicle, or fire brigade vehicle in an emergency;
  - 17.1.4 a vehicle which at the time is being used by a registered medical practitioner on urgent medical business;
  - 17.1.5 a vehicle which at the time is being used by a network utility operator for carrying out urgent public work; or
  - 17.1.6 a vehicle which at the time is being used on urgent official business of the Council.

## **18 Offences**

- 18.1 A person commits an offence against this Bylaw who fails to comply with:
- 18.1.1 Any Council resolution under clause 7.1;
  - 18.1.2 Clause 8.1;
  - 18.1.3 Clause 9.1;
  - 18.1.4 Clause 10.1;
  - 18.1.5 Any Council resolution under clause 11.1;
  - 18.1.6 Clause 12.2;

18.1.7 Clause 13.1;

18.1.8 Clause 14.1.

18.2 The parking offences referred to in clauses 18.1.1, 18.1.2, 18.1.3, and 18.1.4 above are infringement offences under the Transport Act 1962. Parking wardens are able to issue infringement notices in respect of these offences.

## **19 Savings and Revocations**

19.1 All parking and traffic restrictions and prohibitions in effect as at the date this Bylaw comes into effect shall remain in effect.

19.2 The following traffic bylaws remain in force:

19.2.1 Speed Limits Bylaw 2004.

19.3 Subject to clauses 19.1 and 19.2 above, the following bylaws are repealed:

19.3.1 Parking and Traffic Bylaw 2007

19.3.2 Any other parking or traffic bylaws in effect within the District of Papakura.