

WANGANUI DISTRICT COUNCIL

TRAFFIC BYLAW 2011

Explanatory Note

This bylaw shall be known as the Wanganui District Council Traffic Bylaw 2011.

The objective of this By-law is to facilitate traffic management and parking control measures in respect of roads, public places, and parking areas under the control of the Council.

It provides measures to ensure that acceptable standards are maintained for the safe and orderly movement of traffic within the Wanganui District.

Parking control measures for roads and parking areas are also covered by this Bylaw and it includes requirements necessary for the control of car park buildings.

Provisions are made for the setting aside of areas of certain streets for the exclusive use by residents and their visitors for the parking of their motor vehicles.

This bylaw is made pursuant to the bylaw making powers vested in the Wanganui District Council by the Local Government Act 1974, the Transport Act 1962 and the Land Transport Act 1998 and the Local Government Act 2002. In addition to these Acts and regulations, roads, traffic and parking issues are also regulated and controlled by the Traffic Regulations 1976, the Land Transport (Road User) Rule 2004, the Land Transport Rule: Traffic Control Devices 2004 and the Land Transport Rule: Setting of Speed Limits 2003. These Acts and Regulations should be referred to and read in conjunction with this bylaw.

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1. **Definitions**

1.1 **CARRIAGEWAY** means that part of a road laid out for vehicular traffic as determined by the Council pursuant to Section 319 of the Local Government Act 1974. *Definitions*

CENTRAL BUSINESS DISTRICT AREA is the area contained within St Hill Street, Taupo Quay, Drews Avenue, Watt Street, Wicksteed Street, Ingestre Street.

COUNCIL means the Wanganui District Council or any Committee, Community Board or elected member of the Council, Officer authorised to exercise the authority of the Council or an agent operating on behalf of the Council.

CYCLE means a vehicle having at least two wheels and designed to be propelled solely by the muscular energy of the rider.

CYCLE TRACK means a public cycle track formed under Section 332 of the Local Government Act 1974.

FOOTPATH means that part of a road intended for use by pedestrians and includes any accessway, pedestrian mall or walkway.

GOODS SERVICE VEHICLE means a motor vehicle designed exclusively or principally for the carriage of goods, but does not include a tractor

HEAVY MOTOR VEHICLE means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3,500 kilograms

LICENCE means a licence issued under this By-law.

METERED SPACE means a space or section of a road or a piece of land in a metered zone marked out by painted lines for the accommodation of a vehicle.

METERED ZONE means any road or portion thereof or any piece of land authorised by resolution of the Council to be used as a place where vehicles may park, including a parking place at which parking meters or parking machines are installed and maintained.

MOPED means a motor vehicle running on 2 or 3 wheels that is fitted with a motor having a power output not exceeding 2 kilowatts and is designed to be ridden at a speed not exceeding 50 kilometres per hour under normal conditions of use.

MOTOR CYCLE means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a side car; but does not include a moped

MOTOR VEHICLE means a vehicle drawn or propelled by mechanical power; and includes a trailer, but does not include:

- a. a vehicle running on rails; or
- b. an invalid carriage; or
- c. a trailer (not being a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of any of Her Majesty's Forces; or
- d. a trailer running on one wheel and designed exclusively as a speed-measuring device or for testing the air of vehicle tyres; or
- e. 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
- f. a pedestrian-controlled machine

OFFICER means any person authorised by the Council to carry out or exercise any powers or duties under this by-law or any part thereof and includes any constable.

PARKING means:

- a. in relation to any portion of a road where parking is for the time being governed by parking meters or parking machines, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes.
- b. in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road.

PARKING MACHINE means an appliance designed for the purpose of automatically measuring and indicating the time within which vehicles are or may be parked at a metered space and includes its standard

PARKING METER means an appliance designed for the purpose of automatically measuring and indicating the time within which a vehicle is or may be parked at a metered space and includes its standard

PARKING PLACE means a place (including a building) where vehicles, or any class of vehicles, may wait including all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structure, appliances, and other facilities as the Council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use

PASSENGER SERVICE subject to paragraph (b) of this definition, means -

- a. any passenger service within the meaning of Section 2(1) of the Transport Services Licensing Act 1989; and
- b. except as provided for in Section 57 of the Transport Services Licensing Act 1989 (other than to the extent specified in subsection (3) of that section) any harbour ferry service, passenger rail service, cable car, hovercraft, monorail, tramway, or other form of public transport (other than air transport) that is available to the public generally but does not include an ambulance service.

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 II of the First Schedule to Transport Services Licensing Act 1969 or in regulations referred to in that Part.

PERMIT means a written authority from the Wanganui District Council with or without prescribed conditions and charges

PUBLIC PLACE means every road, street, footpath, court, alley, pedestrian mall, roadway, cycle track, lane, accessway and thoroughfare, square, reserve, park, domain, beach, foreshore and recreational ground under the control of the Council.

ROAD includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, beach, motorway or place as aforesaid.

SALE OR SELL has the same meaning as in the Food Act 1981 and also includes the extended meaning given in Regulation 2(5) of the Food Hygiene Regulations 1974.

TRAFFIC SIGN means a sign of one of the classes described in Part XII of the Traffic Regulations 1976; and includes the support of the sign; provided that traffic domes or letters or other indicators placed upon roads by controlling authorities for the direction of traffic shall not be deemed to be traffic signs for the purpose of the Traffic Regulations 1976.

URBAN AREA means any area of the District not zoned Rural in the operative Wanganui District Plan.

VEHICLE means a contrivance equipped with wheels, tracks or revolving runners upon which it moves or is moved; but does not include:

- a. a perambulator or pushchair;

- b. a shopping or sporting trundler not propelled by mechanical power;
- c. a wheelbarrow or hand-trolley;
- d. a child's toy, including a tricycle and a bicycle, provided in either case, no road wheel (including any tyre) has a diameter exceeding 355mm;
- e. a pedestrian-controlled lawnmower;
- f. any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- g. any article of furniture;
- h. any invalid wheel-chairs not propelled by mechanical power;
- i. any other contrivance specified by the Minister of Transport by notice in the Gazette.

2. **Metered Parking**

2.1 The Council may, from time to time, by resolution:

- a. Specify a road or any part of it or any parking place to be a metered zone.
- b. Specify the maximum time allowed for the parking of a vehicle in a metered space on any one occasion. ("The maximum authorised time").
- c. Specify the fees payable for the parking of vehicles within a metered zone.
- d. Specify the days and times that fees shall be payable for parking of vehicles within a metered zone

2.2 It shall be unlawful for any person to cause a vehicle to be parked in a metered zone without having paid the appropriate fee, or to allow it to remain therein after expiration of the maximum authorised time. *Unlawful Metered Parking*

2.3 Where a parking machine issues a receipt, the receipt shall be prominently displayed inside the vehicle on either the dashboard or windscreen and where the vehicle is a motorcycle, the receipt shall be prominently displayed on the motorcycle. *Receipt Display*

2.4 If a metered space is parallel to the kerb or footpath, the driver of a vehicle intending to occupy it shall park the vehicle so that it shall be facing in the direction of movement of traffic on that side of the street, and so that the vehicle shall be as close as practicable to the centre of the metered space. *Parallel Parking*

2.5 If a metered space is at an angle to the kerb or footpath the driver of a vehicle intending to occupy it shall park the vehicle so that it is facing the kerb or channel. *Angle Parking*

2.7 No person shall drive a vehicle into a metered space which is already occupied by another vehicle, except:

- a. It shall be lawful for more than one motor cycle, but no *Parking of*

other vehicle, to occupy the same space.

Motorcycles

- b. If the metered space is parallel to the kerb or footpath no motorcycle shall be parked in a manner that causes an obstruction to any vehicle using or attempting to use an adjacent space.
- c. Where more than one motorcycle occupies a metered space at which a parking meter is affixed it shall not be necessary for the payment of more than one parking fee but where the parking meter shows that the maximum authorised time has expired, the person in charge of every motorcycle therein shall be held to be severally liable and therefore to have committed an offence under Clause 2.2
- d. Where more than one motorcycle occupies a metered space controlled by a parking machine which issues a receipt the parking fee shall be payable in respect of each motorcycle.

2.8 Where a designated motorcycle park exists in a metered zone Clause 2.7 shall not apply.

2.9 No person shall misuse or interfere with a parking meter or parking machine nor insert into it anything other than the coin or coins or approved method of payment prescribed by resolution of the Council as the fee payable for parking in a metered space and displayed on the parking meter or parking machine.

Misuse of Meters

2.10 Whenever an officer is of the opinion that any metered space or parking place should be temporarily discontinued as a parking space, it may place a sign or other device indicating that no vehicle shall park at such metered space or parking place, and no person shall park a vehicle at such metered space or parking place while such sign or device is so placed.

*Temporary
Discontinuance
of Parking*

3. Restricted Parking

3.1 The Council may, from time to time, by resolution and subject to the erection of the signs prescribed by the Transport Act 1962 or any regulations thereunder:

- a. specify roads or any part of a road on which the parking of specified vehicles is prohibited or restricted,
- b. specify roads or any part of a road on which there is time restricted parking either generally or at specified times,
- c. specify roads or any part of a road for the exclusive use for the parking of vehicles driven by or carrying disabled persons,
- d. specify roads or any part of a road on which the parking of heavy motor vehicles is prohibited or restricted,
- e. specify roads or any part of a road as a stopping place for

*Restricted
Parking*

- passenger service vehicles either generally or at specified times,
- f. specify roads or any part of a road as a loading zone for the exclusive use of goods service vehicles and restrict the period of parking time in a loading zone either generally or at specified times, and
 - g. specify roads or any part of a road for the exclusive use for the parking of motorcycles.
- 3.2 No person shall park a vehicle in contravention of signs or markings erected or placed pursuant to this By-law. *General Parking Restrictions*
 - 3.3 No person shall park a vehicle on a parking space reserved and marked out for the exclusive use of vehicles driven by or carrying disabled persons unless an authorised disabled permit or card is prominently displayed inside the vehicle on either the dashboard or the windscreen. *Disabled Persons*
 - 3.4 No person shall use or park a vehicle so that any part of the vehicle encroaches upon any footpath. *Vehicles on Footpaths*
 - 3.5 No person shall unload any vehicle in such a manner as to cause or be likely to cause damage to any part of any footpath. *Damage Caused By Unloading Vehicle*
 - 3.6 No person shall erect or place any cycle stand on any road or footpath without obtaining the prior written permission of the Council. *Placement of Cycle Stands*
 - 3.7 No driver or person in charge of any vehicle shall permit any part of the vehicle or its load to be on or over or in front of any area reserved for the parking of cycles or motor cycles. *Obstruction*
 - 3.8 No person shall park a vehicle on a grass berm where it causes or is likely to cause damage to the grass berm. *Parking On Grass Berm Causing Damage*
- 4. Residents Exclusive Parking**
- 4.1 The Council may, from time to time, by resolution and subject to the erection of signs and road markings:
 - a. Specify roads or any part of a road either generally or at specified times as reserved for the exclusive parking of vehicles of persons holding the appropriate residents parking permit. (“Residents parking zone”). *Residents Parking Zone*
 - b. Specify the addresses of residences whose occupants shall be entitled to apply to the Council for a permit to park in a residents parking zone (“Residents parking permit”). *Residents Parking Permit*
 - c. Fix fees for the purchase by residents of residents parking permits.

Fees

- 4.2 No person shall park a vehicle in a residents parking zone unless the appropriate residents parking permit is prominently displayed on either the dashboard or the windscreen of the vehicle. *Display Of Parking Permit*
- 4.3 The occupier of a residence specified in the resolution may apply to the Council for a residents parking permit. *Application*
- 4.4 Not more than three residents permits shall be issued for each household *Number of Permits*
- 4.5 A residents parking permit shall be returned to the Council immediately the resident ceases to be entitled to the permit. *Return of Permit*

5. Cycle Tracks

- 5.1 The Council may, from time to time, by resolution, fix the length, route and siting of a public cycle track. *Cycle Tracks*
- 5.2 Where a cycle track is provided on a footpath, no person shall, except in case of emergency, ride a cycle upon a part of the footpath outside the limits of the cycle track. *Cycle Track on Footpath*
- 5.3 Pedestrians shall have the right of way over cycles being ridden on a footpath cycle track. *Right of Way to Pedestrians*
- 5.4 No person shall ride a cycle on a footpath except where a cycle track is provided on a footpath. *Riding On Footpath*

6. Heavy Motor Vehicles - Limitation

- 6.1 The Council may, from time to time, by resolution, specify heavy motor vehicle restrictions for various roads or part thereof. *Council Resolution*
- 6.2 No person shall drive a heavy motor vehicle on any road or part of a road specified in Clause 6.1 and contained within Schedule 1 hereto. *Heavy Motor Vehicle Limitation*
- 6.3 Clause 6.2 shall not apply to emergency vehicles or any other vehicle that has been granted dispensation by the Council. *Emergency Vehicles Exempt*

7. One Way Traffic

7.1 The Council may, from time to time, by resolution, specify various roads or part thereof where vehicles shall travel only in the direction specified and signposted or marked out on the roadway. *Council Resolution*

7.2 No person shall drive a vehicle on any road or part thereof in contravention of Clause 7.1 as specified in Schedule 2 hereto and signposted or marked out on the roadway. *One Way Traffic*

8. Turning Restrictions

8.1 The Council may, from time to time, by resolution, subject to the erection of the signs prescribed by the Transport Act 1962 or any regulations thereunder: *Council Resolution*

a. Specify roads or part of a road on which vehicles facing or travelling in one direction are prohibited from turning to face or travel in the opposite direction. (“U-turn”). *‘U’-turn prohibition*

b. Specify roads or part of a road on which vehicles are prohibited or restricted from turning either to the right or to the left. *Turning Restriction*

8.2 No driver of a vehicle shall turn to the right or to the left on any road, or perform a u-turn thereon, where the Council has by resolution prohibited or restricted such turns.

9. Skateboards, Roller Skates

9.1 No person shall use a skateboard, roller skates or similar device on a footpath in the Central Business District Area, as defined in Clause 1.0 of this By-law, or in a Neighbourhood Commercial Zone as defined in the Operative District Plan or within Laird Park Netball Courts. *Skateboarding Prohibition in CBD and Neighbourhood Commercial Zone*

9.2 Every person who fails to comply with 9.1 is liable to have the skateboard impounded by any officer or Police Officer. *Impounding of skateboard*

9.3 Any person claiming a skateboard which has been impounded pursuant to 9.2 shall: *Claiming Impounded Skateboard*

a. Satisfy the Council or its duly appointed officer that he or she is the owner or otherwise entitled to the custody and control of the skateboard; and

b. Pay to the Council a fee of such amount as the Council may determine by resolution.

- 9.4 The Council shall provide a secure place for any skateboard impounded under Clause 9.2. *Council To Provide Secure Place*
- 9.5 The Council shall keep a register and enter details of every skateboard impounded and every person claiming a skateboard under this part of the By-law. *Council To Provide Register*
- 9.6 Nothing contained in this part of the By-law shall render the Council or any officer liable in damages or otherwise to any person for any skateboard impounded under Clause 9.2. *Council Not Liable For Damage*

10. Bicycles on footpaths

- 10.1 No person shall ride a bicycle on a footpath in the Central Business District Area, as defined in Clause 1.0 of this By-law. *Riding Bicycle Prohibition in CBD.*
- 10.2 Every person who fails to comply with Clause 10.1 is liable to have the bicycle impounded by any officer or Police Officer. *Impounding of Bicycle*
- 10.3 Any person claiming a bicycle which has been impounded pursuant to Clause 10.2 shall: *Claiming Impounded Bicycle*
- a. Satisfy the Council or its duly appointed officer that he or she is the owner or otherwise entitled to the custody and control of the bicycle; and
- b. Pay to the Council a fee of such amount as the Council may determine by resolution.
- 10.4 The Council shall provide a secure place for any bicycle impounded under Clause 10.2. *Council to provide secure storage*
- 10.5 The Council shall keep a register and enter details of every bicycle impounded and every person claiming a bicycle under this part of the By-law. *Council to provide register*
- 10.6 Nothing contained in this part of the By-law shall render the Council or any officer liable in damages or otherwise to any person for any bicycle impounded under Clause 10.2. *Council not liable for damage*

11. Removal of Vehicles

- 11.1 Any vehicle parked in breach of any by-law may be removed by the Council and the reasonable cost of such removal shall be paid by the owner and/or driver of the vehicle. *Council May Remove Vehicles*

12. Miscellaneous

- 12.1 No person shall display advertising material, either mobile, stationery, located on a vehicle, or otherwise, on any road or public place at a location where it could cause a distraction to drivers or adversely affect traffic safety. *Advertising*
- 12.2 No person shall cause or permit or allow any vehicle owned or controlled by them to remain parked in or on any road or public place for the purpose of hire or sale or for the purpose of repair. *Vehicle Parked For The Purpose Of Hire, Sale or Repair.*
- 12.3 No person shall drive any vehicle:
- a. Over any hose in use for the time being in connection with an outbreak or alarm of fire PROVIDED THAT it shall not be an offence so to drive if hose bridges are provided or if the driver is directed so to drive by a Police Officer or any member of the Fire Service. *Fire Hoses*
 - b. In such a manner as to hinder or obstruct any member of the Fire Service engaged in connection with an outbreak or alarm of fire.

This Bylaw was passed at the Ordinary Meeting of the Wanganui District Council on the 18th April, 2011.

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Mayor

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Chief Executive