



Statement of Proposal

ADOPTION OF A NEW TRAFFIC AND PARKING BYLAW

17 April 2023

Nelson City Council's proposed Traffic and Parking Bylaw

Nelson City Council (the Council) would like to know your views on a proposed Traffic and Parking Bylaw, which will replace the current Parking and Vehicle Control Bylaw 2011 (Bylaw 207).

1. Introduction

The current Parking and Vehicle Control Bylaw 2011 (Bylaw 207) came into effect in December 2004 and was reviewed in 2011. It is due to be automatically revoked on 3 November 2023, under section 160A of the Local Government Act 2002.

To ensure the Council continues to have an ability to regulate traffic and parking matters, it is proposing to adopt a new Traffic and Parking Bylaw before 3 November 2023.

This Statement of Proposal outlines key features of the proposed Traffic and Parking Bylaw, and a full draft of the Bylaw is set out in the Appendix. The proposed bylaw captures similar matters that are regulated under the current Vehicle Control and Parking Bylaw 2011.

The current Vehicle Control and Parking Bylaw 2011 (Bylaw 207) can be found on the Council's website.

<http://www.nelson.govt.nz/council/bylaws/207-parking/>

2. The proposal

The proposal is to adopt a new Traffic and Parking Bylaw. If the new Bylaw is adopted before 3 November 2023 (when the current bylaw will be automatically revoked), the Council will revoke the current Vehicle Control and Parking Bylaw 2011, to ensure no overlap between the bylaws.

While the proposed new bylaw addresses many of the same matters that are dealt with in the current bylaw, the Council has taken the opportunity to update and modernise the proposed bylaw, and include several new provisions to ensure it addresses issues that are not regulated by the current bylaw.

In preparing this proposed bylaw, the Council has had regard to the following legislation:

- Land Transport Act 1998
- Land Transport Rule Traffic Control Devices 2004
- Land Transport (Road User) Rule 2004
- Local Government Act 1974

The main features of the proposed Traffic and Parking Bylaw are discussed below (clause references are to the clauses in the draft bylaw in the Appendix).

Regulating parking on State highway (clause 5)

The proposed bylaw includes provision for the Council to manage parking and stationary vehicle offences on State highway 6 between Peace Grove (north of Trafalgar Street) and the Annesbrook roundabout. The exact extent of the area affected is detailed in a map, in figure 1 below.



Figure 1 State Highway stationary vehicle delegation to Nelson City Council

The Council's ability to manage parking and stationary vehicle offences on this area of State highway is contingent on Waka Kotahi delegating such powers to the Council and fees collected will offset the costs of managing enforcement. Waka Kotahi has indicated it is willing to provide such a delegation, but the Council and Waka Kotahi are still working through putting this delegation in place.

Waka Kotahi's delegation would allow the Council to impose and retain infringement fees, but the Council's responsibility for the State highway area is expected to be a net cost to Council (the fees are unlikely to cover the costs incurred to manage the enforcement delegation). The delegation will however allow a consistent citywide approach to parking enforcement for the public.

Parking on the Berms (clause 37)

The proposed bylaw proposes to ban parking on berms and areas in roads not designed for parking, unless specifically authorised by Council. Banning parking where the road is not specifically designed for vehicles reduces the risk of damage to any underlying services (eg pipes buried in the berm), but it also significantly alters the way many people are currently using some property frontages. This is a notable change from the current bylaw, which prohibits parking only where signage has been erected.

Definitions (clause 7)

Amendments are proposed to the definitions to align (as much as possible) with the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.

Restricting skateboards and other wheeled recreational devices on footpaths (clause 22)

Restricting skateboards and other wheeled recreational devices on footpaths (clause 22): The current bylaw specifically allows bans of skateboards and other wheeled recreational devices (like scooters) on particular footpaths. The power to make such bans has been included in the proposed bylaw, as new forms of active transport become more popular and feasible, the Council is interested in the community's views on whether this provision should remain.

Reserved parking (clauses 30, 31 and 32)

Special parking areas are included in the current bylaw and have been updated. The new bylaw allows the Council to define the location, time and fee payment restrictions to the special parking areas where these might be different to the zone rules. This could include special parking areas that are for residents only.

Clause 30 Residents Parking aligns the bylaw with the Parking Strategy and aims to meet future parking demand with new developments in the urban area.

Zones for time restricted parking and payment parking (clauses 33 and 34)

The proposed bylaw allows the Council to establish time restricted parking zones, where time limits will apply to most parking spaces, and payment parking zones, where fees will apply to most parking spaces. An area could be subject to both time restrictions and fees, or just one or the other, or neither.

Council has previously experienced problems with people re-parking their vehicles throughout the day to try to avoid time restrictions or limit fees, reducing available car-parking for shared use. This has been particularly evident in the City Centre to claim the first hour free multiple times.

Council has added some extra provisions to the draft bylaw to clarify that if someone re-parks in the same car park or the same parking zone within a 30 minute period, then they are deemed to have remained parked in the zone throughout that time. If someone leaves a parking zone for more than 30 minutes and then returns, all time restrictions and fees will start fresh when they re-park, but they can't reclaim the 1 hour free.

Payment Parking zones will have a maximum daily free parking period (currently 1 hour under the existing bylaw and this is not being reviewed with this bylaw review).

The bylaw itself does not create any new time limited or payment zones. All current restrictions are being retained and transferred over to a new mapping system that will likely be adopted by Council under its new bylaw (once in place), and which will be available for public viewing via the Councils website.

Vehicle Crossings (clause 25)

The proposed bylaw would allow vehicles to pass over footpaths only by means of an authorised vehicle crossing.

Adjacent landowners can apply to the Council to install, alter or remove a vehicle crossing. This process has not changed. The Land Development Manual 2020 gives the standards for the construction of vehicle crossings. This process has not changed however the proposed bylaw reinforces that a vehicle crossing is for the adjacent landowners benefit so the costs of maintaining this should not fall to the ratepayers.

The proposed bylaw would give the Council the power to require a land owner to upgrade

their vehicle crossing if it is in a poor state of repair and poses a risk to other road users, or if it needs upgrading due to a change in its use.

The proposed bylaw also allows the Council to remove vehicle crossings where they have been abandoned by the owner or are no longer used (eg if the owner has built a fence over the driveway access), although the Council will need to consult with the owner first. This would enable areas to be made available for public parking again.

Cruising and Engine Braking, (clauses 23 and 24)

The proposed bylaw would allow the Council to prohibit or restrict cruising or engine braking on specified roads to reduce noise pollution.

These types of powers are used elsewhere in New Zealand, especially large metropolitan areas. There is little known about the demand for these restrictions in Nelson currently, but inclusion would allow prohibitions to be enacted in the future if required.

Consultation on resolutions made under the Bylaw (clause 10)

The proposed bylaw provides for the Council to make resolutions to impose the various restrictions and requirements applied under the Bylaw. The Bylaw includes a standard consultation process for such resolutions. The Council must make its proposed resolutions available on its website at least 3 weeks before the Council is due to consider them, and members of the public will have at least 2 weeks in which to make submissions. Clause 10 ensures transparency and certainty for this process.

The Council intends to build a website where requests under the bylaw can be viewed, and submissions received before any issue is presented for resolutions. Adopted resolutions will be available through a mapping system (currently under development) on the Council website.

Resolutions under the Bylaw come into effect once signage and markings are in place (clause 11)

Resolutions made under the proposed bylaw will come into force only once the relevant signs and markings have been installed. This ensures road users are aware of the restrictions and prohibitions as they come into effect.

Vehicle and Road Use (clauses 14 to 21 and 26)

The proposed bylaw provides for rules for:

- one way roads,
- turning restrictions,
- pedestrian crossings,
- special vehicle lanes,
- heavy vehicle restrictions,
- shared paths and cycle paths, and
- shared zones,
- unformed legal road.

Clauses 14 and 16 to 21 are included in the current bylaw and have been updated. Some specific rules have been removed from the bylaw and would be applied, if required, in the process of creating resolutions under the new bylaw.

Clause 15 Left or right turns and U-turns are not included in the current bylaw. Turn restrictions are primarily used at signalised intersections to manage traffic flows but can be used elsewhere when there is a safety concern that is most appropriately addressed by banning a turning movement.

Clause 26 Unformed legal roads, has been added to the new bylaw to allow Council to control vehicle use of unformed legal roads to protect the environment, utility assets, or safety.

Vehicle and road use restrictions or permissions will be set by Council resolution under the proposed bylaw, and will be enforced by the Police.

Parking restrictions (clauses 27, 28 and 29)

The proposed bylaw enables the Council to regulate parking on both roads and public places. Public places includes areas that are not streets, such as parking buildings, or parking areas that are available in parks and reserves or at the Marina.

Not all of these public places are regulated under the current bylaw, but the Council would like to extend regulation to these areas in the future. For example, parking restrictions could be imposed at the Marina and at the planned City Bus Interchange as a transport station in the future. This approach would allow greater consistency in parking requirements for all areas.

Clause 28 of the proposed bylaw permits an Authorised Officer (ie an individual authorised by the Council to carry out such duties) to make temporary parking permissions or restrictions. This is to enable short term changes for such purposes as events, adjacent building construction or renovations, road works and typically requires a Traffic Management Plan.

Taxi restrictions (clause 35)

The rules for use of taxi stands have been updated in the proposed bylaw.

Requirements for parking (clause 36)

The rules for how vehicles park have been updated in the proposed bylaw. Vehicles are generally required to park within the marked parking space being used. Oversized vehicles and vehicles with trailers can use more than 1 park, but cannot overhang the footpath. Vehicles overhanging the footpath create a safety and access concern for pedestrians. This addresses a gap in the current bylaw.

Parking for Display or Sale (clause 38)

The proposed bylaw prohibits the parking of vehicles and trailers for sale, advertising, or election campaigns, unless specifically permitted by the Council. . This is to limit activities that cause driver distraction which is a known safety risk for road users. This would apply to state highways covered by the proposed bylaw.

Long Term Parking of Trailers, Motorhomes, Heavy Vehicles and Immobilised Vehicles (clause 39)

Long term parking of trailers on roads is not permitted under the current Bylaw. The proposed bylaw extends this to include Motorhomes, Heavy Vehicles and Immobilised Vehicles. They have been added as Council often receives complaints about these types of vehicles being parked for extended periods. Long term is defined as more than 7 days.

Other Parking (clauses 40, 41 and 42)

Repair work on vehicles is to be prohibited from being carried out on a road, unless the repairs are minor and the work does not cause any risk, or if the work is necessary to enable the vehicle to be moved. This is to reduce the safety hazard of people working in, under or around vehicles on the road.

The bylaw prohibits the storage of broken down or un-road worthy vehicles on the road. If vehicle is broken down, or does not have motor power it must be removed from the road within 7 days. This is to reduce the risk or environmental degradation (e.g. oil, grease, glass, opportunities for vandalism) and make parking spaces available for users.

The proposed bylaw will permit placement of other items (e.g. skips, portaloos, freight containers, machinery and materials etc.) on the road with approval of the Council The process for approval is setout in the Road Corridor Bookings – Local Operating Procedures. This can be found

<http://www.nelson.govt.nz/services/transport/roads/corridor-access-request/>

Authorised vehicle permits (clause 43)

This clause allows Council to issue permits to exempt certain vehicles from the usual time restrictions and parking fees and charges. Typically, the types of vehicles that may be exempted include vehicles used by councilors while carrying out their duties, vehicles used by Council officers or contractors, emergency vehicles, and vehicles used by those involved in approved events or filming. The clause is consistent with Council's Parking Strategy.

Offences and Defences (clauses 44 and 45)

The clauses for offences have been extended in the proposed bylaw to include acts that:

- Hinder Emergency services in their business of responding to an incident
- Drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle
- damage the road, including cycle paths and footpaths
- makes a false application or supplies false details in an application or uses a permit on a vehicle for which it was not issued
- Damage or otherwise affect parking equipment
- parks, places, or otherwise leaves a wheeled recreational device in or on any parking space unless it is designed or designated specifically for that type of wheeled recreational device.

The current bylaw includes clauses about penalties. These have not been included in the new Bylaw. The new Bylaw (refer clause 44.1) will instead rely on the provisions of the Land Transport Act 1998 and the regulations and rules made under that Act. The Land Transport (Offences and Penalties) Regulations 1999 set out the current statutory penalties.

The new Bylaw could potentially include a provision that would allow Council to set penalties that are lower than the current statutory penalties by resolution. Council has not included such a provision at this time because:

- simply referring to the statutory penalties in the Bylaw will allow any central government changes to legislation to apply automatically
- the penalties in the Regulations are considered reasonable in today's terms (for example, most parking offences carry infringement fees ranging from \$12 to \$60, whereas some moving vehicle offences carry a maximum fine on conviction of \$1,000)
- relying on statutory penalties would reduce Council's administration and consultation demands, which would apply if Council were to set different penalties

Defences that would be considered by Council when reviewing an objection to an infringement are listed under defences. These provisions are similar to the exemptions clause in the current bylaw.

Removal and Relocation of Vehicles (clauses 46 and 47)

The Council needs to remove or relocate vehicles or items from time to time. The provisions when this may be applied are given in clauses 46 and 47.

Removal (clause 46) is similar to the current bylaw provisions, but have been extended to include other items (eg shipping containers, portaloos) as the road space is increasingly being used where properties cannot accommodate extra items.

Relocation (clause 47) has been added to assist utility authorities and transport operations undertake emergency (eg water main break repair) and scheduled maintenance works (eg road resurfacing). This clause is required when the public outcome (water supply or all vehicles have made room for planned resurfacing except one) exceeds the rights of one vehicle owner.

Maps (clause 49)

The current bylaw uses schedules and additional reference documents to list the resolutions made under that bylaw. These are available for public viewing. Link to the website can be found:

<http://www.nelson.govt.nz/assets/Our-council/Downloads/bylaws/bylaw-207/Parking-and-Vehicle-Control-Bylaw-2011-Compiled-Schedules-Updated-3Aug2021.pdf>

The Council is currently working on a new mapping system that will record all resolutions made under the new bylaw in an online map, available through the Council's website. The maps will not form part of the proposed bylaw but will document the resolutions that are made under that bylaw and make them easier for members of the public to access and understand.

At this stage, it is anticipated that the new mapping system will not be available until sometime in 2024, after a new bylaw is adopted. In the meantime, the proposed bylaw will carry over all existing schedules and resolutions from the current Bylaw (see clause 49.1). Once the mapping system is ready, the Council will make resolutions adopting all controls in the maps, and revoke all the earlier schedules and resolutions.

Parking Strategy

The Council adopted a Parking Strategy in 2021. The proposed bylaw generally reflects that Parking Strategy, delivering enforcement rules consistent with it. However, the proposed bylaw does not capture any specific proposals for controls in the Strategy. These will need to be addressed through new resolutions made under the proposed bylaw once it is in place.

The Parking Strategy can be viewed on the Council's web page.

<http://www.nelson.govt.nz/assets/Our-council/Downloads/Plans-strategies-policies/2022/NCC-Parking-Strategy-29-Aug22-FINAL-ADOPTED-VERSION.pdf>

Considerations under the Land Transport Act 1998 and the Local Government Act 2002 (LGA)

This Statement of Proposal has been prepared in accordance with the following legislation:

- Land Transport Act 1998 — section 22AD
- Local Government Act 2002 — sections 83, 86, and 156.

Note: Section 156 of the Local Government Act 2002 requires Council to use the special consultative procedure when making a bylaw that will significantly impact on the public.

The Council is not obliged to make determinations under section 155 of the Local Government Act 2002 for the proposed bylaw, given it will be made under the Land Transport Act 2002. Despite this, the Council has considered matters relevant to section 155 as a matter of good practice.

Proposed bylaw is the most appropriate form of bylaw

The proposed Traffic and Parking Bylaw is the most appropriate form of bylaw. In particular, it:

- is authorised by statutory authority (section 22AB of the Land Transport Act 1998)
- is not considered to be in conflict with, or incompatible with, the general laws of New Zealand
- is certain, enforceable and provides clear direction
- is reasonable, and not overly restrictive, unduly onerous on any person, or impractical.

Proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990

The proposed Traffic and Parking Bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but is not inconsistent with that Act.

The proposed bylaw infringes on members of the public's freedom of movement (protected under section 18 of the New Zealand Bill of Rights Act 1990). The proposed bylaw will restrict, or may provide for the imposition of restrictions on, who may use certain roads or parking places, and how and when they may be used. For example, the proposed bylaw permits the Council to make certain roads one-way, to restrict turning manoeuvres, or to reserve certain parking spaces to particular classes of vehicle (eg mobility parking).

The Council is, however, satisfied that the limits on the freedom of movement permitted under the proposed bylaw can be demonstrably justified in a free and democratic society (in line with section 5 of the New Zealand Bill of Rights Act 1990). Some regulation of roads and parking is necessary to ensure the roading network works safely and effectively for all road users.

Special Consultative Procedure

Outcomes of this special consultative procedure could include:

- Adopting the proposed Traffic and Parking Bylaw 2023 in full; *or*
- Adopting the proposed Traffic and Parking Bylaw 2023 in part or with further amendments based on community feedback.

It is possible, but unlikely, that the Council would not adopt a new bylaw. The current bylaw is due to be automatically revoked on 3 November 2023, and having no traffic bylaw in place could create difficulties for the Council in terms of regulating traffic and parking matters.

3. Submission

Anyone may make a submission about any aspect of Council's proposal and the other options which have been considered. Council, in making its decision, will take account of all submissions made.

A submission form is included at the end of this document.

All submissions, including the name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details be kept private and explain why it is necessary to protect your privacy. Council will not accept any anonymous submissions.

Submissions can be made:

- online at nelson.govt.nz
- by post to Traffic and Parking bylaw, Nelson City Council, PO Box 645, Nelson 7040
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Submissions must be received no later than 2 June 2023.

Any person who wishes to speak in support of their submission will be given the opportunity to address the Council at a hearing on 23 June 2023.



APPENDIX

DRAFT TRAFFIC AND PARKING BYLAW FOR CONSULTATION

NELSON CITY COUNCIL TRAFFIC AND PARKING BYLAW

BYLAW HISTORY	
Prior Vehicle Control and Parking Bylaw 207 adopted	31 December 2004
Reviewed	3 November 2011
Revoked and replaced with Traffic and Parking Bylaw 2023	[insert]
Traffic and Parking Bylaw 2023 adopted	[insert]
First review of Bylaw completed	
First amendment made	
Nature of amendment	
Commencement date of amendment	
Second review of Bylaw completed	
Second amendment made	
Nature of amendment	
Commencement date of amendment	

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PART 1: PRELIMINARY PROVISIONS

1. Title

1.1 This Bylaw is the Nelson City Council Traffic and Parking Bylaw 2023.

2. Commencement

2.1 This Bylaw comes into force on [XX].

3. Authority

3.1 This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998.

3.2 In so far as this Bylaw concerns state highways, it is also made pursuant to the Instrument of Delegation granted by Waka Kotahi NZ Transport Agency to the Council.

4. Review

4.1 The Council will review this Bylaw as and when it considers necessary. The bylaw review requirements in the Local Government Act 2002 do not apply to this Bylaw because it is not made under that Act.

5. Application

5.1 This Bylaw applies to –

- (a) all roads under the care, control, or management of the Council; and
- (b) those state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council, being:
 - (i) the part of State highway 6 between Peace Grove Car Park (RS 99.15120) and the Annesbrook roundabout (RS 116.5509)

5.2 Despite clause 5.1, the Council cannot use the powers in Part 3 of the Bylaw in relation to any state highways, as these are not within the scope of the powers delegated to the Council by Waka Kotahi NZ Transport Agency.

6. Purpose

6.1 The purpose of this Bylaw is to regulate and set requirements for the control and parking of vehicles and other traffic (including pedestrian traffic) on any road, and for any objects or other things on any road.

7. Interpretation

7.1 **Any words, phrases or expressions used in this Bylaw that have meanings assigned to them by the Local Government Act 1974 or the Land Transport Act 1998 (including any regulations and rules made under that Act), shall have the meanings assigned in those Acts, unless a different definition is given in clause 7.2 or if the context requires otherwise.**

7.2 **In this Bylaw, unless the context requires otherwise –**

Ambulance service has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Approved mobility parking permit means a permit:

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the Council.

Authorised Officer means any person appointed by the Council to perform responsibilities, powers or duties under this Bylaw.

Authorised vehicle permit means a permit issued by the Council under clause 43.

Berm means a grassed area on the side of a roadway.

Bus has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Bus lane has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Carpooling vehicle means a vehicle displaying a carpooling permit issued by the Council under the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207).

Car share vehicle means a motor vehicle operated by an organisation approved by the Council to provide its members access to a fleet of shared motor vehicles which they may reserve for use on an hourly or daily basis, and does not include a wheeled recreational device.

Class of vehicle means groupings or categories of vehicles defined by reference to any common feature or use and includes but is not limited to –

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;

- (f) car share vehicles; and
- (g) vehicles authorised by, or displaying a permit authorised by, the Council.

Council means the Nelson City Council.

Cruising has the same meaning as in section 2 of the Land Transport Act 1998.

Cycle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Cycle path has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Disabled person has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

Driver has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Electric scooter is a vehicle, designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and one or more electric auxiliary propulsion motors, but the wheels must not exceed 355mm and the motor cannot have a maximum power output exceeding 300W (so as to help ensure the scooter meets the requirements for a low-powered vehicle).

Electric vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Emergency vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Enforcement officer has the same meaning as in section 2 of the Land Transport Act 1998.

Footpath has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Goods service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Gross vehicle mass has the same meaning as in section 2 of the Land Transport Act 1998.

Heavy motor vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Hours of darkness has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Install has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Items does not include vehicles.

Lane has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Legal road means any land that is a road under section 315 of the Local Government Act 1974.

Loading zone has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Marking has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Mobility device has the same meaning as in section 2 of the Land Transport Act 1998.

Mobility parking space means any parking space or area reserved for the use of disabled persons under clause 38.

Moped has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Motor vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Motorcycle has the same meaning as in section 2 of the Land Transport Act 1998.

Motorhome means a self-propelled motor vehicle that is, and includes a house-bus, horse box with sleeping area, van with a sleeping area, or a campervan.

Network utility operator has the same meaning as in section 166 of the Resource Management Act 1991.

Oversize vehicle means a single vehicle, or a combination of vehicle and trailer, that exceeds 4.9 metres in length or 1.86 metres in width, and includes (without limitation) motorhomes, trucks, and vehicles towing trailers or other vehicles.

Parking has the same meaning as in section 2 of the Land Transport Act 1998, and includes stopping and standing a vehicle.

Parking machine means an electronic or mechanical device used to collect fees and charges for parking in a payment parking zone, and includes equipment used to monitor the parking of any vehicle in a payment parking zone.

Parking place means a place (including a building) on land that is under the Council's control where vehicles, or any class of vehicles, may park, and which will include a legal road where the Council has authorised this under section 591 of the Local Government Act 1974.

Parking space means an area within a parking place, demarcated by markings (usually lines), in which a vehicle (typically a single motor vehicle, but also multiple cycles or motorcycles) may park.

Parking warden has the same meaning as in section 2 of the Land Transport Act 1998.

Passenger service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Payment parking zone means a parking place or transport station for which the Council has imposed fees or charges for parking under clause 35.

Pedestrian has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Pedestrian crossing has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Permit means an electronic or paper/card permit supplied by the Council under this Bylaw, which authorises certain conduct or activity, such as authorising the vehicle displaying the permit to be parked in a particular parking space or parking place.

Reserved parking means any parking space or other area in a parking place or transport station that is reserved for the exclusive use of a particular class or classes of vehicle by the Council under clause 32.

Residents parking permits means a permit authorising a vehicle to park in parking spaces or areas in a residents parking zone that have been reserved for residents' use.

Residents parking zone is any road (or roads) or area declared by the Council under clause 30 to be a residents parking zone, in which certain parking spaces are reserved for the vehicles of residents who hold a current permit.

Road has the same meaning as in section 2 of the Land Transport Act 1998, and:

- (a) includes parking places and transport stations; and
- (b) other than in Part 3 of this Bylaw, includes state highways for which Waka Kotahi NZ Transport Agency has delegated powers to the Council.

Road user has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Roadway has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Shared path means a cycle path, cycle track, footpath, or some other kind of path that may be used by some or all of the following persons at the same time –

- (a) cyclists;
- (b) pedestrians;
- (c) riders of mobility devices;
- (d) riders of wheeled recreational devices.

Shared zone has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Special vehicle lane has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Taxi has the same meaning as a “small passenger service vehicle” under section 2 of the Land Transport Act 1998.

Taxi restricted parking zone means a parking place (or parking places) for which the Council has restricted parking by taxis under clause 35.

Time restricted parking zone means a road, parking place, or transport station for which the Council has imposed a limit on the length of time for which vehicles may park under clause 33.

Traffic means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

Traffic management plan means a plan that sets out how a safe environment will be created

for all road users while an activity occurs and which complies with Waka Kotahi NZ Transport Agency's guidance on temporary traffic management (currently the Code of Practice for Temporary Traffic Management, but which is likely to soon be replaced by the New Zealand Guide to Temporary Traffic Management).

Traffic sign has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Trailer has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Transport station means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

Unformed legal road (also known as 'paper roads') means any legal road that has not been physically formed, laid out, constructed, or enhanced by adding metal seal, or any other type of surface.

Use has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Vehicle crossing means the cross-over pads on a footpath or berm that enable a vehicle to access a property adjacent to the road, and covers the area of road from where the driveway leaves the legal boundary of the property concerned and continues until the driveway meets the roadway.

Wheeled recreational device has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

7.3 **Part 2 of the Legislation Act 2019 applies to the interpretation of this Bylaw.**

PART 2: RESOLUTIONS AND PERMISSIONS MADE UNDER THIS BYLAW

8. Application of clauses 9, 10, 11, and 12

8.1 Clauses 9, 10, 11 and 12 apply to resolutions made under this Bylaw.

9. Scope of resolutions

9.1 A resolution may –

- (a) be made in respect of all vehicles or any specified class of vehicle;
- (b) be made in respect of any road or roads or part of a road or area, including, any defined roadway, lane, footpath, or cycle path; or
- (c) apply at all times or only on specified days, or between specified times on specified days, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.

9.2 The power to make a resolution includes the power to amend, revoke, or replace it at any time.

9.3 Any power to make a resolution under this Bylaw is in addition to, and does not replace or restrict, any related statutory power, including those in the Local Government Act 1974 or a Land Transport Rule.

10. Process requirements for making resolutions

10.1 In making any resolution, the Council must–

- (a) take into account its current parking strategy; and
- (b) otherwise comply with the decision-making provisions in Part 6 of the Local Government Act 2002.

10.2 Unless it expressly resolves otherwise, the Council will use the following process when making, amending, revoking, or replacing a resolution –

- (a) the proposal, and any additional explanatory or background information that the Council considers relevant, must be placed on the Council’s website at least 21 days before it is due to be considered by the Council;
- (b) any person may provide written comments on the proposal, and should get these to the Council within 14 days of the information being placed on the website (or any further period permitted by the Council);
- (c) any person who has made written comments may request to be heard by the Council and it is at the Council’s sole discretion whether to allow that request; and

- (d) the Council must consider all comments received on the proposal (including any received in person) with an open mind when determining whether to make, amend, revoke or replace the relevant resolution.

11. Resolutions come into effect once signage and markings installed

11.1 Where the Council has made a resolution –

- (a) it must install any signs, markings or other traffic controls that are required under this Bylaw or the Land Transport Rule: Traffic Control Devices 2004 to give effect to the resolution; and
- (b) the resolution will have effect only once any such signs, markings and traffic controls have been installed.

12. Resolutions concerning parking places

- 12.2 Where the Council makes a resolution under Part 4 of this Bylaw, it is deemed to have authorised the use of the area to which the resolution relates, including any legal road within that area, as a parking place under section 591 of the Local Government Act 1974.**

13. Permissions under this Bylaw

- 13.1 This clause 13 applies to any permission from the Council or an Authorised Officer (including a permit) provided for in this Bylaw.**
- 13.2 The Council may set application fees for permissions, and any application for a permission must be accompanied by the relevant application fee (if any).**
- 13.3 An application for permission must be in writing, contain all necessary information, and be submitted in accordance with any applicable Council policy.**
- 13.4 The Council or an Authorised Officer determining an application for permission may require the applicant to provide further information, such as (without limitation) a traffic management plan, site location plan, or a corridor access request.**
- 13.5 The granting of a permission is at the discretion of the Council or Authorised Officer.**
- 13.6 The power to grant a permission includes the power to amend or revoke it.**
- 13.7 A permission may include conditions, including the payment of ongoing fees and charges and a limit on the duration of the permission.**

- 13.8 **Any person seeking to rely on a permission must comply with any conditions imposed on the permission under clause 13.7.**
- 13.9 **If a person fails to comply with any conditions imposed on a permission under clause 13.7, the Council may, at its discretion, amend or revoke the permission.**
- 13.10 **The Council may, in its discretion, at any time, review any permission given under this Bylaw by an Authorised Officer.**

PART 3: VEHICLE AND ROAD USE

14. **One-way roads**

- 14.1 **The Council may by resolution specify any road where vehicles must travel in one specified direction only.**
- 14.2 **Every driver of a vehicle must travel on a one-way road only in the direction specified by a resolution made under clause 14.1.**

15. **Left or right turns and U-turns**

- 15.1 **The Council may by resolution prohibit or restrict turning movements on specified roads, including prohibiting or restricting –**
- (a) vehicles or classes of vehicles on any road from turning to the right or to the left; and
 - (b) vehicles performing a U-turn, by turning from facing or travelling in one direction to facing or travelling in the opposite direction.
- 15.2 **A person must not turn a vehicle to the left or the right, or perform a U-turn, on any road where the Council has prohibited or restricted such movements by resolution made under clause 15.1.**

16. **Routes and manoeuvres on roads**

- 16.1 **The Council may by resolution prescribe for vehicles, or any class or classes of traffic or vehicle, to –**
- (a) stop or give way to any vehicle or a specified class or classes of traffic or vehicle;
 - (b) follow a specified route; or
 - (c) undertake any turning movements or manoeuvres at an intersection, or on a road or cycle path.
- 16.2 **A person must comply with any prescription made by the Council under clause 16.1.**

17. **Pedestrian crossings**

- 17.1 **The Council may by resolution determine the location of a pedestrian crossing on a road.**

18. **Special vehicle lanes**

18.1 **The Council may by resolution designate a lane on a road as a special vehicle lane. The effect of such a designation is to restrict the use of a lane to a specified class or classes of vehicle.**

18.2 **Any resolution made under clause 18.1 must specify, as the case may be –**

- (a) the class or classes of vehicle that use of the special vehicle lane is restricted to; and
- (b) the hours and days that the special vehicle lane will operate, if applicable.

18.3 **A person must not use a special vehicle lane contrary to any resolution made by the Council under clause 18.1.**

19. **Traffic control by size, nature or goods (including heavy vehicles)**

19.1 **The Council may by resolution prohibit or restrict a class of traffic or motor vehicle from using a road where, due to their size or nature or the nature of goods carried, it is unsuitable for use on the road.**

19.2 **The Council may give written permission for a vehicle to use any road in contravention of a prohibition or restriction made under clause 19.1 for the purpose of –**

- (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
- (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
- (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
- (d) undertaking maintenance of a network utility operator's assets on or near a road from which it has been prohibited and for which alternative access is not available; or
- (e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available; or
- (f) constructing a new road or network utility operator's asset.

19.3 **A person must not use a road contrary to a prohibition or restriction made by the Council under clause 19.1 (unless a written permission under clause 19.2 applies).**

20. **Shared paths and cycle paths**

20.1 **The Council may by resolution determine –**

- (a) the length, route and/or location of a shared path or cycle path; and
- (b) the priority for permitted users on a shared path or cycle path.

20.2 **The permitted users of a shared path are:**

- (a) cyclists;
- (b) pedestrians;
- (c) riders of mobility devices; and
- (d) riders of wheeled recreational devices.

20.3 **The permitted users of a cycle path are cyclists and pedestrians.**

20.4 **A person must not use a shared path or a cycle path unless –**

- (a) they are a permitted user under clause 17, or 20.2 or 20.3; and
- (b) they are using the shared path or cycle path consistent with any priority determinations made by the Council.

20.5 **Despite clause 20.4, a person may drive over a shared path or cycle path where it is necessary to do so in order to access a property that does not otherwise have road access.**

21. **Shared zones**

21.1 **The Council may by resolution specify any road to be a shared zone.**

21.2 **Any resolution made under clause 21.1 may specify –**

- (a) whether the shared zone may be used by a specified class or classes of vehicles only;
- (b) the days and hours of operation of the shared zone (if they differ from 24 hours per day, 7 days per week);
- (c) any other restrictions on how the shared zone is to be used by the public, including how traffic and pedestrians will interact; and
- (d) whether a person may park a vehicle in the shared zone.

21.3 **A person must not use a shared zone in a manner contrary to any resolution made by the Council under clause 21.1.**

22. Restricting use of wheeled recreational devices on footpaths

22.1 The Council may by resolution prohibit the use of a wheeled recreational device on any specified footpath.

22.2 In making a resolution under clause 22.1, the Council must specify:

- (a) the footpath, or parts of a footpath, to which the prohibition applies; and
- (b) the types of wheeled recreational devices to which the prohibition applies (for example, to only skateboards and roller skates).

22.3 A person must not use a wheeled recreational device on any footpath that is subject to a prohibition under clause 22.1.

23. Cruising

23.1 The Council may by resolution –

- (a) specify any section of road on which cruising is controlled, restricted, or prohibited;
- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being deemed as cruising.

23.2 A person must not use a motor vehicle on any specified section of road in contravention of a control, restriction or prohibition made by the Council under clause 23.1.

24. Engine braking

24.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.

24.2 A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under clause 24.1.

25. Vehicle crossings

25.1 This clause applies to any permanent or temporary vehicle crossing.

25.2 A person must not drive a motor vehicle over a footpath other than by means of a vehicle crossing that has been permitted by the Council (whether under this clause, a previous bylaw, or any other form of authorisation).

- 25.3 **A person must not construct, alter, repair, or remove any vehicle crossing unless that person has first obtained the Council's written permission.**
- 25.4 **A person may apply to the Council for permission to construct, alter, repair, or remove a vehicle crossing, if that person has some interest in the land to which the vehicle crossing will provide access. The application must be in writing, be accompanied by the prescribed fee, and indicate which Council approved contractor will carry out the work.**
- 25.5 **The Council may grant permission to construct, alter, repair, or remove a vehicle crossing, and in doing so may impose any conditions it considers appropriate, including requiring that the work comply with any applicable Council code of practice and that it be carried out by a Council approved contractor.**
- 25.6 **Granting permission under clause 25.5 does not give the applicant any authority over the use of the footpath or berm over which the vehicle crossing passes.**
- 25.7 **The Council may, by written notice, require an owner of land to which a vehicle crossing provides access to upgrade the vehicle crossing where it is satisfied that:**
- (a) the vehicle crossing is in a poor state of repair so that it creates a risk of damage to the road, or to road users; or
 - (b) there has been a substantial change in the use of the vehicle crossing (for instance, it is now regularly used by heavy motor vehicles) so as to warrant an upgrade.
- 25.8 **A written notice under clause 25.7 must:**
- (a) set out the upgrade work that is required;
 - (b) reference any Council codes of practice that the work must comply with; and
 - (c) specify a time period in which the works must be completed.
- 25.9 **An owner who receives a notice from the Council under clause 25.7 must comply with the notice within the specified period, and meet all associated costs.**
- 25.10 **The Council may remove a vehicle crossing (and reinstate the footpath or berm) in the event that the owner of land to which the vehicle crossing provides access has abandoned the vehicle crossing (for instance, if the owner constructs a fence across the driveway served by the vehicle crossing) or it is otherwise unlikely to continue to be used on a regular basis.**
- 25.11 **Before exercising the power in clause 25.10, the Council must use reasonable endeavours to consult with the affected owner.**

26. Unformed legal roads

26.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting:

- (a) the environment;
- (b) the unformed road and adjoining land, including any utility assets on the road or land; or
- (c) the safety of users of unformed roads.

26.2 A person must not use a motor vehicle on an unformed legal road contrary to a resolution made by the Council under clause 26.1.

PART 4: PARKING

27. **Prohibiting or restricting parking on certain roads**

27.1 **The Council may by resolution –**

- (a) prohibit or restrict the parking of vehicles on any roads; or
- (b) limit the parking of vehicles on any road to vehicles of any specified class or description.

27.2 **A person must not park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council under clause 27.1.**

28. **Temporary discontinuance or restriction of parking spaces**

28.1 **An Authorised Officer may temporarily discontinue all parking in a parking space, and, if so, must install signage that states “No Stopping” or install appropriate temporary traffic control measures for the parking space concerned.**

28.2 **Without limiting clause 28.1 in any way, the types of situations where an Authorised Officer might temporarily discontinue a parking space include:**

- (a) enabling a safe response to an incident that has occurred on the road;
- (b) accommodating road works;
- (c) accommodating an authorised event;
- (d) providing a temporary bus stop or bus lane; or
- (e) enabling construction activity on or adjacent to the road.

28.3 **An Authorised Officer may temporarily restrict the use of a parking space to certain permitted vehicles, classes of vehicle, or items, and, if so, must place or install appropriate signage or other traffic controls to notify these parking restrictions.**

28.4 **Without limiting clause 28.3 in any way, the types of situations where an Authorised Officer might temporarily restrict use of a parking space to certain permitted vehicles or classes of vehicle include:**

- (a) those situations listed in clause 28.2 above; and
- (b) ensuring sufficient numbers of parking spaces are available for the purposes of clauses 30 to 32 (residents parking, mobility parking, and reserved parking) where existing parking for such purposes has been temporarily impacted; and

- (c) enabling a permission that has been granted under clause 42.2 for an item (such as a portaloos or skip) to be temporarily placed in a parking space.

28.5 **No person may park a vehicle contrary to parking controls placed or installed under clause 28.1 or 28.3.**

28.6 **In the event that a parking space has been temporarily restricted under clause 28.3, any permitted vehicle using the parking space must pay any applicable parking fees and charges set by the Council.**

29. **Parking places (including parking buildings) and transport stations**

29.1 **Under section 591 of the Local Government Act 1974, the Council can provide parking places and transport stations and, for this purpose, can authorise the use of legal roads as parking places and transport stations.**

29.2 **For any parking place or transport station, the Council may by resolution –**

- (a) specify the vehicles or classes of vehicle that are entitled to use the parking place or transport station;
- (b) reserve a parking place or transport station (or any specified part) for use only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons;
- (c) prohibit or restrict specified classes of vehicles from parking on specified roads in residential areas (if the Council considers such parking is likely to cause a nuisance or danger);
- (d) prescribe any conditions under which a parking place or transport station must be used, including time limits for parking (if it is not already a time restricted parking zone);
- (e) prescribe any charges that will apply to the parking place (if it is not already a payment parking zone), whether on a one-off or on-going basis; and
- (f) the manner by which such parking charges may be paid.

29.3 **Any prohibitions or restrictions imposed under clause 29.2, do not apply to parking spaces or other areas within that parking place or transport station where other specific parking restrictions imposed under this Bylaw apply.**

29.4 **A person must not park a vehicle in a parking place or transport station in contravention of any prohibition, restriction or other control made by the Council under clause 29.2.**

30. **Reserved parking for residents**

30.1 **The Council may by resolution –**

- (a) declare any road (or group of roads) to be a residents parking zone; and
- (b) specify the parking spaces or other areas within that residents parking zone that are exclusively reserved for residents.

30.2 In making a resolution under clause 30.1, the Council may prescribe –

- (a) the days and times that the reservation of parking spaces or areas in the residents parking zone applies;
- (b) any fees to be paid (annually, on an hourly basis, or otherwise) by those residents holding a permit to park in the reserved parking spaces or areas in the residents parking zone; and
- (c) the manner by which any such fees may be paid.

30.3 A person may apply for a residents parking permit only if:

- (a) that person's primary place of residence is directly accessed from within the relevant residents parking zone; or
- (b) that person (including an organisation) runs a business or enterprise (including one founded for religious, educational, professional or social purposes) that operates out of premises directly accessed from within the relevant residents parking zone.

30.4 No person may park in a parking space or area reserved for residents under clause 30.1 unless –

- (a) the person holds a valid residents parking permit from the Council for that residents parking zone;
- (b) the person parks the vehicle in accordance with any conditions imposed by the Council on the residents parking permit; and
- (c) the person displays the residents parking permit prominently in the vehicle so that it can be easily read from outside the vehicle.

30.5 Despite clause 30.4, the following types of vehicles may be parked in a parking space or area reserved for residents:

- (a) a service vehicle used by a person who is providing services to a residence or premises within the residents parking zone (such as an electrician, plumber, or professional carer or health worker); or
- (b) a vehicle used by a network utility operator while carrying out maintenance on the network utility operator's assets within the residents parking zone.

31. **Reserved mobility parking**

31.1 **The Council may by resolution reserve any parking space or other area in a road or parking place for the exclusive use of disabled persons, designating them as a mobility parking space.**

31.2 **In making a resolution under clause 32.1, the Council may prescribe**

- (a) the days and times that the parking space or areas is available as a mobility parking space;
- (b) any time limits that will apply to those using the mobility parking space, and the days and times that those limits will apply;
- (c) the period (if any) for which no fee or charge applies to mobility parking spaces;
- (d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of mobility parking spaces;
- (e) the manner by which any such fees may be paid.

31.3 **A person must not park a vehicle in a mobility parking space unless –**

- (a) a current approved mobility parking permit is prominently displayed in the vehicle so that it can be easily read from outside the vehicle or;
- (b) the vehicle is a taxi and is attended and being used to convey a disabled person or to pick up or drop off a disabled person; and
- (c) the vehicle is not parked in excess of any time limits imposed under clause 31.2.

32. **Other reserved parking**

32.1 **The Council may by resolution reserve any parking space or other area in a road, parking place or transport station for the exclusive use of a particular class or classes of vehicle, including (without limitation) –**

- (a) motorcycles;
- (b) cycles, including power-assisted cycles;
- (c) electric scooters and other wheeled recreational devices;
- (d) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
- (e) goods service vehicles;

- (f) heavy motor vehicles;
- (g) taxis;
- (h) buses and coaches, both public and commercial;
- (i) vehicles in the course of loading or unloading goods or passengers ('loading zone');
- (j) vehicles used by pregnant persons or by persons accompanied by infants or young children;
- (k) car share vehicles;
- (l) carpooling vehicles;
- (m) oversize vehicles, trailers, boats or caravans;
- (n) diplomatic or consular corps vehicles;
- (o) members of the judiciary vehicles;
- (p) medical practitioner vehicles; and
- (q) mobile traders using stands or stalls.

32.2 In making a resolution under clause 32.1, the Council may prescribe –

- (a) the days and times that the reserved parking applies;
- (b) any time limits that may apply to those using the reserved parking (for example, in loading zones), and the days and times that any such limits will apply;
- (c) the period (if any) for which no fee or charge applies to the reserved parking;
- (d) any fees to be paid (annually, on an hourly basis, or otherwise) for the use of the reserved parking;
- (e) the manner by which any such fees may be paid; and
- (f) for carpooling vehicles, the minimum number of permits that must be displayed or held for a parked vehicle.

32.3 A person must not park in any area reserved under clause 32.1 unless –

- (a) the person holds a valid parking permit from the Council for the reserved parking concerned;

- (b) the person parks the vehicle in accordance with any conditions imposed by the Council on the permit; and
- (c) the person displays the residents parking permit prominently in the vehicle so that it can be easily read from outside the vehicle.

33. Time restricted parking zones

33.1 The Council may by resolution specify any road (or group of roads), parking place or transport station to be a time restricted parking zone.

33.2 In making a resolution under clause 33.1, the Council may prescribe –

- (a) the number and situation of parking spaces within the time restricted parking zone;
- (b) the maximum time period allowed for parking in any parking space within the time restricted parking zone;
- (c) that the maximum time period set under paragraph (b) will also apply to any vehicle that moves between parking spaces within the same time restricted parking zone within that period;
- (d) the days and times during which the maximum time period has effect;
- (e) any class of vehicles that are not permitted to park in the time restricted parking zone, or the class of vehicles that the time restricted parking zone is limited to (if any);
- (f) any class of vehicles (including vehicles displaying an authorised vehicle permit issued by the Council) that are exempt from the time period applying in the in the time restricted parking zone; and
- (g) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the time restricted parking zone.

33.3 A vehicle will be deemed to have remained parked within a time restricted parking zone if it leaves a parking space within that zone, but within 30 minutes of doing so either:

- (a) re-occupies the same parking space; or
- (b) moves to a different parking space within the same time restricted parking zone.

33.4 For clarity, if a vehicle leaves a parking space within a time restricted parking zone and re-parks in the same zone more than 30 minutes after leaving, the maximum time period prescribed under clause 33.2(b) starts from the time that the vehicle is re-parked.

33.5 **The maximum time period set for a time restricted parking zone under clause 33.2(b) will not apply to any parking space (or other area in a road or parking place) in the time restricted parking zone that has been reserved by the Council for a particular class of vehicle under clauses 30, 31 or 32.**

Any part of a time restricted parking zone can concurrently also be part of a payment parking zone. Payment of fees and charges for parking in a payment parking zone does not permit a person to exceed any time periods imposed through a time restricted parking zone.

33.6 **A person must not park a vehicle in a time restricted parking zone in contravention of any resolution made by the Council under clause 33.1.**

34. Payment parking zones

34.1 **The Council may by resolution specify any parking place or transport station to be a payment parking zone.**

34.2 **In making a resolution under clause 34.1, the Council may prescribe –**

- (a) the number and location of parking spaces within the payment parking zone;
- (b) the period (if any) for which no fee or charge applies to parking in the payment parking zone, which can include a period applying on a 'per day' basis;
- (c) the fees and charges that apply in the payment parking zone, which (without limitation) may be expressed as rates that escalate over the duration of a vehicle's stay;
- (d) the days and times during which certain fees and charges will apply;
- (e) the means or manner by which fees or charges may be paid, including by use of parking machine where available; and
- (f) any class of vehicles that are not permitted to park in the payment parking zone, or the class of vehicles that the payment parking zone is limited to (if any);
- (g) any class of vehicles (including vehicles displaying an authorised vehicle permit issued by the Council) that are exempt from the payment of fees and charges in the payment parking zone; and
- (h) any condition the Council considers necessary or desirable for the efficient management and control of all or any part of the payment parking zone.

34.3 **A vehicle will be deemed to have remained parked within a payment parking zone if it leaves a parking space within that zone, but within 30 minutes of doing so either:**

- (a) re-occupies the same parking space; or

(b) moves to a different parking space within the same payment parking zone.

34.4 **For clarity, if a vehicle leaves a parking space within a payment parking zone and re-parks in the same zone more than 30 minutes after leaving, the fees and charges prescribed under clause 34.2(c) apply anew.**

34.5 **The fees and charges set for a payment parking zone under clause 34.2(c) will not apply to any parking space (or other area in a road or parking place) in the payment parking zone that has been reserved by the Council for a particular class of vehicle under clauses 30, 31 or 32.**

34.6 **Any part of a payment parking zone can concurrently also be part of a time restricted parking zone.**

34.7 **A person must not:**

(a) park a vehicle in a payment parking zone without paying all applicable fees and charges; or

(b) otherwise park in contravention of any resolution made by the Council under clause 34.1.

35. **Taxi restricted parking zones**

35.1 **The Council may by resolution declare any road (or group of roads) or parking place to be a taxi restricted parking zone.**

35.2 **A person must not park a taxi in a taxi restricted parking area unless the taxi is parked on a designated small passenger service vehicle stand as provided for in the Land Transport Rule: Operator Licensing 2017.**

36. **Parking in parking spaces**

36.1 **When parking in a parking space, a person must –**

(a) park the vehicle entirely within the markings that indicate the limits of the parking space, so that no part of the vehicle is outside of or overhangs the markings; and

(b) not park the vehicle in a parking space that is already occupied by another vehicle; and

(c) if the parking space is parallel to the kerb or footpath, park the vehicle so that it is headed in the same direction as traffic on the side of the road on which it is parked; and

(d) if the parking space is an angle park, ensure the front or rear of the vehicle (as the case may be) is as near as is practical to the kerb or footpath (or as near as wheel stops permit) but does not overhang the kerb or footpath.

36.2 **Despite clause 36.1, a person may park an oversize vehicle or a vehicle that has a trailer attached in two adjacent parking spaces that are in the same alignment, provided it does not overhang any kerb or footpath.**

36.3 **Despite clause 36.1, a person parking a motorcycle or moped may –**

- (a) park in a parking space that is already occupied by another motorcycle or moped (in which case, the driver of each motorcycle or moped is required to pay any fees or charges for the parking space); and
- (b) park otherwise than parallel to the kerb or footpath, provided that during the hours of darkness the motorcycle or moped is sufficiently illuminated to be visible from at least 50 metres.

37. **Parking on cultivated areas or areas not designed for parking**

37.1 **Except with the Council's prior written permission, a person must not park a vehicle on –**

- (a) any part of a berm, kerb, verge, lawn, garden, or other cultivation adjacent to, or forming part of, a road; or
- (b) any other part of a road that is not designed and constructed to accommodate a vehicle.

37.2 **A person will be exempt from clause 37.1 if they are using the vehicle concerned to enable them to carry out maintenance or construction work on a network utility operator's assets.**

38. **Parking for display or sale**

38.1 **Except with an Authorised Officer's prior written permission, a person must not park a vehicle (including a trailer) on any road for the purpose of –**

- (a) advertising a good or service;
- (b) promoting a candidate for election; or
- (c) advertising, offering, or displaying the vehicle for sale.

38.2 **Clause 38.1 does not prevent a person from parking a vehicle that has advertising or promotional signage on it where the vehicle is being used for day to day travel.**

39. **Motorhomes, heavy goods vehicles, immobilised vehicles and trailers**

39.1 **A person must not park a motorhome, heavy goods vehicle, immobilised vehicle or trailer (whether or not the trailer is attached to another vehicle) on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.**

39.2 **In clause 39.1, parking on any road includes parking on the same road within 500 metres of a previous parking space or area used during the seven day period.**

40. Repairs on vehicles

40.1 **A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are:**

- (a) minor in nature and do not impede the flow of traffic or otherwise cause any risk to road users; or
- (b) necessary to enable the vehicle to be moved.

41. Broken down vehicles

41.1 **A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is otherwise broken down so that it cannot be safely driven on a road.**

42. Other items on roads

42.1 **This clause 42 applies to items such as machinery, equipment, materials, portaloos, skips, waste receptacles or freight containers, but does not apply to other items that have been placed on a road consistent with written permission from the Council (for example, wheelie bins that are specifically for the purpose of rubbish or recycling collection that are placed no more than 24 hours prior to the collection day and left no longer than 12 hours after scheduled collection time).**

42.2 **A person must not leave any item on any road unless that person has the prior written permission of an Authorised Officer.**

42.3 **Where an item is on a road pursuant to a written permission from an Authorised Officer, and the area of road is a parking place to which a parking fee or charge applies, the person who placed the item must pay the required fee for the entire time period that the item is in place.**

42.4 **If an item is placed contrary to the requirements of clause 42.1, 42.2, or 42.3 (including if placement does not comply with the conditions of a written permission from an Authorised Officer) –**

- (a) the Council may request the person responsible for the item remove it and repair any damage to the road caused by the item, to the Council's satisfaction, within 24 hours of receiving a written notice to that effect from an Authorised Officer (or within any longer timeframe set by the Authorised Officer in the notice); and

- (b) in the event the person responsible for the item fails to fully comply with the written notice from an Authorised Officer, the Council may –
 - (i) *remove the item or place adjacent, or affix, to the item any safety or warning devices; and*
 - (ii) *repair any damage to the road; and*
 - (iii) *charge the owner for its reasonable costs incurred (including the costs of any safety or warning device).*

43. Authorised vehicle permits

43.1 **The Council may, whether on receipt of an application or at its own initiative, issue an authorised vehicle permit where it considers that a vehicle should be exempt from time restrictions and/or fees and charges that would otherwise apply under clauses 33 and 34.**

43.2 **Without limitation, the types of vehicles for which the Council may issue an authorised vehicle permit include:**

- (a) vehicles used by the mayor and/or councillors in the course of their duties;
- (b) vehicles used by the Council's officers and/or contractors (including specific officers or contractors) in the course of their duties;
- (c) emergency vehicles used in the course of providing emergency services;
- (d) vehicles used by delegations from a sister city; and
- (e) vehicles used by persons involved with an event or filming that has been approved by the Council.

PART 5: OFFENCES AND PENALTIES

44. Offences

44.1 **Every person who breaches any provision in this Bylaw commits an offence and may be liable for any applicable penalty provided for in the Land Transport Act 1998 and the regulations and rules made under that Act.**

44.2 **In addition, every person commits an offence against this Bylaw who –**

- (a) drives or parks a vehicle, or leaves any other item or object on the road, so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties;
- (b) drives or parks any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle;
- (c) unloads any vehicle or object so as to cause, or be likely to cause, damage to a road, including any footpath;
- (d) in relation to any permit under this Bylaw–
 - (i) *makes a false application or supplies false details in an application;*
 - (ii) *displays, places or uses a permit on a vehicle for which it was not issued;*
- (e) interferes with any parking machine including (without limitation)–
 - (i) *causing to be inserted in any parking machine anything other than the prescribed currency or cards;*
 - (ii) *misusing the parking machine ;*
 - (iii) *tampering with the working or operation of the parking machine;*
 - (iv) *operating or attempting to operate any parking machine by any means other than as prescribed by this Bylaw;*
 - (v) *without written authority from the Council, affixing any placard, advertisement, notice, list, document, board or thing on, or painting or writing upon, any parking machine; or*
- (f) parks, places, or otherwise leaves a wheeled recreational device in or on any parking space unless it is designed or designated specifically for that type of wheeled recreational device.

45. **Parking defences**

45.1 **It shall be a defence to any person who is the driver of, or is in charge of, any vehicle and who is charged under this Bylaw with an offence concerning parking if such person proves that –**

- (a) the act or omission complained of was done to avoid the death or injury of any person; or
- (b) the act or omission complained of was done at the direction of the Council or an enforcement officer, or in the execution of formal duties; or
- (c) the vehicle is used for maintenance work and the act or omission complained of was done in order to comply with an approved traffic management plan ; or
- (d) the vehicle was being used by the Ambulance Service, Fire Service, Police or other emergency service in the urgent carrying out of their respective duties.

46. **Vehicle and item removal**

46.1 **The Council may remove, or cause to be removed, any vehicle or other item or thing on any road, if that vehicle, item or thing is there in breach of this Bylaw, or any resolution made under this Bylaw.**

46.2 **Where a vehicle, item or thing has been removed under clause 46.1, the Council may recover from the person who caused or committed the breach all expenses incurred in connection with its removal and storage, and may detain the vehicle, item or thing until such expenses are paid.**

46.3 **The powers in clause 46.1 and 46.2 are in addition to those provided in section 128E of the Land Transport Act 1998 and sections 356 and 356A of the Local Government Act 1974.**

47. **Vehicle relocation**

47.1 **The Council may relocate a vehicle that is parked in accordance with this Bylaw to another parking place if it is necessary to access the road or parking place to carry out maintenance or repair work on the road or other infrastructure.**

47.2 **Before exercising the power in clause 47.1, the Council must use best endeavours to give reasonable notice of the proposed maintenance or repair work to the user of the vehicle, in order to provide an opportunity to move the vehicle themselves.**

47.3 **Despite clause 46.2, no notice is required if urgent access is needed in order to prevent:**

- (a) loss of life or injury to a person;

- (b) damage to property; or
- (c) damage to the environment.

47.4 **After exercising the power in clause 47.2, the Council must use best endeavours to alert the user of the vehicle to the new location of the vehicle.**

PART 6: REVOCATION AND SAVINGS

48. **Revocation**

- 48.1 **This Bylaw revokes the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207).**
- 48.2 **Despite clause 48.1, the schedules of the Nelson City Council Parking and Vehicle Control Bylaw 2011 (No 207) remain in force for the purposes of clause 49.1.**

49. **Savings and transitional provisions**

- 49.1 **The resolutions of the Council made or continued under the bylaw revoked under clause 48, and those controls provided for in the schedules of that bylaw, continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw.**
- 49.2 **Any approval, permit or other act of authority that originated under or was continued by the bylaw revoked under clause 48 and is in force at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.**
- 49.3 **Despite clause 49.2, residents permits issued under the bylaw revoked under clause 48 will expire on the renewal date stated on the permit. It will be open to any holder of an expiring residents permit to apply for a new residents parking permit, although applications will be assessed on the basis of clause 30 and any resolutions made under that clause.**
- 49.4 **The revocation of the bylaw under clause 48 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.**

