



**PALMERSTON NORTH TRAFFIC AND
PARKING BYLAW 2004**
(Including Amendments 2007)

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TRAFFIC AND PARKING BYLAW 2004

In exercise of the powers vested in it by the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, section 72 of the Transport Act 1962 and the Land Transport Act 1998 together with every other Act or authority conferred on it, the Palmerston North City Council makes this bylaw:

1. TITLE

This Bylaw shall be called the 'PALMERSTON NORTH TRAFFIC AND PARKING BYLAW 2004.'

2. PURPOSE

The purpose of this Bylaw is to set the requirements for parking, safety and control of vehicular or other traffic on any road in the district, including State Highways but subject to the overriding controls of Transit New Zealand and to validate the speed limits in operation in the District pursuant of the Land Transport Rule: Setting of Speed Limits Rule 2003.

3. COMMENCEMENT

This bylaw will come into force on 18 October, 2004.

4. DEFINITIONS AND INTERPRETATION

(1) For the purposes of this bylaw the following definitions shall apply:

'AUTHORISED OFFICER' means any person appointed or authorised by the Council to act on its behalf and with its authority including a parking warden appointed by Council under section 7 of the Transport Act 1962 or any Police Officer.

COUNCIL OFFICER means the General Manager of City Networks, or any person acting in that capacity.

'BERM' and **'GRASS VERGE'** mean any grassed area on a road separated from the carriageway by channeling or kerbing, but does not include a grassed area immediately adjoining the carriageway.

'FOOTWAY' or **'FOOTPATH'** means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

DISTRICT means the district of Palmerston North City Council as constituted by the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989.

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

'LONG TERM COUNCIL AND COMMUNITY PLAN' is the ten-year plan made under Part 6 of the Local Government Act 2002 and may be amended each year in the Annual Plan.

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

'METERED ZONE' means any road, or portion of a road, or any other piece of land owned or occupied by the Council and determined by resolution of the Council to be used as a place where vehicles may park and at which parking meters or pay and display machines are established and maintained.

'NETWORK UTILITY OPERATOR' has the same meaning given to it by section 166 of the Resource Management Act 1991.

'OPERATION MOBILITY CARPARK' means a carpark set apart under clause 5 (1) (b) of this Part of this bylaw.

'OPERATION MOBILITY PERMIT' means a permit issued by NZCCS Incorporated to persons with physical disabilities for the purpose of its Operation Mobility programme.

'PARKING METER' means an appliance designed and installed for the purpose of automatically measuring and indicating the time within which a vehicle may be parked at a metered space.

'PARKING PLACE' has the same meaning as in section 591 (6) of the Local Government Act 1974.

'PASSENGER SERVICE' has the same meaning as in section 2 of the Transport Services Licensing Act 1989.

'PASSENGER SERVICE VEHICLE' has the same meaning as in section 2 of the Transport Services Licensing Act 1989 and includes a taxicab and a bus.

'PAY AND DISPLAY MACHINE' means a device designed and installed for the purpose of issuing a card indicating the date and time of payment of a fee, amount of fee paid and time until which a vehicle may be parked within a metered zone controlled by that pay and display machine.

'RESERVE' shall have the same meaning as in the Reserves Act 1977.

'ROAD' shall have the same meaning as in the Local Government Act 1974 and shall where the context requires include a street. (but this does not include State Highways controlled by Transit New Zealand).

'TRANSPORT STATION' has the same meaning as in section 591 (6) of the Local Government Act 1974.

'VEHICLE' has the same meaning as in the Land Transport Act 1998.

'WASTE DISPOSAL BIN' does not include domestic refuse containers or bins put on the road for scheduled collection under the conditions of 'Palmerston North Nuisance Bylaw 2004'

(2) Subject to clause 4 (1), any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Transport Act 1962 or the Land Transport Act 1998 or the Traffic Regulations 1976, or any amendments thereof, shall have such meanings unless they are repugnant to or inconsistent with the context in which such words, phrases or expressions, occur in this Bylaw.

(3) Nothing in this Bylaw shall derogate from any provision of, or the necessity for, compliance with:

- (a) The Transport Act 1962 or the Land Transport Act 1998 or any Act passed in amendment of or substitution of these Acts; or
- (b) Any regulations made under the Transport Act 1962 or Traffic Regulations 1976 or any rules made under the Land Transport Act 1998 or any regulations or rules made in amendment of, or substitution for those regulations or rules.

5. GENERAL

(1) A Council Officer may from time to time, after public notification:

- (a) Prohibit the stopping, standing, or parking of vehicles on any road, public car park, reserve or any other public place;
- (b) Set aside portions of any road as bus stops, bus stands, transport stations, taxi stands, operation mobility car parks, cycle ways, clear ways, no stopping areas and traffic lanes for buses, taxis or vehicles of other specified classes;
- (c) Nominate intersections where "give way" signs or "stop signs" shall be erected;

(d) Nominate section of road network on which signs may be erected for the regulation of turning movements, lanes.

(2) A decision in respect of any matter in clause 5 (1) (a) or 5 (1) (b) may be in respect of a specified class, type, weight or description of vehicle, and may be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.

(3) The Council shall mark such roads and/or erect such signs on any road, public car park, reserve or other public places necessary to give effect to any decision made pursuant to clause 5 (1).

6. PARKING

(1) No person shall stop, stand, or park a vehicle on any road, public car park, reserve or any other public place in contravention of a restriction or decision made under clause 5 properly notified and evidenced by appropriate signs and/or road marks.

(2) Notwithstanding clause 6(1), an authorised officer may, subject to such conditions as are appropriate in the circumstances and payment of the prescribed fee, if any, authorise the stopping, standing or parking of specified vehicles.

(3) Persons parking in places reserved exclusively as an operation mobility car park must display inside the windscreen of the vehicle an Operation Mobility Concession Card.

(4) No person shall stop, stand or park a vehicle on the grass verge or berm, flower bed or shrubbery laid out on any road or on land vested in or under the control of Council, or on a median strip or traffic island.

(5) Except with the prior written permission of an authorised officer, no person shall park a vehicle on a road or other land under the control or ownership of the Council, for any period exceeding 7 days, if that vehicle cannot be easily moved on request by an authorised officer, or if it cannot be safely driven.

(6) No person shall park any machinery, equipment, materials or waste disposal bins on any road or public place except with the permission of an authorised officer and in accordance with clause 24 and any other conditions that may be imposed under that clause.

7. METERED ZONES, PARKING METERS AND PAY AND DISPLAY MACHINES

(1) The Council may from time to time in accordance with section 150 Local Government Act 2002:

(a) Declare any road or part of a road to be a metered zone;

- (b) Declare any piece of land owned or occupied by the Council and not being a road or part of a road to be a metered zone;
 - (c) Declare the time allowed for parking in metered spaces within the metered zone beyond which it shall be unlawful to remain parked;
- (2) Any such decision may from time to time be amended or rescinded in accordance with section 150 Local Government Act 2002.
- (3) In accordance with the provisions of any such decision the Council shall establish and mark out metered spaces in all metered zones.
- (4) The Council shall by in accordance with section 150 Local Government Act 2002 fix the fees payable for the parking of vehicles within the metered zone.
- (5) Parking meters or pay and display machines shall be located within the metered zone that they are to control. Any pay and display machine shall issue a card, or clearly display the amount of parking time purchased, on insertion of the prescribed fee in accordance with the instructions on the machine.
- (6) The extremities of metered spaces shall be indicated by white lines painted on the road. The extremities of pay and display zones shall be indicated by signs.

8. PARKING FEE TO BE PAID

- (1) No driver or person in charge of a vehicle shall park in a metered space without having paid the appropriate fee and where required correctly activated the parking meter or in accordance with the instructions on the pay and display machine.
- (2) The driver or person in charge of a vehicle may occupy the metered space, provided that the maximum period for parking is not exceeded.
- (3) Where more than one motorcycle occupies a metered space it shall not be necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space while the time has expired and each motorcycle so parking is in breach of this Bylaw.
- (4) Where a vehicle is parked on a metered space controlled by a pay and display machine, either:
- (a) A valid card issued by the pay and display machine shall be placed on the dashboard at the front of the vehicle, in

a manner which will allow the expiry time to be seen by an authorised officer from outside the vehicle, or

- (b) The pay and display machine shall display the remaining time purchased for the vehicle.

9. DISCONTINUED PARKING SPACE

Where an authorised officer is of the opinion that any metered space should be temporarily discontinued as a parking space, the authorised officer may place or erect a sign indicating “No Stopping” at the metered space and it shall be unlawful for any person to park a vehicle at the metered space while the sign is so placed or erected.

10. INTERFERENCE WITH PARKING METERS OR PAY AND DISPLAY MACHINES

Every person commits an offence against this Part of the Bylaw who misuses any parking meter or pay and display machine, or who interferes, tampers, or attempts to tamper with the working or operation of any parking meter or pay and display machine or who without due authority affixes or attempts to affix any placard, advertisement, notice list, document board or thing, or to paint, write upon or disfigure any parking meter or pay and display machine.

11. COINS OF NEW ZEALAND CURRENCY ONLY

No person shall deposit in any parking meter or pay and display machine any coins other than of New Zealand currency.

12. UNLAWFUL PARKING

(1) It shall be unlawful for any person to park any vehicle in a metered space except as permitted by the provisions of this Bylaw.

(2) No person shall park a vehicle in a metered space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied metered space. In such event the driver shall be liable to pay a parking fee for all the spaces so occupied.

13. OPERATION OF PARKING METERS OR PAY AND DISPLAY MACHINES

No person shall operate or attempt to operate any parking meter or pay and display machine by any means other than as prescribed by this Bylaw.

14. HOURS APPLICABLE TO PARKING METERS OR PAY AND DISPLAY MACHINES

The hours during which payment of the fee for parking meters or pay and display machines is required shall be as prescribed by resolution of the Council publicly notified from time to time and shall be indicated by signs.

15. FOOTWAYS

(1) Subject to clauses 15 (2), 15 (3) and 15 (4), no person shall park or drive any vehicle on any footway, footpath, walkway or any part thereof.

(2) Clause 15 (1) shall not apply to the driving of a vehicle over a footway, footpath, or walkway, by means of a vehicle crossing constructed on the road for the purpose of gaining vehicular access to any property from that road.

(3) Clause 15 (1) shall not apply to the riding of a bicycle on a footway, footpath or walkway where the bicycle is being ridden on designated cycle ways, or for the purpose of delivering newspapers, mail or printed material to letterboxes.

(4) Clause 15 (1) shall not apply to the driving of a mobility scooter.

Note: the definition of 'vehicle' includes in-line skates, roller skates and skateboards (see definition of vehicle in section 2 of the Land Transport Act 1998)

16. ONE-WAY ROADS

(1) A Council Officer may from time to time after public notification:

- (a) Prohibit the driving of vehicles or riding of any horse or bicycle along any road except in one specified direction only;
- (b) Rescind, amend, or vary any such prohibition from time to time.

(2) No person shall drive, ride or otherwise direct or allow any vehicle to travel on any street declared to be a one-way street other than in the direction indicated.

17. TEMPORARY RESTRICTIONS ON THE USE OF ROADS

(1) Where an authorised officer considers that there is, or likely to arise at any place on a road under the jurisdiction of the Council a temporary risk of:

- (a) Danger to the public or to road workers; or
- (b) Damage to the road,

The authorised officer may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of that road. Any such restriction shall be defined by the display of temporary warning signs that conform with the Traffic Regulations 1976.

18. ROAD WORKS

(1) Without limiting the Traffic Regulations 1976, any vehicle being used for the purpose of maintenance or construction of roading, or of

any other utility, or otherwise, may be driven or parked contrary to any restriction in force under this Part of this bylaw with permission of an authorised officer, provided it is parked or driven with due consideration of other road users.

(2) No person shall build on, dig up or open the road surface, footpath or berm without a permit from the Council.

19. DAMAGE TO SIGNS

No person shall interfere with, damage or remove any traffic control sign.

20. SUBWAYS AND OVERBRIDGES

Except pursuant to the direction of a Police Officer, no pedestrian shall cross or traverse any road or street under the control of the Council otherwise than through a pedestrian subway, or over a pedestrian overbridge, when the entrance of such a subway or overbridge is available to him or her and is within a distance of 20 metres.

21. HEAVY TRAFFIC PROHIBITIONS

(1) The Council may from time to time by resolution, publicly notified, prohibit any heavy traffic on any road or roads within the District.

(2) No person shall drive or permit to be driven any heavy motor vehicle except a bus on or along those roads or public places listed in Schedule 1 of this Bylaw between the hours of 9.30 in the morning and 5.30 in the afternoon unless permitted to do so by an authorised officer.

(3) No person shall drive or permit to be driven any heavy motor vehicle on the roads or public places listed in Schedule 2 of this Bylaw except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place or in accordance with a permit issued by an authorised officer.

(4) No stock shall be transported over the routes specified in Schedule 1 of this Bylaw.

(5) No vehicle transporting stock shall allow effluent to spill onto the roadway.

(6) The prohibitions set out in clause 21 (1), 21 (2) and 21 (3) shall not apply to a network utility operator or its authorised agent, or contractor engaged in the provision of, or maintenance of a network utility operation on a road or part of a road specified in Schedule 1 or Schedule 2.

(7) The Council may from time to time, by resolution publicly notified add to, or remove from Schedule 1 or Schedule 2 any road or part of a road within its district.

(8) The Council may prescribe fees for permits issued under clause 21 (9) in the Long Term Council and Community Plan or its amendments.

(9) An authorised officer may issue a permit in accordance with clause 21 (2) or 21 (3) together with such conditions as may be appropriate to -

- (a) Protect the public from nuisance, or
- (b) Protect, promote or maintain public health and safety.

22. SPEED LIMITS [repealed]

23. DROVING STOCK

(1) No person shall drove stock on any road in the urban area of Palmerston North.

(2) No person shall drove stock on any road in any other part of the District without a permit issued by an authorised officer of the Council.

24. SELLING OF GOODS AND SERVICES AT INTERSECTIONS

No person shall wash or clean the windows of any vehicle for payment or donation, solicit any subscription, collection or donation at any road intersection or within 100 metres of the intersection on any of its approaches, or use the intersection for the purposes of selling or offering any goods or services of any kind without the written permission of an authorised officer.

25. CONDITIONS FOR EQUIPMENT ON THE ROAD

(1) An authorised officer may permit a person to park any machinery, equipment, materials, shipping containers or waste disposal bins on any road or public place in accordance with this clause and any other conditions that may be imposed by the authorised officer if:

- (a) The machinery, equipment, materials or waste disposal bins is contained within an area on the road way that has been fenced off by a builder's fence authorised by the Council, or
- (b) In areas where the parking is controlled by parking meters –
 - (i) A meter hood is issued for the parking space and shall be attached to the meter controlling the parking space being used; and
 - (ii) The machinery, equipment, materials or waste disposal bins is contained entirely within the parking space; and

- (iii) The edge of the machinery, equipment, materials or waste disposal bins facing on-coming traffic is painted white or with fluorescent paint to ensure clear visibility to traffic, or;
- (c) The machinery, equipment, materials or waste disposal bins is on a roadway, and is:
 - (i) Positioned as far as practicable to the left of the roadway to ensure the safe passage of vehicles and pedestrians; and
 - (ii) the part of the machinery, equipment, materials or waste disposal bins facing oncoming traffic closest to the centre line of the roadway is tagged with a free-standing clean white or fluorescent red, orange or yellow marker. The marker shall measure not less than 600mm by 600mm and shall not project more than 200mm beyond the side of the machinery, equipment, materials or waste disposal bins.
- (2) No machinery, equipment, materials or waste disposal bins shall be left on a roadway between half an hour after sunset on one day and half an hour before sunrise the following day unless lit by a flashing amber light facing on-coming traffic.
- (3) The Council may remove any machinery, equipment, materials or waste disposal bins placed on the roadway where –
 - (a) clause 24 (1) has not been complied with, and
 - (b) removal of the machinery, equipment, materials or waste disposal bins is necessary for public safety.

26. DECISIONS OF THE COUNCIL OFFICER

- (1) The decisions of a Council Officer must be made in accordance with generally accepted practices of road and traffic management.
- (2) The Council Officer shall keep the elected members of the Council informed.
- (3) Notwithstanding clauses 5, 16 and 22 the Council may issue instructions to the Council Officer from time to time.

27. OFFENCES

- (1) Every person commits an offence against this Bylaw, who:
 - (a) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public carpark, reserve or other place controlled by the

Council pursuant to any of the provisions of this Bylaw or any resolution made under this Bylaw;

- (b) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw or by any resolution made under this Bylaw.
- (2) Every person who commits a breach of this Bylaw is liable on summary conviction to a fine of up to \$500.
- (3) Nothing in clause 25 (1) or (2) applies to any offence of kind referred to in section 72(6A) of the Transport Act 1962.

28. OTHER RELATED LEGISLATION OR BYLAWS

Land Transport Act 1998 especially for definition of vehicle.

Traffic Regulations 1976 for general traffic rules and signs.

Land Transport Rule: Setting of Speed Limits 2003 for setting of speed limits.

Local Government Act 1974 for local authority powers, including bylaw making powers, regarding roads.

Local Government Act 2002 for bylaw making powers and procedures generally and defences to breach of bylaws.

Use of Public Places Bylaw 2004 for non-traffic use of the road reserve and parks; roadside grazing provisions.

Dogs, other Animals and Bees Bylaw 2004 for any other matter relevant to animals and dogs including keeping animals in urban areas.

Palmerston North Speed Limits Bylaw 2007

SCHEDULE 1
HEAVY TRAFFIC PROHIBITIONS FOR THE CBD

Subject to the provisions of clause 21(2) and 21 (4) the following roads are prohibited to heavy vehicles or heavy vehicles transporting livestock:

Andrew Young Street
Ashley Street
Broadway Avenue between Rangitikei Street and Princess Street
Campbell Street between Walding Street and Cuba Street
Church Street between Pitt Street and Princess Street
Coleman Place
Cross Street
Cuba Street between Pitt Street and Princess Street
Donnington Street
Fitzherbert Avenue between The Square and Ferguson Street
King Street
Linton Street between Church and Ferguson Street
Lombard Street between Walding Street and Cuba Street
Main Street between The Square and Pitt Street
Main Street between The Square and Princess Street
Queen Street
Rangitikei Street between Grey Street and Broadway Avenue
Taonui Street between Walding Street and Cuba Street
The Square perimeter

For additional clarity, the roads listed above are all within the area bounded by the ring road: Princess Street-Ferguson Street-Pitt Street-Bourke Street-Walding Street- Grey Street.

SCHEDULE 2

HEAVY TRAFFIC PROHIBITIONS

Subject to the provisions of clause 21(3) the following roads are prohibited to heavy vehicles:

Centennial Drive
Victoria Esplanade

SCHEDULE 3

[repealed]