



PALMERSTON NORTH CITY

**PALMERSTON NORTH
TRAFFIC AND PARKING
BYLAW 2018
(DRAFT LIGHT MOTOR VEHICLE
PROHIBITION AMENDMENTS)**

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Palmerston North Traffic and Parking Bylaw 2018

PART ONE - INTRODUCTION

1. TITLE

- 1.1. The title of this Bylaw is the “Palmerston North City Council Traffic and Parking Bylaw 2018”.

2. PURPOSE

- 2.1. This Palmerston North City Council Traffic and Parking Bylaw 2018 (the Bylaw) is made pursuant to section 22AB of the Land Transport Act 1998.
- 2.2. The purpose of this Bylaw is to place controls on and specify the method of signifying controls on the use, stopping, standing and parking of vehicles on roads and Council controlled places in Palmerston North for the convenience of the public and to achieve the safe, equitable and efficient allocation of public parking.

3. COMMENCEMENT

- 3.1. This Bylaw commences on 25 June 2018.

4. REPEAL

- 4.1. The Palmerston North Traffic and Parking Bylaw 2011 is repealed when this Bylaw commences.

5. DEFINITIONS

- 5.1. In this Bylaw:

Authorised delegate

Means a person given delegated authority by the Council to perform duties and functions under this Bylaw.

Berm and Grass Verge

Means any grassed area on a road separated from the roadway by channelling or kerbing, but does not include a grassed area immediately adjoining the roadway.

Council

Means the Palmerston North City Council and includes any person with delegated authority and authorised to act on its behalf.

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District	Means the area within the territorial boundaries of the Palmerston North City Council.
Eligible Resident	Means a person who resides in a dwelling, apartment or other building which has its only or principal access to the road that forms part of a resident's parking area or which has access in the immediate vicinity of that road.
Footpath	Means as much of any road or Council controlled place that is laid out or constructed by the Council for pedestrian use, and includes footways and walkways.
Heavy Motor Vehicle	Means a motor vehicle with a gross vehicle mass exceeding 3,500 kilograms but it excludes passenger service vehicles.
Light Motor Vehicle	Means a motor vehicle with a gross vehicle mass less than 3,500 kilograms.
Mobility Parking Permit	Means a permit or concession card issued by CCS Disability Action or Sommerville Disability Support Services to a person with a physical disability.
Mobility Parking Space	Means a parking space set aside by signs or markings by the Council for exclusive use by holders of a mobility parking permit.
Network Utility Operator	Means a person who— (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or (b) operates or proposes to operate a network for the purpose of— (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or (ii) radiocommunication as defined in section 2(1) of the

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Radiocommunications Act 1989;
or

- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system; or
- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—

and the words network utility operation have a corresponding meaning.

Parking

Means, -

- (a) In relation to a portion of a road where parking is for the time being governed by the location of parking machines, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes.
- (b) In relation to any other portion of a road, the stopping or standing of a vehicle

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

(c) For enforcement purposes, once a vehicle has parked in accordance with the above requirements, it shall be deemed as remaining parked until the vehicle has been fully removed from the parking space.

Parking Fee	Means the fee payable for use of a parking space for a period of time at the rate specified by the parking meter controlling the parking space.
Parking Place	Means a place (including a building) where vehicles, or any class of vehicles, may park.
Parking Space	Means a space or section of a parking place, road or other public place marked out and defined by painted lines for the accommodation of a vehicle.
Passenger Service Vehicle	Means a vehicle used or available for use in a passenger service for the carriage of passengers.
Residents' Exemption Area	Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area in which eligible residents may park contrary to time restrictions of that area in accordance with this Bylaw.
Residents' Only Area	Means any road, or portion of a road, or a Council controlled place identified by signs or markings as a restricted parking area reserved for parking by eligible residents in accordance with this Bylaw.
Residents' Parking Area	Means a residents' exemption area or a residents' only area.
Residents' Parking Permit	Means a permit issued by the Council under this Bylaw for parking in a residents' parking area.
Road	Includes—

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- (a) A street; and
- (b) A motorway; and
- (c) A beach; and
- (d) A place to which the public have access, whether as of right or not; and
- (e) All bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) All sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

Roadway

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

Special Vehicle Lane

Means a lane defined by signs or markings and restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light-rail vehicle lane.

Urban Area

Means any land zoned residential in the District Plan.

Vehicle

means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include—

- (a) a perambulator or pushchair:
- (b) a shopping or sporting trundler not propelled by mechanical power:
- (c) a wheelbarrow or hand-trolley:
- (d) a pedestrian-controlled lawnmower:
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power:

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- (f) an article of furniture:
 - (g) a wheelchair not propelled by mechanical power:
 - (h) any other contrivance specified by rules made under the Land Transport Act 1998 not to be a vehicle for the purposes of this definition:
 - (i) any rail vehicle.
- 5.2. Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Land Transport Act 1998 unless the context plainly requires a different meaning. The Interpretation Act 1999 applies to the interpretation of this Bylaw as if it was an enactment.

PART TWO - PARKING

6. PARKING RESTRICTIONS

6.1. The Council may:

- (a) Prohibit or restrict the stopping, standing or parking of vehicles on any road.
- (b) Limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description of vehicle.
- (c) Limit the period of time that vehicles may park on any part of the road where parking is limited to such vehicles.
- (d) Provide that a vehicle used for a specified purpose be treated for the purpose of this Bylaw to be of another specified purpose or class of vehicle.
- (e) Prohibit or restrict the parking of heavy motor vehicles, or any specific class or description of heavy motor vehicle, on any specified road during specified hours for a period that exceeds a specified period.

6.2. In respect of any parking place or transport station, the Council may:

- (a) Specify the vehicles or classes of vehicle that may be entitled to use any parking place or transport station;
- (b) Reserve any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in section 2 of the Disabled Person Community Welfare Act 1975;
- (c) Reserve specified parking places or transport stations for use by persons who hold a Residents' Parking Permit for that area, either generally or at specified times;
- (d) Prohibit or restrict parking on specified roads or parts of roads in residential areas by specified classes of vehicles, either generally or at specified times where the Council believes the parking is likely to cause a nuisance or danger;
- (e) Prescribe the conditions under which any parking place or transport station may be used;
- (f) Prescribe the charges to be paid for the use of any parking place or transport station, as measured by parking meters or by way of a fee for a permit to use the parking place or transport station, or by any other prescribed method of time measurement or payment.

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- 6.3. Where required by the Land Transport Act 1998 or any regulations or rules made under that Act the Council will identify parking restrictions by erecting the prescribed signs or making the prescribed road markings.
- 6.4. Every person who stops, stands or parks a vehicle on a road, or uses a parking place or transport station must comply with the terms and conditions contained in the Administration Manual.

7. PARKING TRIALS

- 7.1. The Council may establish new parking restrictions, suspend specific existing parking restrictions, or otherwise amend or alter specific existing parking restrictions, including any parking fees or charges, as a parking trial for a specified period of time.
- 7.2. Before making any such decision under clause 7.1, the Council must consult appropriately with any person or organisation it reasonably believes may have an interest in the proposed parking trial, and have regard to any views submitted to it as a result of that consultation.
- 7.3. The maximum duration of any parking trial established under clause 7.1 is 12 months. A parking trial may be renewed by repeating the process required by clauses 7.1 and 7.2, provided that the renewed parking trial shall have a maximum duration of 12 months.
- 7.4. For the duration of the parking trial created under clause 7.1, any parking restrictions, fees or charges that are contradicted by the parking trial are suspended and have no effect until the parking trial ends.

PART THREE - FOOTPATHS AND ROADS

8. USE OF FOOTPATHS FOR DELIVERY

- 8.1. No person may drive a motor vehicle, including a moped or motorcycle, along the footpath to deliver newspapers, mail or printed material to letter boxes unless the Council has issued a permit authorising the activity to that person or to the organisation employing that person.

9. ONE-WAY ROADS

- 9.1. The Council may identify roads where, subject to the erection of the prescribed signs, vehicles must travel in one specified direction only.
- 9.2. No person may drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a “one-way road” in Part 3 of the Administration Manual, other than in the direction specified.

10. LIGHT MOTOR VEHICLE PROHIBITIONS

- 10.1. To promote public safety and protect the environment from adverse effects associated with the congregation of light motor vehicles on public roads, Council may by resolution prohibit vehicles with a gross motor vehicle mass less than 3,500kg from being operated on any road or part of that road.
- 10.2. The road or part of the road and days and times where a resolution made by Council under clause 10.1 applies will be recorded in the Light Motor Vehicles Prohibitions Register in the Administration Manual.
- 10.3. Clause 10.1 will apply between the hours of 10.00pm and 4.00am every day of the week unless specified otherwise in the Light Motor Vehicles Prohibitions Register in the Administration Manual.
- 10.4. No person may operate a motor vehicle in contravention of a resolution made by Council under clause 10.1 unless:
- (a) that motor vehicle is conveying an owner or occupier of a property with a frontage to a road specified in the resolution or the owner or occupiers’ bona fide visitors; or
 - (b) that motor vehicle is a trade or service vehicle being operated for the provision or maintenance of a utility on the road or on property having a frontage to the road; or
 - (c) that motor vehicle is being used as a passenger service vehicle or as a security service vehicle being operated in the execution of duty; or
 - (d) that vehicle is owned by Council and being operated in the execution of duty; or

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- (e) prior written permission from Council has been obtained.
- 10.5. No person may use a light motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council and recorded in the Light Motor Vehicle Prohibitions Register in the Administration Manual.
- 10.6. Signage will be installed by Council on any road described in a resolution made under 10.1 to advise:
 - (a) the times and days of the prohibition made in the resolution, and
 - (b) that the prohibition applies to vehicles with a gross motor vehicle mass less than 3,500kg.

11. HEAVY VEHICLE PROHIBITIONS

- 11.1. The Council may prohibit or restrict, absolutely or conditionally, any specified class of traffic or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.

12. TRANSPORTING AND DROVING STOCK

- 12.1. No person may drove stock along or across any road in the urban area of the district.
- 12.2. Notwithstanding clause 12.1, stock may be driven along or across any road in any other part of the district only if the person driving the stock holds a permit issued by the Council, and complies with the conditions of that permit.
- 12.3. No stock may be transported in heavy motor vehicles over the routes specified in part 4 of the Administration Manual.
- 12.4. A person driving a vehicle transporting stock must not allow effluent to discharge from the vehicle onto the roadway.

13. TURNING RESTRICTIONS

- 13.1. The Council may prohibit, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (commonly known as a “u-turn”), or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left.
- 13.2. No person may drive a vehicle in contravention of a turning restriction made under clause 13.1 of this Bylaw.

14. SPECIAL VEHICLE LANES

- 14.1. The Council may prescribe, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning

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movement may be made only by buses, taxis, or other passenger service vehicles, or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants.

- 14.2. No person may drive a vehicle in contravention of a special vehicle lane restriction made under clause 14.1 of this Bylaw.

15. ENGINE BRAKING

- 15.1. The Council may prohibit or restrict, subject to the erection of the prescribed signs, engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour.
- 15.2. No person may use a vehicle in contravention of an engine braking restriction made under clause 15.1 of this Bylaw.

16. ACCESS TO UNFORMED LEGAL ROADS

- 16.1. The Council may restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- 16.2. No person may use a motor vehicle on an unformed legal road in contravention of a restriction made under clause 16.1 of this Bylaw

PART FOUR – ADMINISTRATION

17. ADMINISTRATION MANUAL AND DELEGATIONS

- 17.1. The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. The Administration Manual records the restrictions and conditions established under this Bylaw, and will be updated from time to time as those restrictions and conditions are amended.
- 17.2. The Council may amend the Administration Manual. Before amending the Administration Manual the Council will consult in accordance with the decision-making requirements of section 82 of the Local Government Act 2002.
- 17.3. The following people are authorised delegates under this Bylaw:
- (a) The Chief Executive of the Council;
 - (b) The person holding the office identified in the Council's Delegations Manual as responsible for the administration of this Bylaw;
 - (c) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 17.4. An authorised delegate may exercise any power, function or duty under this Bylaw, or carry out any act in order to achieve its effective administration, on behalf of the Council including the following:
- (a) Amend the Administration Manual;
 - (b) Establish any restriction, limitation or condition under this Bylaw;
 - (c) Specify forms and procedures for the effective administration of the Bylaw;
 - (d) Make any decision or determination required in this Bylaw in order to administer it;
 - (e) Make decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations;
 - (f) Make decisions regarding suspension, withdrawal or removal of a permit.
- 17.5. Notwithstanding clause 17.4, an authorised delegate may not:
- (a) Prescribe, alter or repeal any fees or charges that might be set under this Bylaw;
 - (b) Approve any parking trial created under clause 7 which alters or repeals any parking fees or charges set under this Bylaw for the duration or purposes of the trial.
- 17.6. All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual and shall be available to the public.

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18. PERMITS

- 18.1. Where a person requires a permit from the Council under this Bylaw, the person seeking a permit must:
- (a) Complete the required application form.
 - (b) Pay the applicable fee.
 - (c) Comply with any requirements set as conditions of that permit.
- 18.2. A permit may include, in addition to conditions incorporated in this Bylaw, conditions that the Council considers are reasonably necessary to manage the effects of the activity, achieve the objectives of this Bylaw; and minimise the risk of nuisance.
- 18.3. For the avoidance of doubt and only in exceptional circumstances, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 18.4. A permit is personal to the applicant and is not transferable.
- 18.5. An authorised delegate may limit the number of residents' parking permits issued to a single household under this Bylaw to ensure that the allocation of on-street parking in a residents' parking area is equitable for all residents covered by that residents' parking area.
- 18.6. The Council may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the Council may consider appropriate in the circumstances to protect public health and safety, to minimise nuisance, or to avoid offensive behaviour.

19. FEES FOR PERMITS

- 19.1. The Council may charge a fee for receiving and processing an application and issuing a permit.
- 19.2. The Council must prescribe a fee for any permit issued under this Bylaw in accordance with the Local Government Act 2002.
- 19.3. A permit may be cancelled by the Council at any time.

20. WAIVER OF FEES

- 20.1. Pursuant to section 150 of the Local Government Act 2002 the Council may by resolution determine situations when fees may be remitted, refunded or waived under this Bylaw.

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21. TRANSITIONAL PROVISIONS

- 21.1. Every prohibition, restriction, limitation, condition or permit in existence at the time of the commencement of this Bylaw and that comply with this Bylaw's requirements for signage and marking will continue to apply as if made under this Bylaw.
- 21.2. Every fee or charge that applies at the commencement of this Bylaw will continue to apply as if made under this Bylaw until changed in accordance with this Bylaw.

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PART FIVE - ENFORCEMENT

22. OFFENCES AND PENALTIES

- 22.1. A breach of any prohibition, restriction, limitation, or condition made under this bylaw is an offence and is subject to the penalty set out in the Land Transport (Offences and Penalties) Regulations 1999 or any such equivalent regulations that may replace it.
- 22.2. Notwithstanding anything in this clause, the Council may remove vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of this Bylaw, and require the payment of the reasonable cost of such removal.

23. DEFENCES

- 23.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:
- (a) Complied with the directions of an enforcement officer, a parking warden or a traffic control device; or
 - (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

24. EXEMPTED VEHICLES

- 24.1. No restriction in this Bylaw applies to emergency vehicles being used when their use is necessary in the execution of the driver's duty.
- 24.2. The restrictions of Part 2 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.