

WAIMAKARIRI DISTRICT COUNCIL PARKING BYLAW 2019

This review of the Parking Bylaw 2007
was adopted at a Council meeting held on
3 December 2019

Minor Technical Amendment
Was adopted by the District Planning and Regulation Committee
15 June 2021



Chief Executive



Governance Manager

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Waimakariri District Council Parking Bylaw 2019

1 General

- 1.1 This bylaw may be cited as the Waimakariri District Council Parking Bylaw 2019.
- 1.2 This bylaw supersedes the Waimakariri District Council Parking Bylaw 2007 and comes into force on 12 December 2019.
- 1.3 This bylaw is made pursuant to sections 159 and 160A of the *Local Government Act 2002* and section 22AB of the *Land Transport Act 1998*.

2 Purpose

- 2.1 The purpose of this bylaw is to set out the requirements for parking control of vehicular or other traffic on any road or area under the care, control or management of the Council.

3 Definitions

- 3.1 In this bylaw, unless the context otherwise requires:

Agency means the New Zealand Transport Agency

Authorised Officer means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.

Authorised Period means that time period commencing when a vehicle is parked within an area, listed in the Schedule, which the Council by resolution has designated as a time-limited area and in which the appropriate signs(s) have been erected.

Continuous Accessible Path of Travel (CAPT) is defined as the area where the pedestrian route is safe and convenient for everyone, especially for people who are blind, have impaired mobility or have low vision.

Council means the Waimakariri District Council and includes any person, authorised by the Council to act on its behalf.

Enforcement Officer means a person who has been appointed as an Enforcement Officer by the Council under the *Local Government Act 2002* or a person who is an Enforcement Officer under the *Land Transport Act 1998*.

Electric Scooter (or e-Scooter) means a low-powered vehicle designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor.

Grass Berm is the area of footpath which is laid out in grass.

Grass Verge is that area of public road that includes grassed, paved or other landscaped areas

Immobilised vehicle means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.

Motorhome means any vehicle designed or converted to be used for human habitation, whether self-contained or not, and includes a bus, caravan, campervan, or house truck.

Parking Warden means a person appointed to hold the office of parking warden appointed by the Council under Section 128(d) of the *Land Transport Act 1998*.

Pedestrian means any person travelling by foot or using pedestrian facilities. This would include those using wheelchairs, prams, e-scooters, mobility scooters and other mobility devices.

3.2 In this bylaw, unless the context otherwise requires:

- 3.2.1 **Heavy motor vehicle, moped, motor vehicle, motorcycle, owner, parking, road, and vehicle** have the same meanings as in section 2(1) of the *Land Transport Act 1998*; and
- 3.2.2 **Cycle lane, disabled person's parking permit, driver, emergency vehicle, footpath, mobility device, parking place, power assisted cycle, roadway** have the same meanings as in clause 1.6 of the *Land Transport (Road User) Rule 2004*.
- 3.2.3 **Transport station** has the same meaning as in section 591(6) of the *Local Government Act 1974*.
- 3.2.4 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Land Transport and Local Government Acts unless the context plainly requires a different meaning.
- 3.2.5 The *Interpretation Act 1999* applies to the interpretation of this bylaw.
- 3.2.6 Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by the Council at any time.

4 Resolutions Made Under This Bylaw

4.1 A resolution may be made under this bylaw that:

- 4.1.1 Regulates, controls or prohibits any matter or thing generally, or for any specific classes of case, or in a particular case; or
- 4.1.2 Applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or

- 4.1.3 Applies to any road or part of a road, greenspace adjoining the road, building, or transport station under the care, control, or management of the Council; or
- 4.1.4 Applies at any specified time or time period.

4.2 The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

PART 1 - PARKING

5 Stopping, Standing and Parking of Vehicles

- 5.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road or other area controlled by the Council whether by way of time restriction, a restriction to a specified class, classes or description of vehicle, a total prohibition of vehicles, or any combination of these.
- 5.2 The Council shall by prescribed markings, signs, notices or devices erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping, standing or parking of any vehicle, whether attended or unattended, is prohibited or restricted.
- 5.3 Any of the signs, markings, notices or devices referred to in clause 5.1 may from time to time be supplemented, altered or removed by Council resolution.

6 No Parking on Certain Parts of the Road

- 6.1 A person must not stop, stand or park a vehicle, wholly or partially:
 - 6.1.1 On that part of any road zoned residential (in the District Plan) which is laid out as a cultivated area, being a garden, grass verge or grass berm.
 - 6.1.2 On grass verges or berms that causes any damage or is a safety hazard, and that there be no business parking on grass verges with businesses not to use the road as an extension of their business.
 - 6.1.3 On that part of any road which has been separated from the roadway by a kerb that is a paved or other surfaced landscaped area, with or without a planted area, and whether or not it is designed for use by pedestrians.
- 6.2 A person may stop, stand or park a vehicle in contravention of clauses 6.1 and 6.2 if:

- 6.2.1 That part of the road is designed and constructed to accommodate a parked vehicle; or
- 6.2.2 An Authorised Officer has given written permission to stop, stand or park a vehicle in that part of the road; or
- 6.2.3 The Council, by resolution, has allowed vehicles to stop, stand, or park in that part of the road.

7 Parking of Mobility Devices on Footpaths

- 7.1 No wheelchair, pram, e-scooter, mobility scooter or other mobility device on any footpath shall be placed in a position that would obstruct a pedestrian's CAPT travel along the footpath, or present an obstacle for any person using the footpath including any disabled person, or obstruct movement of a vehicle using any formed vehicle crossing over any footpath.

8 Temporary Discontinuance of a Parking Space

- 8.1 If an Authorised Officer is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space, they may direct the placement of a sign or other controls that sufficiently indicates reserved parking, 'no stopping', 'no standing' provisions for specified vehicles at such parking space or spaces.

9 The Parking of Vehicles by Disabled Persons

- 9.1 The Council may, from time to time by resolution, reserve any specified parking place either generally or at specified times for the exclusive use of any disabled person who has on display in their vehicle a Disabled Person's Parking Permit.
- 9.2 The Council shall, by markings, signs or notices, indicate where parking by non-permit holders is prohibited or restricted.

10 Removal of Vehicles from Off-Street Parking Areas

- 10.1 An Enforcement Officer may remove or cause to be removed any vehicle from any part of the road reserve or Council-managed land that contravenes this bylaw, or any resolution made under this bylaw, and the Council may recover from the person committing the breach of this bylaw all expenses incurred in connection with the removal of the offending vehicle.
- 10.2 No person may cause damage to or remove any signage or barriers associated with parking restrictions or controls applied to land owned or managed by the Council.
- 10.3 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

11 Immobilised and Immobile Vehicles

- 11.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any vehicle which is immobilised, including a

motor vehicle without wheels, without the consent of Council or Authorised Officer.

11.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place as is nominated by the Council.

11.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

12 Motorhomes, Buses, Caravans and Trailers

12.1 No person shall park a motorhome, bus, caravan or trailer on any road or in a public place for any continuous period exceeding seven days without the previous consent of the Council or an Authorised Officer.

13 Displaying and Storage of Vehicles on Street

13.1 No person shall stop stand or park a vehicle on any road or public place for the purpose of offering the vehicle for sale.

13.2 No person shall stop, stand or park a vehicle on any road or public place for the purpose of exhibition, demonstration or storage.

14 Parking for Display or Advertising

14.1 A person must not display any signage on, connected to a vehicle, or parked trailer that is on a road or a public place, if the principal function of the trailer or vehicle is to display advertising material.

14.2 Should any vehicle to which clause 14.1 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an Authorised Officer, it is causing a safety hazard, the Authorised Officer may have it removed and stored at the cost of the owner.

14.3 Clause 14.1 does not apply to vehicles with sign writing (business logos or the business name) where the vehicle is being used in, and as part of, the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an Authorised Officer, the motor vehicle is causing a safety hazard.

Explanatory note: also refer to Clause 6.3 in the Signage Bylaw 2019.

15 Working on Vehicles

15.1 No person shall stop, stand or park any vehicle on any road to carry out any repairs to that vehicle unless those repairs are of a minor or urgent nature.

PART II - ADMINISTRATIVE

16 Enforcement Officers

16.1 The enforcement of the provisions of this bylaw shall be carried out by either Police Officers or Parking Wardens, or where appropriate, Enforcement Officers appointed by the Council.

17 Defences

17.1 A person is not in breach of this bylaw if that person is able to prove that:

17.1.1 The act complained of was done in an emergency on the road or immediately adjoining the road; or

17.1.2 The act complained of was done in compliance with the directions of a Police Officer, Parking Warden, Authorised Officer, traffic control signal or traffic sign; or

17.1.3 That he/she was experiencing a medically related event and took all reasonable care to avoid causing an accident or any injury.

18 Offences

Every person commits an offence against this bylaw who fails to comply:

18.1 In all respects with any prohibition or restriction or direction or requirement indicated by the lines, zones, markings, signs and notices, laid down, placed, or made, or erected, in or upon any road or public place in the district pursuant to any provision of this bylaw:

19 Penalties

19.1 Every person who commits an offence against this bylaw will be liable for penalties and infringement offences under the *Land Transport Act 1998* and *Local Government Act 2002*.

20 Exempted Vehicles

20.1 This bylaw does not apply to any of the following vehicles being used in the execution of duty:

20.1.1 An emergency services vehicle; or

20.1.2 A vehicle that is used by a Parking Warden; or

20.1.3 A vehicle that is used by an Authorised or Enforcement Officer.

21 Power to Amend Certain Schedules by Resolution

21.1 The Council may from time to time by resolution make changes to any schedule to or explanatory note in this bylaw and include additional schedules to this bylaw.

22 Revocations and Savings

22.1 The Parking Bylaw 2007 is hereby revoked.

22.2 Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in clause 22.1 that is continuing 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.

22.3 The revocation of the bylaws specified in clause 22.1 shall not prevent any legal proceedings being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

22.4 The resolutions of the Council made or continued under the bylaws revoked under clause 22.1 continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

23 Review of Bylaw

23.1 A comprehensive review of this bylaw shall be carried out no later than 12 December 2024 as required by the *Local Government Act 2002*.

23.2 The Council reserves the right to carry out an early review of any aspect of the bylaw that has not been found to have been effective in addressing identified user conflicts, health and safety concerns and matters of public nuisance

23.3 By resolution, the Council may make changes to any schedule or explanatory note in this bylaw.

The Schedule – Parking Restrictions