

Upper Hutt City Council Traffic and Parking Bylaw 2005

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Explanatory Note

This Bylaw is called the Traffic and Parking Bylaw 2005 and was made under sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

The purpose of the Bylaw is to set the requirements for parking and control of vehicular traffic on all roads under the control of Upper Hutt City Council.

1. Application of Bylaw

- 1.1. This Bylaw applies within the district of the Upper Hutt City Council.

2. Commencement

- 2.1. This Bylaw come into force on 1 June 2005 and was amended May 2017.
- 2.2. The 2017 amendments come into force on 1 June 2017.

3. Interpretation

- 3.1. In this Bylaw, unless the context otherwise requires:

“**Angle Park**” means a park that is not defined as a parallel park under the Land Transport (Road User) Rule 2004 or replacement legislation.

“**Authorised Officer**” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“**Council**” means the Upper Hutt City Council and any Authorised Officer.

“**Competent Driver**” means a person who an Authorised Officer is satisfied is able to move stock in a manner that causes a minimum of disruption to other road users and is efficient and safe for both the stock and other road users.

“**Dairy Cattle**” means cattle in use for milk production.

“**Day**” means the period of time 29 minutes before sunrise and 29 minutes after sunset on the same day.

“**Drift Bike**” has the same meaning as vehicle but is limited to a vehicle known as a drift bike.

“**Hours of Darkness**” means:

- a. a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- b. any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 m.

“**Officer**” means a person who holds the office of Constable under the Policing Act 2008 or an Authorised Officer of the Council.

“**Operate**” is the same meaning as defined in section 2 of the Land Transport Act 1998.

“**Park**” includes every park, reserve, recreation ground, garden or open space under the control of the Council and, for the purpose of this bylaw includes land under the control of the Council and used as a cemetery or camping ground.

“**Reserve**” has the meaning in section 2 of the Reserves Act 1977.

“**Road Margin**” includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

“**Road**” means a road as defined in section 315(1) of the Local Government Act 1974.

“**Skateboard**” has the same meaning as vehicle but is limited to a vehicle known as a skateboard.

“State Highway” means a State Highway as defined in section 5 of the Land Transport Management Act 2003.

“Stock” means:

- a. Any live horse, cattle, sheep, alpaca, llama, bison, donkey, hinny, mule or water Buffalo that is not in a wild state;
- b. Any deer, goat, tahr, rabbit, possum or other animal that is kept within a fence or enclosure for domestic or farming purposes.

“Vehicle” has the same meaning as in section 2(1) of the Land Transport Act 1998.

4. General

4.1. This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002 and the Land Transport Act 1998.

4.2. Council may by Resolution:

- a. prohibit or otherwise restrict the stopping, standing or parking of vehicles on any road or part of a road or on any piece of land owned or controlled by Council;
- b. set aside, designate or reserve any road, part of a road or any piece of land owned or controlled by Council, as:
 - i. stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - ii. operation mobility parking spaces;
 - iii. parking places and zone parking;
 - iv. transport stations;
 - v. clearways;
 - vi. cycle lanes and cycle paths;
 - vii. Reserved parking areas;
 - viii. residents' parking;
 - ix. special vehicle lanes or lanes for vehicles carrying specified classes of loads or not less than a specified number of occupants;
 - x. one-way roads; and
 - xi. nominate intersections and places where traffic control devices may be installed, used, or erected (including but not limited to traffic signals, 'give way' signs and 'stop' signs); and
- c. prohibit or restrict:
 - i. vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing U-turns) on specified roads;
 - ii. left turns, right turns or through movements;
 - iii. weights of vehicles or loads that may pass over bridges or culverts;

- iv. any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reasons of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
 - v. parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
 - vi. the use of roads by pedestrians;
 - vii. the use of roads by cyclists;
 - viii. the use of roads or public places for the display of motor vehicles for trading or sale; and
 - ix. parking during road upgrade and/or maintenance work; and
- d. permit turning movements to be made only by:
- i. passenger service vehicles;
 - ii. vehicles of other specified classes; and
 - iii. vehicles carrying specified classes of loads or not less than a specified number of occupants.

4.3. A Resolution may be made under clause 4.2:

- a. to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- b. that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- c. that applies to any road or part of a road under the care, control, or management of Upper Hutt City Council; or
- d. that applies at any specified time or period of time.

4.4. Council may amend this Bylaw in accordance with the Land Transport Act 1998 and the Local Government Act 2002 to rescind, amend or vary any matter regulated under clause 4.2.

Part 1 – Skateboards including drift bikes

5. Prohibition on use of skateboards and drift bikes

5.1. No person shall operate a skateboard or drift bike:

- a. On a public place in a manner that is dangerous or creates a nuisance for traffic or pedestrians; or
- b. Without due care to ensure that no property is damaged.
- c. In an area described in Schedule 1 other than at any time permitted by Schedule 1 for that described area; or

5.2. No person may ride a drift bike on a road.

5.3. No person may operate a skateboard on a road or on a public place during the hours of darkness.

- 5.4. Clauses 5.1 to 5.3 of this Bylaw does not apply to any facilities in a public place provided by Council that are for the purpose of operating a skateboard.
- 5.5. The Council may by Resolution amend Schedule 1 to add, delete or amend the times and areas to which clauses 5.1 to 5.3 apply.
- 5.6. Council may by Resolution amend or revoke a decision made under clause 5.5 of this Bylaw at any time.

6. Limits on scooters in Main Street

- 6.1. Scooters may only be used in Main Street provided the riders operate them in such a manner that:
 - a. There is no damage caused to property, and
 - b. Pedestrians are not endangered, and
 - c. A nuisance is not created for pedestrians and other traffic.

7. Seizure of skateboards, drift bikes and scooters

- 7.1. An Authorised Officer may seize a skateboard, drift bike or scooter that is operated in breach of clauses 5 or 6 in accordance with section 164 of the Local Government Act 2002.
- 7.2. The owner of a seized skateboard, drift bike or scooter may request the Council to return it.

Part 2 – Stockdroving

8. Prohibition on stockdroving at night

- 8.1. No person shall drive or permit to be driven any stock on any road or permit any stock to be on any road during the hours of darkness except:
 - a. To return escaped stock to the place it escaped from; or
 - b. When there is an act of God, flood, fire or similar emergency and the lives of the stock would be at stake if the stock were not moved; or
 - c. Dairy cattle, in compliance with the terms of a permit issued by the Council pursuant to clauses 10.2.

9. Stockdroving – other than at night

- 9.1. A person shall be permitted to drive stock (excluding dairy cattle) on any road other than during the hours of darkness provided they comply with the following conditions:
 - a. The maximum number of animals in a mob shall be 300 or less head of cattle or 1,500 or less head of sheep.
 - b. At least one competent drover is to be in charge of every mob.
 - c. The competent drover shall keep the stock moving at all times so as to make progress towards the destination at an average rate of not less than 8km per day.

- 9.2. In any case where it is impossible or impractical to comply with any of the conditions in clause 10.2 the stock (excluding dairy cattle) may be driven on any road if the stock owner or the competent drover obtain written permission from the Council prior to driving the stock.

10. Permit for dairy cattle to cross the road between parts of a farm

- 10.1. The Council may grant a permit authorising dairy cattle to cross a road from one part of a farm to another part of the same farm where the Council is satisfied, in accordance with the criteria in Schedule 2, that such movement is necessary for milking purposes and that no other route is available.
- 10.2. Every such permit shall be in writing, shall stipulate the section of road or roads in respect of which movement is authorised and shall otherwise be issued subject to such conditions as the Council sees fit to impose in accordance with the criteria in Schedule 2.

Part 3 – Parking Powers and parking restrictions

11. Time restricted parking

- 11.1. Council may declare by Resolution and specify any road, part of a road, or piece of land owned or controlled by Council, to be a restricted parking area.
- 11.2. Council may impose the following conditions by Resolution in respect of any restricted parking area:
- a. the time or times during which parking restrictions have effect;
 - b. the number and situation of parking spaces within each restricted parking area;
 - c. the maximum time allowed for parking in any space within any restricted parking area;
 - d. the class or description of vehicles that may stop, stand or park within a restricted parking area.

12. Reserved parking, no stopping areas and specialised parking

- 12.1. Council may by Resolution designate any parking space or spaces as a Reserved parking, No Stopping Area or a parking Space for a specific purpose for any specified period.
- 12.2. Council may grant a Permit for Temporary Reserved parking or to allow parking on a Temporary No Stopping Area on such conditions as Council considers appropriate.
- 12.3. No person may park a vehicle in a parking space that has a “Reserved parking” sign in place unless the person:
- a. holds a Reserved parking Permit from Council; and
 - b. is acting in accordance with any conditions imposed by Council on the Permit.
- 12.4. No person may stop, stand or park a vehicle in a parking space that has a “No Stopping” sign in place.

13. Restricted parking

- 13.1. No person being the driver or the person in charge of any vehicle may drive, stop, stand or park, or otherwise use that vehicle in a manner that is contrary to any prohibition, limitation or restriction imposed from time to time by Resolution of Council in relation to a restricted parking area.

14. Restrictions on parking in parking spaces

- 14.1. No person may park a vehicle on or over the road markings indicating the limits of a parking space.
- 14.2. Clause 14.1 of this Bylaw does not apply to a vehicle with a trailer attached to it if the vehicle and the trailer are parked within the outer limits of two adjacent parking spaces.
- 14.3. No person may park a vehicle in a parking space that is:
- a. already occupied by another vehicle; or
 - b. if the type of vehicle to be parked is specified and the vehicle is not the specified vehicle; or
 - c. if a vehicle must have a Specific Permit to park in that space and it is not displaying the required permit; or
 - d. identified by a sign or markings for a Specific Purpose if the vehicle is not using that Space for the identified Specific Purpose.
- 14.4. Clause 14.3(a) of this Bylaw does not apply to a motor cycle if:
- a. it is parked in the same parking space as another motor cycle;
 - b. there is sufficient room to park more than one motor cycle in the parking space so that any of the motor cycles can be safely removed from the parking space at any time.
- 14.5. No person may reverse into an Angle park if the angle of the park to the adjacent curb is less than 90 degrees unless a road sign specifically permits it.

15. Parking on the grass

- 15.1. No person may stop, stand, or park a vehicle on a road margin, lawn, garden, or other cultivation adjacent to, or not forming part of a roadway, so as to in the opinion of an authorised officer cause damage to the road margin, lawn, garden or other cultivation.
- 15.2. Clause 15.1 of this Bylaw does not apply if:
- a. a person parks contrary to clause 15.1 because there is no off-street parking on that person's property due to the topography of the land; and
 - b. the person parks the vehicle with due consideration for the safety and convenience of traffic and pedestrians and is not likely to cause damage to the cultivated area.

16. Parking immobilised vehicles

- 16.1. No person may stop, stand, or park on a road any vehicle that:
- a. has no motive power in or attached to it; or
 - b. for 7 days or more is in such a state that it cannot be driven safely.
- 16.2. Council may seize and impound any vehicle in breach of clauses 16.1 of this Bylaw in accordance with section 164 of the Local Government Act 2002.
- 16.3. In this clause 16, “vehicle” includes caravans, boats, and the shell or hulk of a vehicle.

Part 4 – Miscellaneous

17. Road signs to be obeyed

- 17.1. No person being the driver or the person in charge of any vehicle shall drive or in any other way use that vehicle or stop, stand or park that vehicle in any manner contrary to any prohibition, limitation or restriction imposed by the Council by Resolution and indicated by a traffic control device.

18. Displaying vehicles, services or goods for sale on road

- 18.1. A person must not stop, stand or park a vehicle on Fergusson Drive between the Silverstream Bridge and Mangaroa Hill road or on any road listed in Schedule 3 of this Bylaw by Council Resolution for the purpose of advertising goods or a service, or for offering the vehicle for sale unless the vehicle is:
- a. being used for day to day travel; or
 - b. owned by the owner or occupier of the immediately adjacent property or a person visiting the immediate adjacent property.

19. Advertising on the road

- 19.1. An advertising sign, notice or marker may be placed on a road provided it complies with any rules controlling the placement of temporary signs on roads contained in this Bylaw or any other Upper Hutt City Council Bylaw.
- 19.2. Written Council consent is required to place an advertising sign, notice or marker on a road if the sign or placement of the sign, notice or marker will not comply with rules contained in this Bylaw or any other Upper Hutt City Council Bylaws controlling the placement of temporary signs on roads.
- 19.3. Notwithstanding clause 19.1 or 19.2 if in the reasonable opinion of an Authorised Officer the advertising sign, notice or marker causes a safety hazard for traffic the Authorised Officer may require it to be removed.
- 19.4. An authorised officer’s power under clause 19.3 in respect of signs consented under clause 19.2 should only be used if the hazard was unforeseeable at the time consent was granted under clause 19.2.

20. Placing containers on roads

- 20.1. No person may place or permit another to place a container that is greater than 1.5 metres wide or three (3) metres long on a road without the prior written permission of Council.
- 20.2. Any person doing an activity under clause 20.1 of this Bylaw must comply with any conditions imposed by Council in its written permission.
- 20.3. Subject to clause 20.1, no person may place or permit another to place a container that is less than 1.5 metres wide or three (3) metres long that is not a wheelie bin supplied by a weekly refuse collection contractor on a road unless:
- a. it is not practicable to place the container on any land owned by that person that is adjacent to the road where the container is placed;
 - b. the name of, and a 24 hour contact telephone number for, the owner of the container are prominently displayed on the container;
 - c. the container does not obstruct any part of a footpath and is at least 15 metres from any corner, intersection, or pedestrian crossing;
 - d. the container has a white face presented to any oncoming traffic, and has a reflector of at least 100mm x 100mm on any corner of the container facing traffic; and
 - e. if the container is in a parking space in a coupon parking area, metered parking area, or residents' parking area or an area subject to a time restriction imposed by Council under any enactment, the person has the prior written permission of Council and is complying with any conditions imposed by Council on its written permission.
- 20.4. In this clause 20, "Container" includes a skip bin, bulk bin, or other receptacle for holding litter or other materials, or any pallet load or pile of bulk materials.

21. Window washers

- 21.1. No person may wash or clean the windows or attempt to wash or clean the windows of any vehicle stopped at any intersection or approach to any intersection.

22. Road upgrade and/or maintenance work

- 22.1. Clauses 22.2 and 22.3 apply if Council intends to undertake road upgrade and or maintenance work, and a vehicle or vehicles are potentially parked and are likely to impede the works.
- 22.2. No later than 48 hours before work commences, the Roading Manager or other Authorised Officer must provide notice of the activity, through residential post boxes or on vehicles Parked in the street in which the activity is to take place. The notice will require that vehicles be removed from the road, parking space, building or transport station to allow the upgrade and/or maintenance activity to occur. After issuing a notice, Council will not be required to make any further contact with the owners of the vehicles prior to their removal.
- 22.3. No vehicle may remain parked contrary to a notice issued in accordance with clause 22.2.

23. Overnight parking of heavy or large vehicles

- 23.1. No person shall park a vehicle during the hours of darkness in a residential area in a position that reduces the roadway between the parked vehicle and the kerb opposite the parked vehicle or a vehicle parked adjacent to the opposite kerb to less than five [5] metres.

24. Vehicle and container removal

- 24.1. In addition to the powers conferred on it by any other enactment, Council or an Authorised Officer may remove or cause to be removed from any road or part of a road or on any piece of land owned or controlled by Council, any vehicle or thing using those places in breach of this Bylaw.

25. Restrictions by resolution

- 25.1. If a prohibition, restriction, control or direction is already provided for in an enactment or Land Transport Rule, a Council Resolution is not required.

Part 5 – Offences, defences and penalties

26. Defences

- 26.1. Any person prosecuted for an offence under this Bylaw has a defence if the act complained of was done in compliance with the directions of an enforcement officer.

27. Exemptions to this Bylaw

- 27.1. This Bylaw does not apply to any person who commits an act that was done in accordance with a Traffic Management Plan that has written Council approval or a Council written consent or permission.

28. Fees and offences

- 28.1. Every person commits an offence against this Bylaw who fails to comply with any requirement or restriction imposed by this Bylaw or any resolution made under it.
- 28.2. Council may recover from any person who commits a breach of this Bylaw the appropriate costs in connection with the removal of the vehicle or thing.

29. Penalties

- 29.1. A person who breaches this Bylaw may be liable on conviction to a fine of up to:
- a. \$20,000 under section 242(4) of the Local Government Act 2002, or
 - b. \$1,000 under Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999.
- 29.2. Notwithstanding clause 29.1 the Council may by resolution prescribe a fine of up to \$500 for any offences that are a breach of this bylaw only.
- 29.3. The imposition of Council of a fine does not preclude the Council from taking any other action that is authorised by this Bylaw.

Schedule 1

Skateboard prohibition areas

1. All roads (including footpaths and berms) in the Central Business District; and
2. All car parks owned or administered by the Council in the Central Business District.
3. For the purpose of this Bylaw, the Central Business District is that part of Upper Hutt contained within the following boundaries:
 - a. The Wellington/Wairarapa railway line between the western side of Blenheim Street and the Eastern side of the projection of King Street.
 - b. A line projected from the railway crossing along the western side of Blenheim Street to meet a projected line along the northern side of Sinclair Street.
 - c. A line along the eastern boundary of King Street between the Wellington/ Wairarapa railway line and the northern boundary of Sinclair Street.
 - d. A line along the northern boundary of Sinclair Street extending to join the eastern side of King Street and the western side of Blenheim Street.

As shown on the following plan:



Schedule 2

Criteria for the issue of permits to drive dairy cattle on roads

1. It is the intention of this Bylaw to limit the movement of dairy cattle on roads to the minimum necessary to enable dairy farmers to continue with their business.
2. A Permit will not be issued pursuant to clause 10.2 if or to extent that there is an alternative route available.
3. Land owned or occupied by the applicant or in the case of a sharemilker by their principal, is an alternative route.
4. Where an alternative route appears to be available across land that is not owned or occupied by the applicant or in the case of a sharemilker, by their principal, then the Council may require evidence that the owner or occupier of that land will not permit the applicant's dairy cattle to use it.
5. The Council will issue a Permit to enable a dairy farmer to allow cattle to cross a road from one part of the farm to another for milking purposes but will nominate the crossing points and may also impose any of the following conditions:
 - a. A requirement that gates be erected at the crossing point stipulated for the entry and exit of dairy cattle to and from a road.
 - b. A requirement that the movement of dairy cattle be confined within races.
 - c. Such other condition or conditions as the Council considers necessary or appropriate to confine the movement of dairy cattle on roads in order to protect sealed carriageways and for the safety of other road users.

Schedule 3

Roads where vehicles may not be displayed for Sale