

KAPITI COAST DISTRICT COUNCIL TRAFFIC BYLAW 2010

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1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Traffic Bylaw 2010 and comes into force on 01 July 2010.
- 1.2 This Bylaw is made pursuant to section 145 of the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, section 72 of the Land Transport Act 1962 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Traffic Bylaw 2000.

2 Bylaw Validation

- 2.1 The Kapiti Coast District Council Traffic Bylaw 2010 was approved at a meeting of the Kapiti Coast District Council held on 24 June 2010 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 24 June 2010 in the presence of:

.....
Jenny Rowan
Mayor

.....
Pat Dougherty
Chief Executive Officer

3 Objective and Scope

- 3.1 The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on any road, public carpark, reserve or any other public place owned by Kapiti Coast District Council in the district.
- 3.2 The Bylaw does not apply to State Highways controlled by the New Zealand Transport Agency (NZTA) except for the determination and management of parking on the State Highway where delegated by NZTA to the Kapiti Coast District Council.
- 3.3 The Bylaw applies only to land owned by the Kapiti Coast District Council.
- 3.4 This Bylaw applies to public carparks, reserves, any public place owned by Kapiti Coast District Council and all roads vested in or under the care, control and management of the Kapiti Coast District Council.
- 3.5 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Land Transport Act 1962 and the Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
 - ii. the Local Government Act 1974 and the Local Government Act 2002 or any Act passed in amendment or substitution thereof;
 - iii. the Land Transport Act 1998 (Road User) Rule 2004 or any Rules passed in amendment or substitution thereof;
 - iv. any other applicable Acts, regulations or rules; and
 - v. any other Council bylaws or District Plan requirements.

4 Interpretation

- 4.1 The interpretations of the General Bylaw 2010 and its amendments are also implied into and form part of this Bylaw unless the context requires otherwise
- 4.2 In this Bylaw, the following terms are used:

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority including a Council enforcement officer, a parking warden appointed by Council under Section 7 of the Transport Act 1962 or any sworn Police Officer.

Bridleway means an off-road path for horse riders to which motor vehicles do not have access. Cyclists and pedestrians may be allowed to share use.

Carriageway	means the portion of the road that has been formed and laid out for the use of vehicular traffic in general.
Chief Executive	means the Chief Executive of the Kapiti Coast District Council or a person acting under delegated authority on behalf of the Chief Executive.
Clearway	means any part of the road which pursuant to a resolution of the Council is set aside for the free passage of motor vehicles during the times specified within the resolution.
Council	means the Kapiti Coast District Council.
Cycle	means a wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider/s. It includes but is not limited to unicycles, bicycles, tricycles, and power-assisted cycles with no more than 200 watts total auxiliary power.
Cycle Lane	means part of a road way allocated specifically for cycle use but which may occasionally be used for motor vehicles (e.g. for turning at intersections or driveways or manoeuvring into parking spaces).
Cycle Path	means an off road path for cycles to which motor vehicles do not have access – it can be an exclusive cycle path, a shared use path or a separated path.
Footpath or Walkway	means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.
Heavy Motor Vehicle	means a motor vehicle that has a gross vehicle mass exceeding 3,500 kg.
Metered Space	means a part of a road in a metered zone which has boundaries marked out and defined by painted lines for the accommodation of a vehicle.
Metered Zone	means any road, or part 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.
Mobility Device	Means a vehicle that is designed and constructed (not merely adapted) for use by persons who require mobility assistance, and <ul style="list-style-type: none"> (a) is powered by a motor that has a maximum power output not exceeding 1500W; or (b) has been declared by the Director of Land Transport, by notice in the <i>Gazette</i>, to have a maximum power output not exceeding 1500W.
Motor Vehicle	means a vehicle drawn or propelled by mechanical power and includes: <ul style="list-style-type: none"> (a) a trailer; but (b) does not include: <ul style="list-style-type: none"> i. a vehicle running on rails; or ii. a trailer running on one wheel and designed exclusively as a speed measuring device or for

	<ul style="list-style-type: none"> testing the wear of vehicle tyres; or iii. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or iv. a pedestrian controlled machine; v. a vehicle that the Director of Land Transport has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or vi. a mobility device.
Parking	shall have the same meaning as defined in the Land Transport (Road User) Rule 2004.
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 and includes the standard to which that appliance is fixed.
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.
Pedestrian	means any person on foot or using a mobility device.
Public Carpark	includes a road, street or area designated for car parking (including a building) that is under the control of the Council and to which the public has access, whether free or on payment of a charge, where a person can park a vehicle in accordance with this Bylaw.
Publicly Notified	means a notice published in a newspaper circulating in the Council's district that provides information to the public and where the notice sets forth the object, purport, or general effect of a document it shall be sufficient notice of that document.
Road	shall have the same meaning as the Land Transport (Road User) Rule 2004 and shall where the context requires include a street (but this does not include State Highways controlled by NZTA).
Road Margin	includes: <ul style="list-style-type: none"> (a) any channel and kerbing adjoining the carriageway; (b) any grass or metalled areas between the channel and kerbing and the footpath or the boundary of private property; (c) any grass or metalled areas immediately adjoining the carriageway; and (d) any areas adjoining the carriageway where underground services have been buried.

4.3 For the purposes of this Bylaw the word “shall” refers to practices that are mandatory for compliance with this Bylaw, while the word “should” refers to practices which are advised or recommended.

4.4 Subject to Clause 4.2 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 Rules made under the Land Transport Act 1998, or any amendments thereof, shall have such meanings as are respectively assigned thereby, unless such meanings shall be repugnant to, or inconsistent with, the context in which such words, phrases or expressions occur.

5 General

5.1 The Council may, by a publicly notified resolution, impose such prohibitions, restrictions, controls, or directions concerning the use by traffic of any road or other area controlled by the Council, as are permitted by any relevant enactment.

5.2 Any resolution may:

- (a) Be made in respect of a specified class, type or mode of transport, and may be revoked or amended by the Council.
- (b) Be expressed or limited to apply only on specified days, or between specified times, or in respect of specified event or classes of events, or be limited to specified maximum periods of time.
- (c) Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space or residents' parking space; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces or areas.
- (d) Be made in respect of any defined part of a road, including, any defined footpath or lane.

5.3 The Council may, by a publicly notified resolution rescind, amend or vary any resolution made pursuant to clause 5.2.

5.4 The Chief Executive shall authorise the marking of roads and erection of signs on any road or public carpark as necessary to give effect to any resolution made pursuant to clause 5.2.

6 Parking

6.1 No person shall park a motor vehicle on any footpath.

6.2 No person shall park a heavy motor vehicle on any road margin without the prior written permission of an authorised officer.

6.3 Any person who parks a motor vehicle on any road margin that obstructs traffic flow, presents a safety risk, causes nuisance to the general public

or damage to the road margin, must remove the said vehicle at the request of an authorised officer.

- 6.4 No person shall park any motor vehicle on any road margin in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings except with the prior written permission of an authorised officer and in accordance with any condition that may be required.
- 6.5 Except with the written permission of the Council, and in compliance with any conditions subject to which that permission is given, no person shall park any inoperative or unregistered motor vehicle on any road or other land under Council control for a period exceeding 7 days.
- 6.6 No person shall park or place any machinery, equipment, materials, shipping containers, waste disposal bins or other article on any road or areas under the control of Council except with the prior permission of an authorised officer and in accordance with any conditions that may be required.

7 Time Limited Parking Areas

- 7.1 The Council may by, a publicly notified resolution:
 - (a) Designate any land or road or part thereof under the control of the Council as a Time Limited Parking Area, and specify that the designation shall only apply during certain hours of the day and/or certain days of the week.
 - (b) Declare that any time limited parking area shall on certain hours of the day and/or days of the week be set aside as a clearway.
- 7.2 The Council shall, in the resolution, specify the maximum duration of time a motor vehicle may be parked within the Time Limited Parking Area.
- 7.3 A driver of a motor vehicle shall not park or allow such motor vehicle to remain parked in a Time Limited Parking Area for a period exceeding that specified on any traffic sign alongside or near or at each end of the Time Limited Parking Area.
- 7.4 For the purposes of this clause a motor vehicle shall be deemed to have been continuously parked in a Time Limited Parking Area if the vehicle remains within the extremities of the same Time Limited Parking Area having been moved or driven from the original place the motor vehicle was parked.

8 Method of Parking

- 8.1 A driver of a motor vehicle shall not park or allow such vehicle to remain parked in a parking space across any line marking such parking space, or

in such a position that the said motor vehicle is not entirely within the parking space.

- 8.2 A driver of a motor vehicle shall not park or allow such vehicle to remain parked in a parking space which is already occupied by another motor vehicle.
- 8.3 If a parking space is parallel to the kerb or footpath of any road the driver of any motor vehicle occupying such parking space shall park the motor vehicle with the left side of the motor vehicle as close as practicable to the left side of the road and facing in the same direction as the flow of traffic.
- 8.4 If a parking space is at any angle to the kerb or footpath of any road the driver or person in charge of any motor vehicle occupying such parking space shall park the motor vehicle so that it is entirely within the parking space and parallel to the lines or other indicators marking the limit of the parking space, with the motor vehicle aligned with the direction of traffic and as near as practicable to such kerbs or footpath.

9 Discontinued Parking Space

- 9.1 Where an authorised officer determines that any parking space should be temporarily discontinued as a parking space, the authorised officer may place or erect a sign indicating “No Stopping” at the parking space. The sign should also indicate the reason for the temporary restriction and if known, the time frame that the restriction will be in place.

10 Metered Zones, Parking Meters and Pay and Display Machines

- 10.1 The Council may by resolution publicly notified:
- (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) Fix the time allowed for parking in such metered spaces.
 - (d) Fix the fees payable for the parking of vehicles within the metered zone or particular metered space.
 - (e) Fix the hours during which the payment of a fee for parking meters or pay and display machine is required.
- 10.2 In accordance with any resolution made under clause 10.1 the Council shall establish and mark out metered spaces in all metered zones.
- 10.3 Parking meters or pay and display machines shall be located within the metered zone which they are to control. Any pay and display machine shall issue a card on insertion of the prescribed fee in accordance with the instructions on the machine.

- 10.4 A person shall not park a motor vehicle in a metered space so that any part of that motor vehicle extends beyond any line defining that metered space unless by reason of its size it may be necessary for the motor vehicle to extend onto an adjoining and unoccupied metered space. In such event the driver shall be liable to pay a parking fee for each metered space so occupied.
- 10.5 The Council may, by a publicly notified resolution rescind, amend or vary any resolution made pursuant to Clause 10.1.
- 10.6 Every person commits an offence against this 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 Parking Fee to be Paid

- 11.1 A person in charge of a motor vehicle shall not park that vehicle in a metered space without paying the prescribed fee and operating the parking meter or pay and display machine in accordance with the instructions on the parking meter or pay and display machine.
- 11.2 A person in charge of a vehicle shall not allow that motor vehicle to occupy a metered space in excess of the maximum period of time allowed by that metered space or within the metered zone.
- 11.3 Where a motor vehicle is parked on a metered space controlled by a pay and display machine, 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.
- 11.4 A person shall not deposit in any parking meter or pay and display machine any coins that are not New Zealand currency.

12 Walkways, Cycle Paths and Bridleways

- 12.1 The Council by a publicly notified resolution may set aside any public land¹ or any portion of any public land as a walkway, cycle path, bridleway or a combination of all three.
- 12.2 Except for an emergency or with the permission of an authorised officer a person shall not park or drive any motor vehicle on any walkway, cycle path or bridleway.

¹ Public land refers to land owned by Kapiti Coast District Council or vested in or under the care, control and management of the Kapiti Coast District Council.

12.3 Clause 12.2 shall not apply to the driving of a motor vehicle over a walkway, cycle path or bridleway by means of a vehicle crossing constructed for the purpose of gaining vehicular access to any property from a road.

12.4 Clause 12.2 shall not apply to the driving of a mobility device by a person who requires mobility assistance.

13 Temporary Restrictions on the use of Roads

13.1 In accordance with the Setting of Speed Limits Rule 2003 where an authorised officer considers that there is, or is likely to arise on a road or any part of road a risk of:

- i. danger to the public or to road workers; or
- ii. damage to the road;

the Council may temporarily restrict the use of, or speed of, or class of vehicles which may use the road or any part of that road. Any such restriction shall be indicated by the display of temporary warning signs.

14 Road Works

14.1 Any vehicle being used for the purpose of maintenance or construction of roading, or of any other utility, may be driven or parked contrary to this Bylaw with permission of an authorised officer, provided it is parked or driven with due consideration of other road users and the general public.

15 Damage to Signs

15.1 A person shall not interfere with, damage or remove any traffic control sign.

16 Exceptions to Heavy Motor Vehicle Restrictions

16.1 Any prohibitions under this Bylaw in relation to heavy motor vehicles 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. (The expression “network utility operator” has the same meaning given to it by Section 166 of the Resource Management Act 1991).

17 Selling of Goods and Services on Road Intersections

17.1 A person shall not sell or offer any goods or services of any kind for payment or donation (including the washing and cleaning of windows of any vehicle) or solicit any subscription or collection on any road intersection (excluding the footpath) or within 100 metres of the intersection (excluding the footpath) on any of its approaches.

18 Offences

- 18.1 Every person who breaches this Bylaw commits an offence and is liable upon summary conviction to penalties as set out under the Land Transport Act 1962, the Local Government Act 1974 or the Local Government Act 2002; which ever may apply.

19 Kapiti Coast District Council General Bylaw

- 19.1 The provisions of the Kapiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.