

CHAPTER 5 PARKING AND TRAFFIC

5.1 AUTHORITY

- 5.1.1 This part of the Bylaw is made under s 145 of LGA 02 and s 22AB of the Land Transport Act 1998.

5.2 DEFINITIONS

- 5.2.1 In this part of the bylaw

“container” means a shipping container or crate and extends to include any bin used for the temporary storage or disposal of demolition material, building material, soil or refuse

“emergency vehicle” has the same meaning as in rule 1.6 of the Land Transport (Road User) Rule 2004

“LGA 74” means the Local Government Act 1974

“mobility parking permit” means a current mobility parking permit issued by CCS Disability Action or any other permit approved or issued by Council

“parking” has the same meaning as in s 2 of the Land Transport Act 1998

“parking space” means an area marked out to indicate where a vehicle may be parked

“private road” has the same meaning as in s 315 of LGA 74

“private way” has the same meaning as in s 315 of LGA 74

“road” has the same meaning as in s 2 of the Land Transport Act 1998 and reference to “road” includes a reference to part of a road

“time expired” means that the permitted time limit has been exceeded or in the case of a parking space for which payment must be made means that the period for which payment has been made has been exceeded.

5.3 PARKING RESTRICTIONS AND CHARGES

- 5.3.1 Council may from time to time by publicly notified resolution:

(a) limit, restrict or prohibit the parking of:

- (i) all vehicles;
- (ii) vehicles of any specified class or description;
- (iii) vehicles belonging to or used by particular persons or class of persons;
- (iv) vehicles used for particular purposes;
- (v) heavy vehicles in residential areas

on any road, public place or other land under the control of Council;

(b) fix charges to be paid in connection with the use of any parking space, as measured by parking meters.

5.3.2 The limitations, restrictions or prohibitions imposed by Council under clause 5.3.1(a), and the charges fixed under clause 5.3.1(b), will apply on the days, for the periods or at the times specified in the resolution.

5.4 PARKING OFFENCES

5.4.1 A person must not:

- a) park a vehicle in contravention of any limitation, restriction, or prohibition imposed by the Council under clause 5.3.1(a);
- b) fail to pay any charges fixed under clause 5.3.1(b) for a parking space, or spaces, occupied by the vehicle;
- c) fail to remove a vehicle from a parking space before it becomes time expired;
- d) park a vehicle in a parking space so that the vehicle is not entirely contained within the boundaries of the parking space, as near as reasonably possible to the middle of the space;
- e) park a vehicle in a parking space or metered parking space which is already occupied by another vehicle;
- f) park or place any container on a parking space which is the subject of a parking limitation, restriction or prohibition made under clause 5.3.1(a) or for which charges have been fixed under clause 5.3.1(b) without an approval
- g) park or place any container on any other parking space, or on a road or public place in a manner which causes, or is likely to cause, a traffic safety hazard;
- h) park a vehicle on a road or public place for a continuous period of more than 7 days;
- i) display a "for sale" sign on a vehicle parked on a road or public place without an approval;
- j) park a vehicle which is leaking oil, grease or fuel in a parking place or on a road, public place or other land under the control of Council;
- k) park a cycle on the carriageway;
- l) insert or attempt to insert in a parking meter or parking ticket machine where payment in a parking meter anything other than payment which is legal tender in New Zealand.

5.4.2 Nothing in clauses 5.4.1(a) or (b) or (c) applies to the driver of an emergency vehicle, the driver of a Council vehicle who is actively engaged in the enforcement of this Bylaw or the driver of any other vehicle for which a dispensation has been given by Council under clause 1.5 of the Bylaw.

5.4.3 Nothing in clause 5.4.1(e) applies to the parking of a vehicle which cannot be safely parked without encroaching over more than one parking space and, if charges are payable for the use of the parking spaces so occupied, a parking fee has been paid for every parking space occupied.

5.5 TRAFFIC MOVEMENT AND SAFETY

- 5.5.1 Council may from time to time by publicly notified resolution:
- (a) prohibit or restrict any specified class of traffic, or any specified vehicle or class of vehicle from using any road;
 - (b) prohibit or restrict the use of vehicles on beaches;
 - (c) regulate the type of vehicle that may use a cycle track or shared zone;
 - (d) restrict the direction of travel on any road to one direction;
 - (e) prohibit turning, or restrict the type of vehicle which may turn, from one road to another road or prohibit turning turnabout on a road (to face the other direction);
 - (f) prohibit or restrict the display on private property of any advertisement, sign, notice or light which is visible from a road in the immediate vicinity of a pedestrian crossing or an intersection and is causing or is likely to cause confusion to persons using the road;

5.6 TRAFFIC OFFENCES

- 5.6.1 A person must not:
- (a) drive a vehicle in contravention of any regulation, restriction or prohibition imposed under clause 5.5.1(a) – (e) inclusive;
 - (b) fail to comply with a prohibition or restriction under clause 5.5.1(f);
 - (c) drive a vehicle in a manner which interferes with or obstructs a funeral procession or a procession approved by Council;
 - (d) drive a vehicle over a fire hose which is in use unless a hose bridge has been provided or unless directed to do so by a constable, an enforcement officer or a fireman;
 - (e) drive a vehicle which is leaking oil, grease or fuel on a road, public place or other land under the control of Council.

5.7 ENFORCEMENT

- 5.7.1 Any vehicle container or other thing (in this clause all referred to as “vehicle”) parked in contravention of this Bylaw may be towed away or removed by Council and impounded. An impounded vehicle may be recovered upon payment of all reasonable towing, removal and storage charges relating to that vehicle. If the vehicle has not been recovered within 14 days of impounding Council may proceed to sell or otherwise dispose of the vehicle in the same manner as if it was a vehicle removed by Council under s 356 LGA 74.
- 5.7.2 The power in clause 5.7.1 may be exercised in addition to any other enforcement action that Council may lawfully take.

5.7.3 The provisions of this bylaw may be enforced by a parking warden, an enforcement officer or a constable.

The common seal of the Hastings District Council was affixed on 30 July 2021
in the presence of:

Mayor 


Chief Executive

