



Hastings District Council

Bylaw

Chapter 5: Traffic & Parking

The chapters have been separated from the consolidated document for ease of use

INDEX

CHAPTER 1 INTERPRETATION AND GENERAL PROVISIONS.....	5
CHAPTER 2 PUBLIC PLACES	10
2.1 ACCESS WAYS	10
2.2 ACTIVITIES	10
2.3 ADVERTISING DEVICES	10
2.4 BEACHES	11
2.5 CEMETERIES AND CREMATORIUM	11
2.6 COUNCIL FACILITIES	12
2.7 CYCLES AND SKATEBOARDS	12
2.8 DAMAGE.....	13
2.9 ENCROACHMENTS.....	13
2.10 FENCES.....	14
2.11 FLYING ACTIVITIES	14
2.12 HAZARDS.....	14
2.13 PROCESSIONS AND PUBLIC MEETINGS	15
2.14 REFUSE DISPOSAL.....	15
2.15 SPORTS AND GAMES IN A PUBLIC PLACE	15
2.16 STREET NUMBERING AND PRIVATE ROAD SIGNS	15
2.17 STOCK.....	16
2.18 TRADING, BUSKING AND COLLECTIONS.....	17
2.19 VEHICLE CROSSINGS AND BERMS	18
SCHEDULE A TO CHAPTER 2	19
SCHEDULE B TO CHAPTER 2	21
SCHEDULE C TO CHAPTER 2	23
SCHEDULE D TO CHAPTER 2	24
CHAPTER 3 DOG CONTROL	25
CHAPTER 4 ALCOHOL BANS	31
4.1 AUTHORITY	31
4.2 DEFINITIONS	31
4.3 ALCOHOL BANS	31
4.4 LICENCES AND DISPENSATIONS	31
SCHEDULE A TO CHAPTER 4	33
SCHEDULE B – CHAPTER 4.....	35
SCHEDULE C TO CHAPTER 4	37

SCHEDULE D TO CHAPTER 4	39
SCHEDULE E TO CHAPTER 4	41
CHAPTER 5 PARKING AND TRAFFIC	42
5.1 AUTHORITY	42
5.2 DEFINITIONS	42
5.3 PARKING RESTRICTIONS AND CHARGES	42
5.4 PARKING OFFENCES	43
5.5 TRAFFIC MOVEMENT AND SAFETY	44
5.6 TRAFFIC OFFENCES	44
5.7 ENFORCEMENT	45
CHAPTER 6 FOOD SAFETY	46
6.1 AUTHORITY	46
6.2 DEFINITIONS	46
6.3 COMPULSORY TRAINING FOR FOOD HANDLERS	46
6.3 CLOSURE OF PREMISES	47
SCHEDULE A TO CHAPTER 6	48
CHAPTER 7 WATER SERVICES	51
7.1 DEFINITIONS	51
7.2 CONNECTION AND DISCONNECTION	52
7.3 NETWORK CORRIDOR	52
7.4 DAMAGE TO THE NETWORK	53
7.5 OFFENCES IN RELATION TO WATER SUPPLY	53
7.6 OFFENCES IN RELATION TO WASTEWATER	54
7.7 OFFENCES IN RELATION TO STORMWATER	54
7.8 APPROVALS	55
SCHEDULE A TO CHAPTER 7	57
SCHEDULE B TO CHAPTER 7	58
TABLE 2: HEAVY METALS	61
TABLE 3: ORGANIC COMPOUNDS AND PESTICIDES	61
CHAPTER 8	62
CHAPTER 9	63
CHAPTER 10 MISCELLANEOUS MATTERS	64
10.1 CONTROL OF FIRES	64
10.2 NUISANCES	65
10.3 REFUSE	66

10.4 STOCK, POULTRY AND BEES 67

CHAPTER 1 INTERPRETATION AND GENERAL PROVISIONS

1.1 Purpose and authority

1.1.1 The purpose of this part of the Bylaw is to provide consistency in the interpretation of terms used throughout the Bylaw and to provide for general matters common to many parts of the Bylaw.

1.1.2 Unless otherwise stated every part of the Bylaw is made under s 145 of LGA 02.

1.2 Commencement and revocation

1.2.1 Unless otherwise stated every part of the Bylaw will commence on the day following the date upon which the Council publicly notifies its decision to adopt the Bylaw.

1.2.2 The revocation of a former bylaw will take effect the day following the date upon which the Council publicly notifies its decision to revoke the former bylaw.

1.3 Definitions

1.3.1 The definitions in this clause apply to all parts of the Bylaw. Any definition specific to only one part of the Bylaw may be set out at the beginning of that part of the Bylaw. In the event of any conflict between a definition in this clause and the definition in another part of the Bylaw, the latter will prevail.

1.3.2 In this Bylaw:

“advertising device” has the same meaning as in the district plan

“animal” has the same meaning as in the Animal Welfare Act 1999 and, for the avoidance of doubt, includes poultry and stock

“approval” means an approval in writing granted by the Council under clause 1.5 and, where the context requires, includes a resource consent granted by the Council under the RMA

“berm” means the grass verge of a road

“Bylaw” means the Hastings District Council Consolidated Bylaw, any part of that Bylaw and any other bylaw made by the Council from time to time under LGA 02 or any other enactment

“carriageway” means the part of a road intended for movement of vehicles, does not include the berm or footpath but does include a vehicle crossing

“constable” means a sworn officer of the New Zealand Police

“Council” means Hastings District Council and when the context requires extends to include:

- a committee of the Council with delegated responsibility for the administration of the Bylaw
- an enforcement officer
- a Council officer with delegated responsibility for the administration of the Bylaw
- a parking warden and

- any other person with responsibility for administration of the Bylaw engaged by the Council under s 179 LGA 02

“Council facility” means any premises owned, occupied, managed or otherwise controlled by the Council

“cycle” has the same meaning as in Rule 1.6 of the Land Transport (Road User) Rule 2004.

“cycle path” means the part of a road physically separated from the roadway that is intended for the use of cyclists, but may also be used by pedestrians, and includes a cycle track formed under s 332 of the Local Government Act 1974

“district” means the district of the Council as defined in Part 2 of Schedule 2 of LGA 02

“district plan” means the plan made under the RMA for the district and includes both the operative district plan and any proposed district plan

“enforcement officer” means any person appointed by the Council under s 177 LGA 02

“footpath” means that part of a road laid out or set aside for exclusive use by pedestrians and includes any berm

“hazardous substance” has the same meaning as in the district plan

“LGA 02” means the Local Government Act 2002

“LGA 74” means the Local Government Act 1974

“licence” has the same meaning as “approval”

“mobile advertising device” means an advertising device attached to a vehicle or trailer and includes a motor vehicle if the signwriting on the vehicle advertises goods or services but does not include a motorvehicle if the signwriting on the vehicle is limited to a business name, address, phone number and logo

“nuisance” means anything which is offensive or likely to be injurious to health and includes any of the nuisances deemed to be created by the circumstances listed in s 29 of the Health Act 1956

“occupier” means the person in possession of premises;

“organised event” means an assembly of people at a specific time for a specific purpose;

“owner”, in relation to premises, means the person for the time being entitled to receive the rent of the premises, whether on an own account or as the agent or trustee for any other person, or who would be so entitled if the premises were let at a rent and includes any person for the time being registered under the Land Transfer Act 1952 as the proprietor of the premises

“parking warden” means a person appointed by the Council under s 128D of the Land Transport Act 1998

“person” includes a corporation sole, a body corporate and an unincorporated body

“poultry” means all types of domestic fowls and includes geese, ducks, pigeons, swans, turkeys and roosters

“premises” means any land and/or building comprised in a single certificate of title or any self-contained and separately occupied part of any premises

“public place” means a place that, at any material time, is open to or is lawfully being used by the public, whether free or on payment of a charge, notwithstanding that any owner or occupier of that place is entitled to exclude or eject any person from that place and, for the avoidance of doubt, includes:

- a beach
- a road
- an aircraft, hovercraft, ship, ferry or vehicle carrying passengers for reward
- a cemetery or crematorium
- the foreshore
- a park
- a reserve under the Reserves Act and
- premises used by the Council for the purposes of service delivery, including (but not limited to) an administrative office, community centre, swimming pool, library or art gallery

“public notice” has the same meaning as in s 5 of LGA 02 and “publicly notified” has a corresponding meaning

“RMA” means the Resource Management Act 1991

“road” has the same meaning as in s 315 of the Local Government Act 1974 and includes all land, including any berm, footpath, cycle path or carriageway, within the legal boundaries of the road

“rural area” means those parts of the district defined as “Rural Areas/Zones” in the district plan

“shared zone” means part of a road intended to be used by pedestrians and vehicles

“sports field” means any part of a public place which is laid or set aside for playing organised games or sports and includes an area used for practising a sport or game but, for the avoidance of any doubt, does not include an area beside a sports field used by spectators

“stock” means animal which may be farmed for the production of meat, milk, fibre or hides, extends to include a horse, donkey or mule and, for the avoidance of doubt, includes any animal kept as a pet

“urban area” means those parts of the district defined as “Urban Areas/Zones” in the district plan

“vehicle” has the same meaning as in the Land Transport Act 1998 and, for the avoidance of doubt, includes a bicycle, hovercraft, skateboard, in-line skates and roller skates

“working day” means a day of the week other than:

- a Saturday, Sunday or public holiday as observed throughout New Zealand
- Hawkes Bay Anniversary Day and
- Any day in the period commencing with 20 December in a year and ending with 10 January in the following year

1.4 Interpretation

1.4.1 The Interpretation Act 1999 applies to this Bylaw.

1.4.2 The interpretation rules set out below apply to all parts of the Bylaw.

1.4.3 In this Bylaw:

- (a) Words referring to the masculine, feminine or neuter gender refer also to the other genders;
- (b) Singular words include the plural and vice versa;
- (c) The phrase “part of the Bylaw” refers to a Chapter of the Bylaw or to part of a Chapter, as the context requires;
- (d) In the event of inconsistency or interpretation conflict between this part of the Bylaw and any other part of the Bylaw, the latter prevails;
- (e) In the event of any inconsistency or conflict between the provisions of any part of the Bylaw and any rule in the district plan, the latter shall prevail;
- (f) In the event of any inconsistency or conflict between the conditions of an approval and the conditions of a resource consent granted under RMA relating to the same activity, the latter prevails.

1.5 Approvals and dispensations

1.5.1 A person proposing to do anything or to cause any condition to exist for which a licence, permit, approval or dispensation (however described) is required under the Bylaw must first obtain an approval.

1.5.2 A person seeking an approval must make application on the prescribed form (if any), supply any supporting information that may be required and pay the application fee.

1.5.3 An approval may be granted for a single event, on a temporary basis, for a fixed term or until further notice and upon such terms and conditions as the Council thinks fit.

1.5.4 An application for an approval, or the payment of the application fee, does not confer any right, authority or immunity on the person making that application or payment. The Council shall be under no obligation to grant an approval.

1.5.5 If the Council believes that a condition of an approval has been breached or is being breached the Council may, without the need to give any preliminary or warning notice:

- (a) prosecute the person responsible for the breach for an offence under the Bylaw; and
- (b) suspend the approval for a specified period; or
- (c) cancel the approval.

1.5.6 A person whose application for an approval was declined, or who is unhappy with a decision made under clause 1.5.3 or clauses 1.5.5(b) or (c) may apply to the Council for a review of that decision.

1.6 Service of notices

1.6.1 Any notice or document required to be given under the Bylaw may be delivered to that person either personally or by sending it to the person's last known address, place or abode or business, and in the case of a company to its registered office, by messenger or by ordinary post.

1.6.2 If the person to whom the notice or document is to be given is:

- (a) deceased; or
- (b) absent from New Zealand,

the notice or document may be sent to that person's personal representative, executor, attorney or other authorised agent .

1.6.3 If the person to whom the notice or document is to be given is not known, or is absent from New Zealand and has no known agent in New Zealand, and the notice or document relates to any premises, the notice or document may be served occupier of those premises or, if there is no occupier, may be affixed to some conspicuous part of the premises.

1.6.4 Where a notice or document is sent by post it shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post.

1.7 Offences

1.7.1 Every person who acts contrary to any prohibition contained in the Bylaw, or to any condition of an approval, or any requirement or condition made by publicly notified resolution in accordance with the Bylaw, commits an offence against the Bylaw.

1.8 Fees and Charges

1.8.1 The Council may by publicly notified resolution set or vary any fee or charge in respect of any matter provided for in this Bylaw. Where a fee or charge relates to the use of or entry to a public place, payment of the fee or charge shall be a condition of use or entry.

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 the 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 The 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;

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

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

5.3.2 The limitations, restrictions or prohibitions imposed by the 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) fail to visibly display on the dashboard of a parked vehicle a parking receipt or mobility parking permit when required to do so;
- e) 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;
- f) park a vehicle in a parking space or metered parking space which is already occupied by another vehicle;
- g) park a vehicle so that any part of the vehicle, or the load carried upon the vehicle, intrudes over a footpath or vehicle crossing or obstructs access to a private road or a private way;
- h) 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
- i) 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;
- j) park a vehicle on a road or public place for a continuous period of more than 7 days;
- k) display a “for sale” sign on a vehicle parked on a road or public place;
- l) 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 the Council;
- m) park a motorcycle, power cycle or cycle by leaning it against a parking meter or parking ticket machine;
- n) park a cycle on the carriageway;

- o) insert or attempt to insert in a parking meter or parking ticket machine where payment is accepted by cash anything other than a coin or banknote which is legal tender in New Zealand.
- 5.4.2 Nothing in clauses 5.4.1(a), (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 the 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.
 - 5.4.4 Nothing in clause 5.4.1(f) applies to the parking of a motor cycle, or a motor cycle and sidecar, in a parking space occupied by another motor cycle or motor cycle and sidecar.
 - 5.4.5 In any case where more than 1 motor cycle, or motor cycle and sidecar, are parked in a time expired parking space the person in charge of each motor cycle or motorcycle and sidecar will be in breach of clause 5.4.1(c).

5.5 TRAFFIC MOVEMENT AND SAFETY

- 5.5.1 The 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 turn about 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 the 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 the 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 the Council and impounded. An impounded vehicle may be recovered upon payment of all reasonable towing, removal and storage charges and any unpaid fines relating to that vehicle. If the vehicle has not been recovered within 14 days of impounding the Council may proceed to sell or otherwise dispose of the vehicle in the same manner as if it was a vehicle removed by the 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 the 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.