



## **Parking Bylaw 2017**

As at 13/02/2018

1 **Title**

- (1) This bylaw is the Parking Bylaw 2017

2 **Commencement**

- (1) This bylaw comes into force on 1 March 2018.

3 **Application**

- (1) This bylaw applies to the Whanganui District.

4 **Purpose**

- (1) The purpose of this bylaw is to enhance and promote a safe and efficient road network.

5 **Interpretation**

- (1) In this bylaw, unless the context otherwise requires, -

**Act** means the Land Transport Act 1998.

**Approval** means a licence, permit or other form of written approval granted under this bylaw, and includes all conditions to which the approval is subject.

**Authorised Officer** means any person appointed by Council to act on its behalf and with its authority, and may include a police officer.

**Council** means the Whanganui District Council or any Authorised Officer.

**Class of vehicle** means groupings of vehicles defined by reference to any common feature and includes:

- i vehicles by type, description, weight, size or dimension;
- ii vehicles carrying specified classes of load by the mass, size or nature of such loads;
- iii vehicles carrying no fewer or less than a specified number of occupants;
- iv vehicles used for specified purposes;
- v vehicles driven by specified classes of persons;
- vi carpool and shared vehicle; and
- vii vehicles displaying a permit authorised by the Council.

**Emergency vehicle** means a vehicle used for attendance at emergencies and operated-

- (a) by an enforcement officer
- (b) by an ambulance service
- (c) as a fire service vehicle
- (d) as a civil defence emergency vehicle
- (e) as a defence force emergency vehicle

**Parking** has the meaning given by s 2(1) of the Land Transport Act 1998

- “(a) *in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:*
- (b) *in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road”*

**Parking machine** means an appliance, including its standard:

- (a) used to facilitate the payment of parking fees; or
- (b) designed for the purpose of automatically measuring and indicating the time within which a vehicles is or may be parked at a metered space

**Parking place** means a road or part of a road or any zone or other place, including a building, provided by the Council where vehicles, or any class of vehicles, may stop, stand or park, and includes all necessary approaches and means of entrance to and egress from any such place and all facilities associated with the use of the place as a parking place.

**Person** includes a corporation sole, a body corporate, and an unincorporated body.

**Road** has the meaning given by s2 of Land Transport Act 1998

*includes—*

- (a) *a street; and*
- (b) *a motorway; and*
- (c) *a beach; and*
- (d) *a place to which the public have access, whether as of right or not; and*
- (e) *all bridges, culverts, ferries, and fords forming part of a road or street or*
- (f) *motorway, or a place referred to in paragraph (d); and*
- (g) *all sites at which vehicles may be weighed for the purposes of this Act or any other enactment*

**Vehicle** has the meaning given by s 2(1) of the Land Transport Act 1998

*“vehicle—*

- (a) *means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*
- (b) *includes a hovercraft, a skateboard, in-line skates, and roller skates; but*
- (c) *does not include—*
  - (i) *a perambulator or pushchair:*
  - (ii) *a shopping or sporting trundler not propelled by mechanical power:*
  - (iii) *a wheelbarrow or hand-trolley:*
  - (iv) *[Repealed]*
  - (v) *a pedestrian-controlled lawnmower:*
  - (vi) *a pedestrian-controlled agricultural machine not propelled by mechanical power:*
  - (vii) *an article of furniture:*
  - (viii) *a wheelchair not propelled by mechanical power:*
  - (ix) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:*
  - (x) *any rail vehicle “*

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the Council at any time.

## 6 Resolutions

- (1) A resolution may be made under this bylaw-
  - (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particulate case; or
  - (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road or parking place; or
  - (c) that applies to all roads, any specified road or part of a road or parking place under the care, control, or management of the Council; or
  - (d) that applies to any specified time or period of time.
- (2) Prior to Council making a resolution under clause 6(1) Council must, at least 14 working days before its meeting to consider the proposal, publically notify the proposal.
- (3) If, within the 14 ~~working~~ day period, Council receives a written objection from any person adversely affected by the proposal then Council must consider that objection and may confirm, amend or revoke the proposal which is the subject of the objection.
- (4) Clause 6(2) does not apply to any proposal, which will consolidate resolutions previously made under this part or has the same effect as a resolution made under a bylaw revoked by this part.

## 7 Parking places

- (1) The Council may by resolution, in accordance with an adopted parking management plan, prescribe the use of parking places including:
  - (a) specifying the vehicles or classes of vehicles that may or may not use any parking place;
  - (b) prescribe the conditions under which any parking place may be used including the permitted duration and manner of use of the parking place;
  - (c) fix opening and closing times for off-street parking places;
  - (d) prescribe any charges to be paid for the use of parking places;
  - (e) prescribe the times when charges will be payable for the use of parking places;
  - (f) prescribe the manner in which parking charges must be paid for the use of the parking place and the manner of displaying proof of payment if necessary;
  - (g) vary any of the above as it sees fit.
- (2) The Council may by resolution permanently or temporarily:
  - (a) prohibit or restrict the stopping, standing, or parking of vehicles on any road;
  - (b) restrict the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description and restrict the period of time that such vehicles may park on any part of the road; or
  - (c) prohibit any specified class of vehicle (for example vehicles above a certain weight) from stopping, standing or parking on any specified road or part of a road (including any bridge, culvert, beach or other public place)
- (3) The Council may temporarily prohibit, restrict or control the stopping, standing, or parking of vehicles on any road, parking area or parking space by placement of a sign for the following purposes:
  - (a) traffic safety;
  - (b) construction and roading repairs;
  - (c) special events
- (4) Signage under clause 7(3) must clearly state the nature of the parking prohibition, restriction or control.

- (5) A person shall not use a parking place in contravention of a prohibition or restriction made by the Council under clause 7(1), 7(2) or 7(3).

**8 Disabled Parking**

- (1) The Council may by resolution reserve any specified parking place as a mobility parking place for the exclusive use of disabled persons.
- (2) A person must not stop, stand or park a vehicle in a parking place reserved for the exclusive use of disabled persons under clause 8(1) unless:
- (a) that vehicle displays a clearly legible and current approved disabled person's parking permit; and
  - (b) that vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.
- (3) A person must not park a vehicle which is displaying an approved disabled person's parking permit unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

**9 Residents' parking**

- (1) The Council may by resolution reserve any specified parking place as:
- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
  - (b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- (2) The Council may by resolution prescribe:
- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
  - (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- (3) Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity under clause 9(1) must pay the prescribed fee under clause 9(2) and display a current approved resident's parking permit so that it is clearly legible.
- (4) A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Council under clause 9(1) unless a current approved resident's parking permit is prominently displayed in the vehicle.
- (5) In considering a resolution under clause 9(1) the Council shall take into account the following:
- (a) an adopted parking management plan;
  - (b) need for resident parking or exemptions;
  - (c) likely impact on non-residents;
  - (d) any consultation undertaken on the matter;
  - (e) practicality and administration of the resident parking or exemptions; and
  - (f) any other information the Council considers relevant.

**10 Parking vehicles off a roadway**

- (1) Except with the approval of the council, a person must not stop, stand or park a motor vehicle in the following places:
- (a) either wholly or partly on a footpath;
  - (b) grass verge, where it causes or is likely to cause damage to the grass verge;
  - (c) garden; or
  - (d) any other place, that is not designed and constructed to accommodate a parked motor vehicle.

**11 Parking for display or sale**

- (1) A person must not stop, stand or park a vehicle on any road or parking place for the purpose of offering the vehicle for sale unless the vehicle is being used for day to day travel.

**12 Repairs on vehicles**

- (1) A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

**13 Broken down vehicles**

- (1) No person shall leave on a road for a period exceeding seven days, any vehicle:
- (a) Which has no effective motive power in or attached to it; or
  - (b) Which is in such a state that it cannot be driven safely or is so disabled or damaged that it cannot be driven.

**14 Removal of vehicles and items**

- (1) In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any parking place, transport station or road any vehicle or item using those places stations or roads in breach of the bylaw.
- (2) Council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the vehicle or item.

**15 Interference with parking machines**

- (1) A person shall not:
- (a) misuse or wilfully damage any parking machine or barrier arm;
  - (b) interfere or tamper with the working operation of any parking machine or barrier arm;
  - (c) unless authorised by the Council, affix any placard, advertisement, notice, list, document, board or thing on any parking machine or barrier arm;
  - (d) unless authorised by the Council, paint or write on any parking machine or barrier arm;
  - (e) place, park or leave a motorcycle or cycle on or against a parking machine or barrier arm or its supporting post;
  - (f) operate any parking machine except in accordance with the instructions printed on the parking machine, or on any nearby notice or sign, or;
  - (g) deposit in any parking machine which accepts payment by cash anything other than payment in New Zealand currency.

**16 Non-compliance with this bylaw**

- (1) The Council may use its powers under the Act to enforce this bylaw.

- (2) A person who fails to comply with any control, restriction, limitation or prohibitions made pursuant to this bylaw commits an offence under the Act and is liable to the penalties set out in that Act.
- (3) In addition to the powers conferred on it by any other enactment the Council may remove or cause to be removed from any road, or parking place any vehicle or thing using the road or parking place in breach of this bylaw.

**17 Exceptions**

- (1) A person is not in breach of this bylaw if that person proves that:
  - (a) the act or omission complained of took place in response to a situation on a road;
  - (b) the situation was not of the person's own making;
  - (c) the act or omission was taken:
    - (i) to avoid the death or injury of a person; or
    - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 17(1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this bylaw.
- (3) Any restrictions made under clauses 7, 8, 9, 10 or 15 of this bylaw do not apply to:
  - (a) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
  - (b) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation
- (4) A person is not in breach of this bylaw if that person proves that the act or omission:
  - (a) took place in compliance with the directions of an enforcement officer; or
  - (b) in the case of an act or omission done by an enforcement officer, was necessary in the execution of the person's duty.

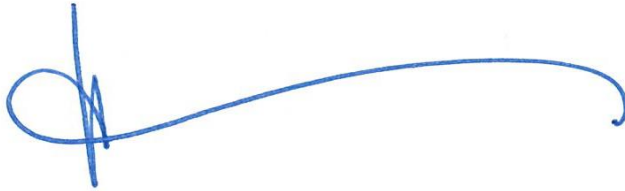
**18 Savings**

- (1) Any stopping, standing or parking rules or controls in force at the commencement of this bylaw remains in force until revoked or replaced by an equivalent resolution, approval or decision made by the Council under this bylaw.

The Common Seal of Whanganui District Council was hereunto affixed this 13 day of February 2018 in the presence of:



.....  
**Mayor**



.....  
**Chief Executive**

