



## Wairarapa Consolidated Bylaw 2019

### Part Ten Traffic

## Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

## Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Ten: Traffic	26 June 2019

# Wairarapa Consolidated Bylaw 2019

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## Part 10 – Traffic

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## Referenced Documents

Reference is made in this document to the following:

### **New Zealand Legislation**

- Land Transport Act 1998
- Land Transport (Offences and Penalties) Regulations 1999
- Land Transport Rule: Traffic Control Devices 2004
- Local Government Act 2002

### **Related Documents**

- Heavy Motor Vehicle Regulations 1974
- Reserves Act 1977

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## Foreword

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This Part of the bylaw is made under section 22AB of the Land Transport Act 1998, and section 145 the Local Government Act 2002 (LGA).

Reference should be made to the Wairarapa Consolidated Bylaw 2019 Part 1: Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

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## 1. Scope

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- 1.1. This Part of the bylaw sets the requirements for parking and control of vehicular or other traffic on any road in the Masterton, Carterton and South Wairarapa districts, including state highways located within the urban boundaries that are otherwise controlled by the New Zealand Transport Agency (NZTA).
- 1.2. Under this Part of the bylaw, Council may:
- 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 the Council and not being a road or part of a road, including any parking place or transport station;
  - b) set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, as:
    - (i) stopping places or stands for a specified class, classes or types of vehicles, including:
      - bus stops;
      - small passenger service vehicle stands;
      - loading zones; and
      - pie cart stands
    - (ii) mobility parking spaces;
    - (iii) restricted parking areas parking places and zone parking;
    - (iv) transport stations;
    - (v) clearways;
    - (vi) cycle lanes and cycle paths;
    - (vii) reserved parking areas;
    - (viii) metered areas;
    - (ix) special vehicle lanes;
    - (x) electric charges stations; or
    - (xi) one-way roads.
  - c) Prohibit or restrict:
    - (i) U-turns;
    - (ii) left turns, right turns, or through movements;

- (iii) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
  - (iv) 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;
  - (v) use of roads by pedestrians; or
  - (vi) use of roads by cyclists.
- d) Permit turning movements to be made only by:
- (i) passenger service vehicles;
  - (ii) vehicles of other specified classes; or
  - (iii) vehicles carrying specified classes of loads or not less than a specified number of occupants.

1.3. Any matter regulated under clause 1.2 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.

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## 2. Definitions

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**Parking Meter:** A device used to measure and indicate the period of time paid for and which remains to be used, in relation to the time for which a vehicle may be parked in a metered parking space. Includes pay and display parking meters.

**Special Vehicle Lane:** A lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

**Transport Station:** A place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as the council considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

**Zone Parking:** In relation to a road, means a parking restriction imposed by the road controlling authority:

- that applies to an area comprising a number of roads;
- in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
  - the nature of the area;
  - the nature of the parking restriction;
  - traffic patterns into and within the area; or
  - the nature and number of entry points to the area; and
  - that the controlling authority specifically declares to be a zone parking control.

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### **3. Stopping, Standing and Parking**

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- 3.1. No person shall stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve or any other public place, in contravention of a restriction imposed by the Council in schedules to this Part of the bylaw and that is evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this clause, and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 3.2. No person shall, without the prior written permission of the Council, park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station. This restriction includes vehicles displayed for sale in association with adjacent trade premises and mobile billboards.
- 3.3. No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 72 hours.
- 3.4. No person shall park any vehicle in a parking space which is already occupied by another vehicle. However up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time, (and such motorcycles shall park at right angles to the kerb in the metered space).
- 3.5. No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 3.6. No person shall stop, stand or park a vehicle or vehicle combination on a lawn or other cultivation adjacent to, or forming part of a road in urban areas where a formed kerb and channelling is installed, except with the permission of the Council and in accordance with any conditions that may be required.

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### **4. Metered Areas, Parking Meter Zones, and Zone Parking**

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- 4.1. Metered parking spaces shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004. Pay and display zones and areas of zone parking shall be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 4.2. Parking meters shall be located within the metered area and areas of zone parking that they are to control.
- 4.3. Where a receipt is issued by a pay and display parking meter, the receipt shall be displayed on the motor vehicle parked in the parking area so as to be legible through the front window where fitted, or visible on the motor vehicle where no front window is fitted.

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## **5. Parking Fee to be Paid**

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- 5.1. No driver or person in charge of a vehicle shall park in a metered parking space or area of zone parking without having paid the appropriate fee and, where required, correctly activated the parking meter controlling the space, or in compliance with any instructions on any parking meter or signs controlling the space.
- 5.2. A person paying at a parking meter shall use only New Zealand currency.
- 5.3. Council may from time to time by resolution, publicly notified, prescribe fees payable for the parking of vehicles within a metered space.
- 5.4. Parking fees must be paid when parking in accordance with schedules to this Part of the bylaw.
- 5.5. The driver or person in charge of a vehicle may occupy the metered parking space, provided that the appropriate fee has been paid and the maximum period for parking in that metered area is not exceeded.
- 5.6. Where more than one motorcycle occupies a metered parking space it shall not be necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Part of the bylaw.

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## **6. Discontinued Parking Space**

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- 6.1. Where the Council is of the opinion that any metered parking space should be temporarily discontinued as a parking space, the Council may place or erect (or authorise the placing or erecting of) a sign, or notice showing, 'No Stopping' or a meter hood showing reserved parking at the affected metered parking space or spaces.
- 6.2. It shall be unlawful for any person to park a vehicle in a metered parking space when a sign, notice or meter hood indicates that it is a reserved parking space, except with the permission of the Council.

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## **7. Interference with Parking Meters or Pay and Display Parking Meters**

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- 7.1. No person may misuse any parking meter, or interfere, tamper, or attempt to tamper with the working or operation of any parking meter or, without Council authority, affix or attempt to affix anything, or paint, write upon or disfigure any parking meter.

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## **8. Unlawful Parking**

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- 8.1. A person shall not park any vehicle or vehicle combination in a parking space except as permitted by the provisions of this Part of the bylaw.
- 8.2. No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space. If the parking spaces occupied by the vehicle or vehicle combination are metered parking spaces the driver shall be liable to pay a parking fee for each space so occupied.



- 8.3. No person shall, if a parking meter is not in operation, park in an area governed by that parking meter for a period greater than the maximum indicated on that meter.

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## **9. Operation of Parking Meters of Pay and Display Parking Meters**

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- 9.1. No person shall operate or attempt to operate any parking meter by any means other than as prescribed by this Part of the bylaw.

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## **10. Hours Applicable to Parking Meters of Pay and Display Parking Meters**

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- 10.1. The hours during which payment of the fee for parking meters is required shall be as prescribed by the Council in accordance with the LGA and shall be indicated by signs or notices affixed to parking meters.

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## **11. Mobility Parking Permit**

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- 11.1. Where the Council has reserved parking spaces as mobility parking spaces in Schedule G, the mobility parking permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

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## **12. One Way Roads**

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- 12.1. A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a 'one-way road' in Schedule A of this Part of the bylaw, in the direction specified.

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## **13. Turning Restrictions**

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- 13.1. Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction listed in Schedule B of this Part of the bylaw.

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## **14. Heavy Traffic Prohibitions**

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- 14.1. No person shall drive, or permit to be driven, or park, any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in Schedule C of this Part of the bylaw.
- 14.2. Clause 14.1 shall not apply in respect of:
- a) any fire appliance or any ambulance whilst carrying out their legitimate business;
  - b) any vehicle engaged in the maintenance of roads or of utilities or services which are erected on, under or over any roads in the prohibited area; or

- c) any vehicle which, for any reason, has been authorised in writing by the Council to use the roads, or any of the roads in prohibited area.

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## **15. Special Vehicle Lanes**

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- 15.1. Where Council prescribes a road, or part of a road, as a special vehicle lane, the resolution must specify the type of special vehicle lane and the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- 15.2. No person shall use a special vehicle lane listed in Schedule D of this Part of the bylaw, contrary to any restriction made by Council under this clause.

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## **16. Turning Movements Permitted by Specified Classes of Vehicles**

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- 16.1. Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule E of this Part of the bylaw, permit turning movements by specified classes of vehicles.

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## **17. Offences and Penalties**

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- 17.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 22AB of the Land Transport Act 1998, schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999, or section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (Section 15) for details of what broadly constitutes a breach of this Part.
- 17.2. To avoid any doubt, a person breaches this bylaw and commits an offence, who:
  - a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Part of the bylaw; or
  - b) fails to comply with any condition, duty, or obligation, imposed by this Part of the bylaw.
- 17.3. A person may not be subject to proceedings under clause 17.1 of this Part of the bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

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## **18. Defences**

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- 18.1. It is a defence to this Part of the bylaw if the person proves that the act or omission:
  - a) took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
  - b) was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

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## **19. Exempted Vehicles**

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- 19.1. This Part of the bylaw shall not apply to emergency vehicles being used in an emergency.
- 19.2. Sections 4, 5, 6, 9 and 15 of this Part of the bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

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## **20. Power to Amend by Resolution**

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- 20.1. The Council may by resolution publicly notified:
- a) add schedules;
  - b) make additions or deletions from the schedules; or
  - c) substitute new schedules.
- 20.2. Where Council intends to make a resolution under clause 20.1, consultation will be undertaken as required, in accordance with section 156 of the LGA.
- 20.3. After making a resolution under clause 20.1, the Council shall:
- a) record the matter in its traffic control schedules and publish the updated version; and
  - b) mark the roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.

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## **21. Traffic Control Schedules**

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- 21.1. The Masterton, Carterton and South Wairarapa District Councils will maintain schedules of the traffic control measures in their respective districts.