



**Tasman District Council**

# **Traffic Control Bylaw 2016**

**Made by Resolution in Council**

**on**

**22 September 2016**

# Table of Contents

	Page No.
1 Introduction.....	2
2 Title .....	2
3 Commencement .....	2
4 Revocation .....	2
5 Purpose and application .....	2
6 Interpretation .....	2
7 Regulations, controls, restrictions and prohibitions .....	4
8 Offering vehicles for sale on road .....	6
9 Motor vehicles must be licensed.....	6
10 Abandoned vehicles .....	7
11 Machinery or equipment on roads .....	7
12 Repairs to vehicles on roads .....	7
13 Advertising on roads.....	7
14 Supply of goods and services at intersections .....	7
15 Parking charges .....	7
16 Offences and penalties.....	8
17 Exceptions.....	8
Council resolution.....	10

## 1 Introduction

- (1) Tasman District Council makes this bylaw in accordance with the Land Transport Act 1998.

## 2 Title

- (1) The title of this bylaw is the Tasman District Council Traffic Control Bylaw 2016.

## 3 Commencement

- (1) This bylaw comes into force on 1 November 2016.

## 4 Revocation

- (1) The Tasman District Council Consolidated Bylaw Chapter 7 Traffic Control Bylaw 2013 (**2013 Bylaw**) is revoked on the coming into force of this bylaw.
- (2) The revocation of the 2013 Bylaw does not affect liability for an offence or for a breach of the 2013 Bylaw committed before the revocation of the 2013 Bylaw. The 2013 Bylaw continues to have effect as if it had not been revoked for the purpose of:
  - (a) commencing or completing proceedings for the offence or breach; and
  - (b) imposing a penalty for the offence or breach.

## 5 Purpose and application

- (1) The purpose of this bylaw is to set controls, restrictions and prohibitions for users of roads, including public places, under the care, control or management of Tasman District Council.

## 6 Interpretation

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

**Approval or Approved** means approval of approved in writing by the Council or an authorised officer.

**Bus** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Bylaw** means this Traffic Bylaw.

**Class of Vehicle** means groupings of vehicles defined by reference to any common feature and includes, but is not limited to:

- (a) Vehicles by type, description, weight, size, or dimension;
- (b) Vehicles carrying specified classes of load by the mass, size, or nature of such loads;

- (c) Vehicles carrying no fewer or less than a specified number of occupants;
- (d) Vehicles used for specified purposes;
- (e) Vehicles driven by specified classes of persons; and
- (f) Vehicles displaying a permit authorised by the Council.

**Cruising** has the same meaning as in the Land Transport Act 1998.

**Council** means Tasman District Council.

**Current licence** in relation to a motor vehicle, means a licence that is issued for the motor vehicle under Part 17 of the Land Transport Act 1998 and is in force.

**Cycle Path** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**District** means the district within the jurisdiction of the Tasman District Council.

**Disabled person** has the same meaning as in section 2 of the Disabled Persons Community Welfare Act 1975.

**Driver** in relation to a vehicle, includes the rider of the motor cycle or moped or bicycle; and drive has a corresponding meaning.

**Emergency Vehicle** means a vehicle operated:

- (a) By an enforcement officer (as defined in the Land Transport Act 1998);
- (b) By any member of the New Zealand Police, New Zealand Fire Service or an ambulance service;
- (c) As a civil defence emergency vehicle; or
- (d) As a defence force emergency vehicle.

**Evidence of vehicle inspection** has the same meaning as in the Land Transport Act 1998.

**Footpath** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Heavy Motor Vehicle** has the same meaning as in the Land Transport Act 1998.

**Intersection** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Keeper** in relation to a mobile or travelling shop, has the same meaning as in the Land Transport Act 1998.

**Loading Zone** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Mobile or travelling shop** has the same meaning as in the Land Transport Act 1998.

**Motor Vehicle** has the same meaning as in the Land Transport Act 1998.

**Parking Place** means a place (including a building) where vehicles, or any class of vehicle, 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 that place as a parking place.

**Public Place** means a place to which the public have access, whether as of right or not.

**Road** shall have the same meaning as in the Land Transport Act 1998, but does not include any State Highways within the District unless the control of a particular State Highway has been delegated to the Council by the New Zealand Transport Authority. The definition of 'Road' in the Introductory Bylaw 2013 shall not apply to this bylaw.

**Roadway** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Road user** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Shared Path** has the same meaning as in the Land Transport Rule: Traffic Control Devices 2004.

**Taxi** has the same meaning as in the Land Transport Act 1998.

**Use** in relation to a vehicle, has the same meaning as in the Land Transport (Road User) Rule 2004.

**Vehicle** has the same meaning as in the Land Transport Act 1998.

In this bylaw:

- (a) any undefined words, phrases or expressions in this bylaw shall have the same meaning as in the Land Transport Act 1998 unless the context requires a different meaning;
- (b) the Interpretation Act 1999 applies to this bylaw; and
- (c) a reference in this bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution therefor.

## **7 Regulations, controls, restrictions and prohibitions**

- (1) The Council may from time to time by resolution regulate, control, restrict or prohibit the following matters or things:
  - (a) prohibit or restrict, absolutely or conditionally, any specified class of traffic, (whether heavy traffic or not) or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
  - (b) prohibit or restrict engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour;
  - (c) prohibit or restrict the use of vehicles on beaches;

- (d) restrict the use of motor vehicles on unformed legal roads for the purpose of protecting the environment, the road and adjoining land, and the safety of road users;
- (e) prescribe the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track;
- (f) prohibit or restrict the stopping, standing or parking of vehicles on any road;
- (g) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description, which includes prescribing parking areas reserved for disabled persons;
- (h) limit the period of time that vehicles may park on any part of the road where parking is limited to such vehicles;
- (i) prohibit or restrict the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified hours or for a period that exceeds a specified period;
- (j) prescribe the use of parking places, which includes (but is not limited to):
  - (i) specifying the vehicles or classes of vehicle that may be entitled to use any parking place;
  - (ii) reserving any specified parking place for use, either generally or at specified times, only by disabled persons;
  - (iii) prescribing the conditions under which any parking place may be used; and
  - (iv) prescribing the charges to be paid to the Council in connection with the use of any parking place, as measured by parking meters, or by use of pay and display machines or machine issued tickets;
- (k) prohibit or restrict parking on specified roads or parts of roads in residential areas by specified classes of vehicles, either generally or at specified times, where in the Council's opinion the parking is likely to cause a nuisance or a danger;
- (l) provide that vehicles on roads must travel in one specified direction only;
- (m) prohibit vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction;
- (n) prohibit vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left;
- (o) prescribe that on any road any traffic lane may be used or any turning movement may be made only by buses, taxis or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants;
- (p) prohibit or restrict any specified class of vehicle from being driven or used on specified roads or parts of roads;
- (q) prescribe that part of a road is a shared path or a cycle path;

- (r) prescribe that on any road vehicles may be parked only at an angle to the direction of the roadway;
  - (s) reserve part of a roadway as a loading zone;
  - (t) prohibit or permit the occupation of stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops in specified roads, parts of roads, or in any public place adjoining specified roads if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic; and the Council may by resolution prescribe charges in respect of any permits of the type described in this clause; and
  - (u) control, restrict or prohibit cruising, including (but not limited to):
    - (i) specifying the section of road or roads on which cruising is controlled, restricted or prohibited; and
    - (ii) prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.
- (2) A regulation, control, restriction or prohibition made by resolution under clauses 7(1), 8(1) or 13(2) of this bylaw may apply:
- (a) to all roads, any specified road, or any part of a specified road under the care, control or management of the Council;
  - (b) to all vehicles or traffic or to any specified class or classes of vehicles or traffic using a road under the care, control and management of the Council;
  - (c) at any specified time or times.
- (3) The Council may by resolution revoke or amend the regulations, controls, restrictions and prohibitions made by the Council by resolution under clauses 7(1), 8(1) or 13(2) of this bylaw.
- (4) No person shall drive, stand, stop or park a vehicle on a road in contravention of a regulation, control, restriction or prohibition made by the Council by resolution pursuant to clauses 7(1), 8(1) or 13(2) of this bylaw.
- (5) No driver or person in charge of a vehicle shall stop, stand or park the vehicle in a parking space that is already occupied by another vehicle.

## **8 Offering vehicles for sale on road**

- (1) The Council may from time to time by resolution prohibit or restrict the stopping, standing or parking of any vehicle on any road for the purpose of offering that vehicle for sale.

## **9 Motor vehicles must be licensed**

- (1) No person shall stop, stand or park a motor vehicle on a road if that motor vehicle does not display a current evidence of vehicle inspection and a current licence.

## **10 Abandoned vehicles**

- (1) No person shall park a vehicle on a road for a period exceeding 7 days if that vehicle is without motive power or is in such a state that it cannot be safely driven.

## **11 Machinery or equipment on roads**

- (1) No person shall leave any machinery (other than a motor vehicle), equipment, materials or freight containers on any road unless that person has the prior written permission of the Council.
- (2) Clause 11 (1) above does not apply to containers that are used solely for the purpose of kerbside rubbish collection of waste or diverted material authorised by the Council and placed off the roadway, provided such containers are not left on any road for a period not exceeding 24 hours.

## **12 Repairs to vehicles on roads**

- (1) No person shall 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 Advertising on roads**

- (1) No person shall place an advertising sign, notice, or marker on a road which presents a safety hazard for road users.
- (2) The Council may from time to time by resolution prohibit or restrict the stopping, standing or parking of any vehicle on any road for the purpose of advertising goods or services.

## **14 Supply of goods and services at intersections**

- (1) No person shall at an intersection or on any road within 100 metres of an intersection supply or offer to supply, for payment or donation, goods or services of any kind without the prior approval of the Council.

## **15 Parking charges**

- (1) Where the Council has prescribed a charge to be paid to the Council in connection with the use of a parking place a driver or person in charge of a vehicle must not stop, stand or park the vehicle in the parking place without paying the required charge in the prescribed manner and, where required, displaying the parking receipt issued by a pay and display machine so as to be easily visible through the front window of the vehicle where fitted, or easily visible on the vehicle where no front window is fitted.



- (2) The Council may, for any reasons as it thinks fit, refund, remit or waive any fee or charge prescribed by this Bylaw.

## **16 Offences and penalties**

- (1) Every person who fails to comply with this bylaw, or any regulation, control, restriction or prohibition made pursuant to this bylaw, commits an offence under the Land Transport Act 1998 and is liable to the penalties set out in the Land Transport Act 1998.
- (2) 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 or any regulation, control, restriction, or prohibition made pursuant to this bylaw . The Council may recover the costs of removal from the person who committed the breach of this bylaw, or any regulation, control, restriction, or prohibition made pursuant to this bylaw.
- (3) The penalties for a parking offence in a parking place are the same as for a parking offence on a road.

## **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; and
  - (b) the situation was not of the person's own making; and
  - (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 a 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 Land Transport Act 1998, whether or not a person had complied with this bylaw.
- (3) A person is not in breach of this bylaw, in relation to a vehicle, if that person proves that the vehicle was, at the time of the act or omission complained of:
  - (a) actually engaged in unplanned and urgent repair work to a public utility service; or
  - (b) actually engaged in construction, maintenance or repair work to a public utility service in accordance with a Traffic Management Plan approved by the Council; or
  - (c) being used as an Emergency Vehicle attending an emergency situation; or
  - (d) 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 complained of:
- (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
  - (b) in the case of an act or omission by an enforcement officer or a parking warden, was necessary in the execution of that person's duty.

## Council resolution

This bylaw was made by the Tasman District Council at a meeting of the Council on 22 September 2016.

The common seal of the Tasman District Council is attached in the presence of:

  
\_\_\_\_\_ ♦ Mayor

  
\_\_\_\_\_ Chief Executive

