

**FAR NORTH DISTRICT COUNCIL  
BYLAWS**

**PARKING AND TRAFFIC CONTROL**

**To come into force:  
For the purpose of:**

**1 July 2010**

**The purpose of this Bylaw is to regulate the various uses which are made of the roading corridor to promote the safe and efficient use of that corridor**

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## 2001 INTRODUCTION

2001.1 **FAR NORTH DISTRICT COUNCIL**, in exercise of its powers under the Local Government Act 1974, the Local Government Act 2002 and the Transport Act 1962, and all other Acts authorising it **HEREBY MAKES THE FOLLOWING BYLAW: -**

- 2001.2 (1) This Bylaw shall come into force on \_\_\_\_\_  
(2) This Bylaw applies to all roads, including state highways, within the Far North District.

## 2002 INTERPRETATION

**“AUTHORISED OFFICER”** means: an employee or a contractor of Far North District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, and includes any Police Officer, and any Enforcement Officer.

**“BUILDING OPERATIONS”** include but are not limited to: the erecting of scaffolding, or gantries or hoardings, or barricades, or when depositing building materials or carrying out excavation work, the use of any crane, stationary engine, concrete mixer, air-compressor, crane, hoist, or other machinery.

**“CAMPING”** means to use any vehicle, tent or other similar structure, for the purposes of temporary personal accommodation, whether or not self-contained, and whether or not it involves the use of the vehicle, tent or other structure for sleeping overnight. Provided however it shall not include temporary or short term parking of a vehicle customarily used for camping, or resting or sleeping in a caravan or motor vehicle to avoid driver fatigue.

**“COMPLYING CAMPING VEHICLE”** means: any vehicle which is used for the purpose of camping and includes caravans, motor homes, house buses, house trucks and any other thing meeting the provisions of NZS 5465:2001 (Self containment for motor caravans and caravans).

**“COUNCIL”** means: the Far North District Council and includes any person authorised by the Council to act on its behalf.

**“ENFORCEMENT OFFICER”** means a person appointed by the Council pursuant to section 177 of the Local Government Act 2002.

**“FOOTPATH”** means: a path or way principally designed for, and used by, pedestrians; and includes any footbridge.

**“BERM”** means any land lying between the formed carriageway of the road and the adjacent road boundary, but excluding any land taken up by a formed footpath.

**“LANE”** means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separated from other parts of the roadway by a longitudinal line or lines of paint or raised studs; and includes:—

- (i) a cycle lane; and
- (ii) a lane for the use of vehicular traffic that is at least 2.5 m wide; and
- (iii) a lane of a two-way road divided by a centre line

**“MARKINGS”** means markings applied as a Traffic Control device in terms of the Land Transport Rule Traffic Control Devices 2004.

**“MOBILITY CONCESSION CARD”** means: a card issued by the New Zealand CCS Inc. intended to be displayed in vehicles operated by disabled persons for which certain parking concessions are available.

**“MOTOR VEHICLE”** shall have the meaning given to it in section 2(1) of the Land Transport Act 1998.

**“OWNER”** [in relation to a motor vehicle] means the person lawfully entitled to possession thereof, except where:

- (a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence - in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings.

**“PARKING AND PARK”** mean:

- (a) In relation to any portion of a road, the stopping or standing of a vehicle for any period exceeding five (5) minutes;
- (b) In relation to any other portion of any land or building, the stopping or standing of a vehicle upon that portion of land or building;

- (c) In relation to a parking space within a time limited area, a vehicle first parked then manoeuvred within and parked again in that space shall be deemed to have continuously parked in that location until it has been entirely removed there from.

**“PARKING SPACE” OR “SPACE”** means a space or an area of land indicated by and lying within markings made by the Council and set aside for the parking of a vehicle.

**“PERSON”** includes a corporation sole and also a body of persons, whether corporate or unincorporated.

**“POLICE OFFICER”** includes any member of the Police appointed under the Police Act 1958.

**“PUBLIC PLACE”** includes every road, street, public highway, footpath, footway, court, alley, lane, access way, and thoroughfare of a public nature or open to or used by the public as of right; and every place of public resort or place to which the public have access, so open or used.

**“PUBLIC WORK”** means any work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and encompasses every use of land for any work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under the Public Works Act 1991 or any other Act; and includes anything required directly or indirectly for any such Government work or local work or use.

**“ROAD”** shall have the meaning as in section 2 (1) of the Land Transport Act 1998.

**“TRAFFIC SIGN”** means a traffic control device prescribed by Part 2 of Land Transport Rule: Traffic Control Devices 2004.

**“VEHICLE”** shall have the meaning given to it by section 2(1) of the Land Transport Act 1998.

## **2003 GENERAL PROVISIONS AS TO PARKING**

- 2003.1 The Council by resolution publicly notified, may from time to time and by the placing and maintenance of the appropriate traffic

signs or markings:

1. Limit, restrict or prohibit the parking of any vehicle, including any trailer, on any road, or any part of any road, or any public place or part of any public place.
2. Declare any public place to be a parking space and where any such public place has been declared a parking space, provide for the following:
  - (a) Specify the particular class or classes of vehicles which shall be permitted to park in such place
  - (b) State the days and hours within which parking shall be permitted in such place.
  - (c) State the conditions of parking in such place.
  - (d) Fix which part or parts shall be available for public use and which part or parts may be available for parking by specified persons or vehicles including but not limited to the holder of a mobility concession card, parents with perambulator, medical practitioners or a senior citizen.
  - (e) Fix the prescribed fees and / or rentals for any parking.
3. Declare the conditions under which any part of a road or public place may be used for other activities or occupation.
4. On an application from any person employed or residing in the vicinity of a parking space, grant a permit to that person entitling that person the sole right to park a vehicle in that parking space during such period and on such conditions as the Council may determine.

- 2003.2 A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a road or public place contrary to the terms of a notice, traffic sign, or marking that—
- (a) indicates that stopping, standing, or parking vehicles is prohibited, limited, or restricted; and
  - (b) is on or adjacent to the road or public place.

## **2004 ADVERTISING VEHICLES FOR SALE**

- 2004.1 No person, other than a private resident selling their vehicle immediately outside their residential address, shall use any road or public place for the parking of any vehicle for sale, exhibition, demonstration, advertisement, signage or storage of that vehicle, or otherwise in connection with any trade or business of such person.

2004.2 The Council may by resolution publicly notified specify, and identify in Schedule 1 hereto, places where the keeping, placing or parking of any vehicle for sale shall be permitted.

2004.3 Any persons selling a vehicle outside their residential address or within a specified place shall at all times, comply with the minimum conditions for advertising a vehicle for sale as specified in the said Schedule 1

## **2005 CAMPING ON ROADS**

2005.1 Revoked 14 September 2017

2005.2 Revoked 14 September 2017

## **2006 OTHER RESTRICTIONS**

2006.1 The Council may from time to time by resolution designate, and identify in schedule 3 hereto:

- a) roads on which vehicle shall travel in one direction only,
- b) roads on which other than vehicles of a class specified in the resolution shall be prohibited from turning to the right or to the left:, or performing a 180 degree turn.
- c) roads or specified lanes on any road on which specified vehicles or types of vehicles are prohibited.

2006.2 A driver or person in charge of a vehicle must not operate such vehicle contrary to any notice, traffic sign, or marking which:

- 1. Directs that vehicles shall travel only in a specified direction on the road.
- 2. Directs that specified vehicles are prohibited from using any road or lane or any public place
- 3. Directs that no vehicle shall execute a right turn, or a left turn or a 180 degree turn.

2006.3 **SKIPS ON ROADS, OR PUBLIC PLACES.** - No person shall place any waste bin (skip), shipping container or other such receptacle on any road, footpath, berm or other public place without the consent of the Council, and in accordance with the provisions of Schedule 4 hereto.

2006.4. **WORKING ON VEHICLES** - No person shall carry out any repairs to any vehicle while such is parked on any road or public place unless those repairs are of a minor and urgent nature.

2006.5 **BUILDING OPERATIONS** - No person shall carry out any building operations on any road, footpath, berm or any public place without the consent of Council and in accordance with the provisions of schedule 4 hereto

## **2007 EXEMPTIONS AND DISPENSATIONS**

2007.1 The provisions of this Bylaw shall not apply to:

- (a) Any vehicle parked, stopped or diverted by or at the direction of any Police Officer, traffic sign or Authorised Officer;
- (b) Any vehicle being used as an ambulance and at the time being engaged on urgent ambulance business;
- (c) Any fire-fighting or other rescue vehicle or appliance whilst being used in an emergency;
- (d) Any vehicle engaged in a public work at that place, where:
  - i. No other practicable alternative is available, and;
  - ii. The vehicle is being used with due consideration to other road users, and;
  - iii. The act is reasonably necessary for the purposes of the public work.
- (e) Any vehicle engaged in the collection of or delivery of money or other valuable items to any bank.

2007.2 **POWER TO GRANT DISPENSATIONS** - Any person may apply to Council for a dispensation from compliance with any clause of this Bylaw. Such application shall be in writing and shall state the reasons for requiring a dispensation. The Council may grant dispensation where it is of the opinion that full compliance with the bylaw would;

- a) create serious hardship for that person and/or the operation of that persons business, or
- b) cause that person needless loss or inconvenience without any corresponding gain or benefit to the community.

## **2008 OFFENCES AND GENERAL PROVISIONS**

2008.1 Any person who fails to comply with or does any act or knowingly permits any condition of things to exist contrary to any

of the provisions of this Bylaw, shall commit an offence and be liable on conviction to a fine not exceeding \$500.00 and where the breach is a continuing one, to a further fine not exceeding Fifty Dollars (\$50) for every day on which the breach has continued.

Provided that any person who commits an offence in respect of a parking prohibition or restriction shall be guilty of an infringement offence and liable to a fine as set out in the Land Transport (Offences and Penalties) Regulations 1999.

2008.2 Without limiting any other clause herein in any way, or excluding offences specified elsewhere in this Bylaw, it shall be an offence against this Bylaw for any person to:

1. Park any vehicle, on any road or in any public place which by reason of its condition or contents causes an offensive odour in any public place.
2. Stop or park, or permit the stopping or parking of any vehicle on any footpath or berm.
3. Be in charge of any vehicle and fail to display a parking permit or receipt as required by any notice or sign erected pursuant to this bylaw, or to remain in any parking place for any period in excess of that for which a parking permit or receipt was issued.
4. Park any vehicle in any parking place during the time it is reserved by the Council for some other vehicle, or for some other purpose, or is not permitted to be used at that time by any vehicle.
5. Leave a vehicle in a parking area except entirely within any lines defining such parking space.
6. Park in a parking space any vehicle that is not of the class or classes permitted to use that parking place.
7. Wilfully or negligently obstruct any parking place.

2008.3 **REMOVAL OF VEHICLES AND ITEMS IN BREACH OF BYLAW** - Where any item or any vehicle is parked on any public place or any road, berm or, footpath in contravention of this bylaw the Council may give notice to the owner to immediately remove such item or vehicle to any other place. Where the owner fails to comply with the notice given under this clause, the Council may take such action as it considers appropriate to remove such items at the owners cost, which may include;

1. A towage fee for the removal of the item or vehicle. and
2. Reasonable storage charges on a daily basis until the item or vehicle is uplifted.

as specified in any Regulations or Notices made pursuant to the Land Transport Act 1998

- 2008.4 **POWER TO AMEND SCHEDULES** - Council may from time to time by resolution substitute, or make additions, or alterations to any Schedule of this Bylaw.

## **2009 FEES AND CHARGES**

- 2009.1 The Council may from time to time, using the special consultative procedure, set or amend any fees or charges payable in respect of any permit, licence, consent or service given or any other matter undertaken by the Council in connection with this Bylaw.

- 2009.2 The Council may require either full or a part payment of any fee or charge payable in respect of this bylaw before issuing any licence, approval or consent or performing any other action to which the fee or charge relates.

## **2010 REVOCATIONS**

- 2010.1 On the coming into effect of this bylaw of the Far North District Council's Bylaws 1990: Parking and Traffic Control shall hereby be revoked.

- 2010.2 All applications approvals, permits, and other acts of authority which and all documents, matters, acts, and things which originated under the revoked bylaw and are continuing at the commencement of this Bylaw, shall purpose continue as if they had originated under this Bylaw and shall where necessary be deemed to have so originated.

- 2010.3 The revocation of the Bylaw specified in sub-clause (1) above shall not prevent any legal proceedings, criminal or civil, commenced to enforce those Bylaws from continuing to be dealt with and completed as if the Bylaw had not been revoked.

