

Traffic Safety and Road Use Bylaw 2015

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Traffic Safety and Road Use Bylaw 2015

1 Preliminary Provisions

- 1.1 This Bylaw is the **Traffic Safety and Road Use Bylaw 2015**.
- 1.2 This Bylaw is made under the Land Transport Act 1998, the Resource Management Act 1991 and the Local Government Act 2002.
- 1.3 This Bylaw covers a broad range of issues, many of which are governed by a number of Acts and Regulations. This Bylaw is an instrument to be read as an addendum to those other Acts and Regulations.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- (a) Regulate parking and control of vehicle traffic on any Road or Service Lane managed or controlled by the Council;
 - (b) Provide for the orderly driving and control of stock on roads in the District, with regard to the safety of road users and to minimise damage to, and avoid nuisance, on the roads.

3 Commencement

- 3.1 This Bylaw commences on 21 December 2015.

4 Interpretation and Definitions

- 4.1 The provisions of the Manawatu District Explanatory Bylaw 2014 and its amendments are implied into and form part of this Bylaw.
- 4.2 In this Bylaw, unless the context requires otherwise:

Act means the Land Transport Act 1998.

Approved Disabled Person's Parking Permit means a displayed permit label provided by Disability New Zealand.

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority including a parking warden appointed by Council under Section 128D of the Land Transport Act 1998 or any Police Officer.

Bicycle includes every bicycle, tricycle, unicycle, velocipede or similar carriage designed to be propelled solely by the muscular energy of the rider, but does not include a wheelchair or similar vehicle.

Bus means a Vehicle designed solely or principally for the carriage of 13 persons or more, including the driver.

Carriageway means that part of a Road constructed or made for use of vehicular traffic and includes any shoulder, edging, kerbing or channelling.

Bicycle Lane means any road or part of a road which has been declared a Bicycle Lane by a resolution of Council.

Designated means an area or space as specified by a resolution of Council.

Drive means to direct or guide movement of Stock and includes to lead.

Driver of a Vehicle includes any person in charge of the Vehicle.

Footpath includes, without limiting the meaning of the term "Footpath" as defined in clause 2.1 of the Manawatu District Explanatory Bylaw 2014, any part of a vehicle crossing or temporary crossing laid out or constructed over a Footpath, and related edging, kerbing, channelling and any footbridge.

Goods Service Vehicle means a Vehicle designed exclusively or principally for the carriage of goods, but does not include a tractor.

Heavy Vehicle has the same meaning as in the Land Transport (Road User) Rule 2004.

Horse includes any ass, or mule.

Hours of Daylight means 30 minutes before sunrise to 30 minutes after sunset.

Loading Zone has the same meaning as in the Land Transport (Road User) Rule 2004.

Mobility Park means a Parking Space reserved by Council, by resolution, for the exclusive use of disabled persons.

Network Utility Operator has the meaning set out in Section 166 of the Resource Management Act 1991.

Parking and Park mean:

- (a) In relation to any road, the stopping, standing or parking of a Vehicle for any period exceeding five minutes on that Road;
- (b) In relation to any other portion of any land or building, the stopping, standing or parking of a vehicle on that portion of land or building; and
- (c) Includes all necessary approaches and means of entrance to and egress from any such Road, land or building; but
- (d) Does not include a vehicle picking up or setting down passengers in a Loading Zone or Reserved Parking Space.

Parking Place means any areas of Road, Land or Public Place (including a building) which the Council has designated for the stopping, standing or parking of vehicles or any class of vehicle.

Parking Space means an area within any Parking Place which has been marked out to accommodate a vehicle.

Passenger Service Vehicle means a vehicle used or available for use in a passenger service for the carriage of passengers.

Prescribed Signs has the same meaning as a Traffic Control Device as defined in the Land Transport Rules : Traffic Control Device 2004.

Reserved Parking Space means any Parking Place which has been designated by the Council as reserved Parking and which is clearly marked by a sign, notice, number or otherwise as being not available for public parking.

Service Lane refers to a parcel of land set aside primarily for providing a corridor for utilities or servicing commercial premises, and not primarily for providing vehicle access to properties.

Speed Limit has the same meaning as in the Land Transport Rule: Setting of Speed Limits 2003.

Special Vehicle Lane means a lane defined by signs or markings as restricted to a specified class of vehicle; and includes without limitation a Bus Lane, Transit Lane and Bicycle Track.

Stock Crossing means the authorised movement of stock across a road at a fixed location and under the control of a qualified person.

Stock Droving means the movement of stock across or along a road under the control of a qualified person, without a fixed location.

Stock Vehicle means a vehicle that is carrying Stock.

Stock Movement means any movement of stock on, across or along a road where the Animals move by their own efforts and are free of individual control, such individual control being by means of being ridden or lead or driven on a bridle, halter, collar or similar restraint.

Stock Movement Consent means consent from the Council which authorises the movement of stock on, across or along a road.

Traffic Lane means that portion of the road used or reasonably usable for the time-being for vehicular traffic in general.

Traffic Management Plan means a plan, drawing, sketch or map approved by Council as showing the method or measures for ensuring the safety of Stock and all other road users.

- 4.3 Reference should be made to Section 2 of the Manawatu District Explanatory Bylaw 2014 for any other definitions not included in clause 4.2 of this Bylaw.

- 4.4 Unless the context requires another meaning, a term of expression that is defined in the Act or Rules made under the Act and used, but not defined in this Bylaw or the Explanatory Bylaw, has the meaning given by the Act.
- 4.5 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.6 In addition, the Bylaw should be read in conjunction with, but not in replacement of the Public Places Bylaw, Freedom Camping Bylaw, and Street Users Bylaw.

Part One – Parking

5 General Requirements

- 5.1 Council may by resolution, permanently or temporarily:
- (a) Prohibit or restrict the stopping, standing or parking of Vehicles of any specified class or description on any Road or Service Lane, including the time, manner and conditions for the parking of Vehicles on any part of the Road;
 - (b) Designate any land or building to be a Parking Place;
 - (c) Prohibit or restrict any specified class of Vehicle from being driven or parked on any specified Road, or part of a Road, (including any bridge, culvert, beach or other Public Place) or Parking Place; and
 - (d) Reserve any part of a Road as a Loading Zone, including the time, manner and conditions for the parking of vehicles, other than Good Service Vehicles, in a Loading Zone;
 - (e) Prohibit or restrict Vehicles being displayed for the purpose of sale, exhibition or demonstration on any Road, Public Place or part thereof.
- 5.2 This clause is subject to the Council erecting Prescribed Signs.
- 5.3 The Council may mark out Parking Spaces within any Parking Place.
- 5.4 Except with the written consent of Council, a person must not park a Vehicle or use any Parking Place or Parking Space in contravention of a prohibition or restriction made under this clause.

6 Stopping, Standing and Parking

- 6.1 No person may stop, stand, Park or turn a Vehicle, Heavy Vehicle, Goods Services Vehicle or any Stock Vehicle in breach of a prohibition or restriction made by Council under this Bylaw and evidenced by Prescribed Signs and/or Road markings.
- 6.2 No person may stop, stand or Park a Vehicle so it:
- (a) Extends into an adjoining and unoccupied Parking Space (unless it is of a size which makes it unavoidable);

- (b) Protrudes further than 5.2 metres from the kerb line when it is angle parked in a parking space; and
- (c) Is within a Parking Space already occupied by another vehicle, with the exception of motorcycles, as dealt with below; or
- (d) Obstructs a Loading Zone or Special Vehicle land for longer than is reasonably necessary for dropping or picking up passengers.

Explanatory Note: This clause does not apply to these 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 48 hours. For more information see the Solid Waste Bylaw 2015.

- 6.3 No more than six motorcycles may occupy any Parking Space at the same time, and such motorcycles must park at right angles to the kerb in the Parking Space.
- 6.4 Clauses 6.2 does not apply to a Goods Services Vehicle when it is:
- (a) Loading or unloading a delivery undertaken with due consideration for the safety and convenience of other road users; and
 - (b) Alternative access for loading or unloading the vehicle was not available.
- 6.5 Except with the written consent of the Council, or as indicated by signage, no person may stop, stand or park a vehicle either wholly or partly on a footpath, grass verge, garden or in any area that is not designed and constructed to accommodate a Vehicle.
- 6.6 A person may stop, stand or park a bicycle or mobility device on a footpath, if it does not unreasonably obstruct any other user of the footpath.
- 6.7 No person may stop, stand, park or place any machinery, equipment, materials, or freight containers on any Road or Public Place except with consent of the Council.
- 6.8 A person may stop, stand or park a registered vehicle, except a heavy vehicle, on a Service lane, if it does not unreasonably obstruct any other user of that Service Lane.

7 Mobility Parking

- 7.1 The Council may, by resolution, designate any Parking Place or Parking Space for the exclusive use of disabled persons.
- 7.2 A person may stop, stand or Park in a Mobility Park only:
- (a) When a current Approved Disabled Persons Parking Permit is on display and clearly legible; and
 - (b) The Vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.
 - (c) For up to one additional hour over the time limit specified, unless the time limit specified is 15 minutes (in which case no additional time is allowed).

- 7.3 The disabled person(s) Parking places are listed in Council's Traffic Control Register and are deemed to be authorised under clause 7.1.

8 Special Vehicle Parking

- 8.1 The Council may, by resolution, designate and mark out any part of any Road as a stopping place or a stand for:
- (a) Passenger Service Vehicles including bus stops;
 - (b) Any other specified class of vehicle (for example a bicycle stand or taxi stand); or
 - (c) Any specified class of person including, but not limited to, the judiciary, the Police, Diplomatic Corps, Medical Practitioners and Senior Citizens.
- 8.2 No person may, without the written consent of the Council, cause or permit a Vehicle to be parked in a Special Vehicles Park.
- 8.3 Any application under this clause must be in writing and accompanied by the fee set out in Council's Fees and Charges from time to time.
- 8.4 The Council may grant consent subject to any conditions it sees fit, including with particular regard to, among other things:
- (a) Duration, use and management of the Special Vehicles Park; and
 - (b) The fees payable for use of the Special Vehicles Park.

9 Stopping in Loading Zones and Special Vehicle Lanes

- 9.1 No driver may stop, stand or park a Vehicle in a Special Vehicle Lane or Loading Zone so as to cause an obstruction, except for so long as is reasonably necessary to load or unload goods or passengers.

Part Two – Roading and Traffic Controls

10 Vehicle and Road Use

- 10.1 The Council may, by resolution, permanently or temporarily:
- (a) Prohibit or restrict, the use of any Road, by any Vehicle of any specified class or description;
 - (b) Designate a Road to be a One-Way Road;
 - (c) Provide that Vehicles must drive in one specified direction;
 - (d) Prescribe any traffic lane be used for the turning of any Vehicle;

- (e) Prohibit Vehicles and Bicycles of any specified class or description from performing U-turns or turning to the right or left on a Road or part of a Road; and
- (f) Designate any part of a Road a Special Vehicle Lane .

10.2 This clause is subject to the Council erecting Prescribed Signs.

10.3 A person must not use the Road in contravention of a prohibition or restriction made under this clause, without the written consent of Council.

11 Heavy Vehicle Restrictions

11.1 No person may drive, or permit to be driven, any Heavy Vehicle except a Passenger Service Vehicle on or along any Road or Service Lane in contravention of a resolution under clause 15 of this Bylaw unless:

- (a) The Vehicle is used for the express purpose of visiting a property with frontage to the Road or Public Place described in the resolution;
- (b) For the purposes of loading or unloading goods or passengers at any property whose access is by way of the Road or Public Place;
- (c) The written consent of Council has been obtained for the activity.

11.2 Clause 11.1 does not apply to the following:

- (a) A Network Utility Operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation;
- (b) Emergency vehicles, Vehicle recovery services and trade-persons' vehicles;
- (c) Refuse collections carried out by either Council or one of its contractors;
- (d) Stock Vehicles;
- (e) Any other class of Vehicle that Council may specify from time-to-time by resolution.

Subject to:

- (a) The Heavy Vehicle being used with due consideration for other road users;
- (b) The act or omission being reasonably necessary for the work being undertaken; and
- (c) All reasonable care being taken to prevent any accident or damage, or any injury to or interference with any person, animal or property.

12 Engine Brakes

- 12.1 The driver of a Vehicle may not use or operate a “Jacobs Engine Brake” or similar device, at any time on any urban road.

13 Obstructions of Roads

- 13.1 A person must not wilfully or negligently obstruct or damage any Road or Public Place in any manner which causes a Nuisance or interferes with any Person’s right to use any Road.

14 Damage to Signs

- 14.1 No person may interfere with, damage or remove any Prescribed Sign.

15 Temporary Restrictions on the Use of Roads

- 15.1 The Council may temporarily close or restrict the use of any Road to all Vehicles or Specified classes of Vehicles, where it is necessary for:
- (a) An event;
 - (b) The repair of the Road;
 - (c) The placement or repair of any infrastructure on or near the Road; or
 - (d) in the opinion of an Authorised Officer, the prevention of harm or danger to the Public of road workers.
- 15.2 Any restriction under clause 15.1 must be identified by the display of temporary warning signs conforming with the Traffic Regulations 1976.
- 15.3 Where a restriction is in place under clause 15.1, the Council may require the formulation and implementation of a Traffic Management Plan.
- 15.4 This clause will not apply to any Vehicle being used for the purpose of maintenance or construction of roading, or a Vehicle of any other utility who is authorised by the Council to use the Road or part of any Road which is subject to a restriction under this clause, provided the Vehicle is operated with due consideration of other users.

Part Four - Speed Limits

16 Setting Speed Limits

- 16.1 The Council may, by resolution, set or amend permanent, temporary or variable speed limits for any Road.

Explanatory Note: The Council may only set a speed limit if it has complied with the relevant requirements of the Land Transport Rule: Setting of Speed Limits.

- 16.2 The roads or areas described in Councils Traffic Control Register or as shown on a map referenced in the Traffic Control Register that have been declared to have the speed limits specified.

Explanatory Note: The Councils Traffic Control Register includes the Council's Register of Speed Limits as required under Section 7.3(i) of the Land Transport Rule: Setting of Speed Limits 2003.

Part Five - Stock on Roads

17 Application

- 17.1 Nothing in this Part limits the application of any other Act or any rules or regulations made under that other Act, for example, and without limitation:
- (a) The Animal Welfare Act 1999;
 - (b) The Impounding Act 1956;
 - (c) The Resource Management Act 1991; and
 - (d) Any other statutory or regulatory requirement.
- 17.2 The movement of Stock along or across any State Highway is within the jurisdiction of the New Zealand Transport Authority and outside the scope of this Bylaw.

18 Urban Areas

- 18.1 No person may move any Stock along or across any road in any Urban Area of the district.
- 18.2 Clause 18.1 does not apply to the movement of stock in an emergency or in the event of an escape, although the conditions in clause 19.1 must, as far as practicable in the circumstances, be complied with to ensure road safety is not compromised.

19 Droving of Stock

- 19.1 Nothing in this clause applies to the regular movement of Stock across roads at a fixed location outside of the urban area of the District, which is dealt with in clause 20 of this Bylaw.
- 19.2 The movement of Stock along or across any road in any other part of the District is permitted in the following:
- (a) During the hours of daylight and where visibility is greater than 100 metres;
 - (b) The Stock are unable to be reasonably moved across or along private land;
 - (c) The number of Stock in any one mob does not exceed 200 head of cattle or 1000 head of sheep, or 100 head of any other Stock;

- (d) Each mob is accompanied by at least two competent drivers, one in front and one behind the mob, for the purpose of alerting traffic;
 - (e) The Stock are driven so as to move continuously forward at a good pace, with the drivers exercising control over the Stock at all times;
 - (f) Adequate warning of stock being on the road is provided to the public / traffic by way of adequate warning signs and or pilot vehicles;
 - (g) All drivers must ensure that vehicular traffic is not unreasonably impeded by the movement of Stock along or across any road; and
 - (h) All reasonable steps are taken to remove excessive Stock excrement from the Road after each Stock movement.
- 19.3 The measures proposed for traffic management in accordance with clause 19.1(h) are to be set out in a traffic management plan submitted to Council no later than five (5) days prior to the movement of stock on the road.
- 19.4 Any damage caused to private property, any road or roadside furniture, or any public place will be the responsibility of the driver.

20 Regular Stock Crossing of Roads

- 20.1 The regular movement of Stock from one side of a road to another is permitted where:
- (a) A stock crossing permit has been issued under clause 21;
 - (b) It occurs during the hours of daylight; and
 - (c) The Stock are unable to be reasonably moved across or along private land.

21 Stock Crossing Consent

- 21.1 An application for a stock crossing permit must be:
- (a) in the form prescribed by Council from time-to-time;
 - (b) accompanied by any fee set out in Council's Schedule of Fees and Charges from time-to-time; and
 - (c) lodged with Council at least ten (10) working days prior to the first intended movement of Stock.
- 21.2 Council may request further information to assist in assessing an application under this clause, including but not limited to, a Traffic Management Plan appropriate to the location, timing and size of the stock movement.

Note: the Traffic Management Plan should be in accordance with the Code of Practice for Temporary Traffic Management

- 21.3 The Council may issue a permit subject to conditions having had regard to:
- (a) The nature of the road that is being requested to be used;
 - (b) The alternatives available to the applicant including private or public land available for use as a race, any existing underpass that can be used, and the construction of a new underpass;
 - (c) Other options available to reduce nuisance, road safety issues or degradation of any part or the road or road reserve;
 - (d) Where applicable, the applicant's previous performance in addressing safety, amenity and nuisance issues associated with the movement of stock; and
 - (e) Any other matters that the Council considers appropriate.

22 Temporary Restrictions

- 22.1 In the event of an obstruction from road works, flooding, landslide, civil emergency or any other event, an Authorised Officer may halt or divert any movement of Stock on any road notwithstanding any right to drive Stock or any existing stock crossing permit.

23 Suspension or Cancellation of Consent

- 23.1 An Authorised Officer may suspend or cancel any stock crossing permit by giving twenty (20) working days written notice to the permit holder, if:
- (a) It is in the public interest to do so; or
 - (b) The permit holder fails to comply with any conditions imposed by the Council on the permit.
- 23.2 An Authorised Officer may suspend or cancel any stock crossing permit immediately by giving written notice to the consent holder, if the:
- (a) Council is lawfully directed to suspend or cancel the consent; and
 - (b) Consent holder fails to comply with any conditions of the consent in a manner which may endanger the health or safety of any person, damage any part of the Road or cause environmental harm.

24 Transfer or Termination of Consent

- 24.1 A person must not transfer the rights and responsibilities provided for under this Bylaw or under any stock crossing permit to any other person or entity.

Part Six- Offences

25 Non-compliance with this Bylaw

25.1 The Council may use its powers under the Act to enforce this Bylaw.

25.2 In addition to the powers conferred on it by any other enactment, the Council may remove or cause to be removed from any Road, Parking Place or Parking Space any Vehicle or thing using the Road, Parking Place or Parking Space in breach of this Bylaw.

26 Offences and Penalties

26.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- (a) The maximum fine set out in the Local Government Act 2002;
- (b) Any penalty specified in the Act; and
- (c) Any other penalty specified in another Act for breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 13, 14 and 15 of the Manawatu District Explanatory Bylaw 2014.

27 Exceptions

27.1 A person is not in breach of this Bylaw if that person proves:

- (a) The act or omission was taken to avoid the death or injury of a person;
- (b) The situation was not of the person's own making;
- (c) The act or omission was taken at the direction of an Authorised Officer;
- (d) They have written consent from the Council in accordance with this Bylaw.

Part Seven- Repeals, Savings and Transitional Provisions

28 Repeals, Savings and Transitional Provisions

28.1 Any consent granted under Chapter 4 or Chapter 6 of the Manawatu District Bylaw 2008 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent of that kind issued under this Bylaw, but:

- (a) Expires on the date specified in such consent or
- (b) Where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and

- (c) May be renewed only by application made and considered in accordance with this Bylaw.


This Bylaw was made by the Manawatu District Council by resolution at a Council meeting on 18 November 2015 and must be reviewed within five years.

Sealed with the Common Seal

of the **MANAWATU DISTRICT COUNCIL**

in the presence of:





Mayor



Chief Executive