

WAITAKERE CITY COUNCIL

BYLAW NO. 7 1991

TRAFFIC

(Incorporating Amendments)

The Waitakere City Council, acting on behalf of the Mayor, Councillors and citizens of the City of Waitakere **HEREBY CONFIRMS** by **SPECIAL ORDER** the following Bylaw pursuant to the powers contained in the Local Government Act 1974 and the Transport Act 1962 and any other Act or Authority in any way enabling the Council in that behalf:-

1 SHORT TITLE

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7, 1991 - Traffic.

2 COMMENCEMENT

This Bylaw shall come into force on the 11th day of March 1991.

3 INTERPRETATION

"Council" means the Waitakere City Council and any duly authorised Committee, Community Board or other body or person.

"Cycle Track" means a public cycle track as is referred to in Section 332 of the Local Government Act 1974.

"Goods Service" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Goods Service Vehicle" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Motor Vehicle" has the same meaning as in Section 2 of the Transport Act 1962.

"Parking" means -

- (a) In relating to any portion of a road where parking is for the time being governed by the location of parking metres 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 five minutes.
- (b) In relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road.

"Passenger Service" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Road" includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place as aforesaid.

"Use", in relation to a vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on any road.

4 TRAFFIC CONTROL

The Council may by resolution fix or vary the charges authorised to be made by this Bylaw in respect of traffic in the District.

5 ONE WAY STREETS

No person shall drive any vehicle or ride a bicycle on any road or street or portions thereof except in conformity with a notice erected or exhibited by the Council at the entrances to or exits from any such road or street indicating in which direction traffic shall proceed, which the Council from time to time by resolution declares shall be used by traffic proceeding in only one direction.

5.1 NO "U-TURNS"

- 1 No person driving any vehicle shall manoeuvre or attempt to manoeuvre the same in the form of a "U-turn" in any street or portion thereof in the District declared by resolution of the Council to be subject to the provisions of this Clause and where a notice prohibiting U-turns is displayed.
- 2 It shall be a defence to any person charged with a breach of this Clause if the person proves that at the time of the alleged offence he was driving a vehicle:
 - (a) Used as an ambulance fitted with a siren or bell or flashing red or blue lights, and being at the time used on urgent ambulance service; or
 - (b) Conveying a traffic officer or police officer engaged on urgent public business, or in the execution of his duty; or
 - (c) Used by the Fire Service for attendance at fires and at the time responding to a fire call or other emergency; or

6 NO STOPPING OF VEHICLES

- 6.1 No person being the driver or in charge of any vehicle shall park the vehicle in any part of any street, public place or private street in contravention of any prohibition, limitation or restriction imposed from time to time by resolution of the Council and evidenced by signs authorised by Regulations under the Transport Act 1962 erected or marked on the place affected.
- 6.2 Any such resolution may apply to any specified street, public place or private street or to any specified part or parts thereof or to any specified class or classes of vehicles and may operate at any time or any specified time or times.
- 6.3 Except where otherwise specified, the said prohibitions, limitations and restrictions shall not apply on Saturdays, Sundays or holidays, as defined by the Acts Interpretation Act 1924 or on any other day not being a Friday or other late closing day before 8.00 am and after 6.00 PM and on Fridays and other late closing days between 8.00 am and after 9.00 PM.

7 LOADING ZONES

- 7.1 The Council may at any time and from time to time by resolution determine that any part of a street which shall be defined in such resolution shall be a 'loading zone' for the purposes of this Bylaw.
- 7.2 The Council may at any time by resolution prohibit, limit or restrict the stopping, standing or parking of vehicles other than goods service vehicles in any loading zone.
- 7.3 The Council may further and in like manner prohibit the parking of any vehicles in any loading zone in excess of a period fixed by such resolution.
- 7.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a loading zone and the nature of such prohibition, limitation or restriction and the purposes so determined.
- 7.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such zone where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

7A HEAVY VEHICLE RESTRICTIONS

- 7A. 1 No person shall on any road or part of road to which a notice pursuant to Section 70AA of the Transport Act 1962 applies drive or park any kind of heavy traffic specified in such notice in such a manner as to breach that notice.

8 STANDS - EXCLUSIVE RIGHTS

- 8.1 The Council may by resolution, appoint, provide, reserve and mark out any part of the street within the District as a stopping place for any particular class of vehicles engaged in a passenger service and may in like manner from time to time abolish any stopping place so appointed or enlarge or diminish the limits of the same.

9 PARKING PLACES - PARKING BUILDINGS - TRANSPORT STATIONS

- 9.1 The Council may from time to time by resolution:
- (1) Declare any piece of land or any road or any part of a road or any building or any part of a building owned or occupied by the Council to be a parking place or a transport station within the meaning of Section 591 of the Local Government Act 1974. The provisions of this Bylaw shall henceforth apply to all parking places established by the Council.
 - (2) Define the times, manner and conditions for parking of vehicles in any such parking place or transport station.
 - (3) Define the vehicles or classes of vehicles that may be entitled to use any such parking place or transport station, and the conditions upon and subject to which such parking place or transport station may be used.

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- (4) Limit any parking place or transport station which has been appointed for the use of vehicles engaged in a passenger or goods service or for the use of any specified kind of such vehicles, or for the use of vehicles used for any specified public purposes, or any specified part thereof to vehicles belonging to or used by particular persons or to vehicles used for particular public purposes.
- (5)
 - (a) Reserve any specified parking place for use, either generally or at specified times, only for the use of disabled persons as defined in Section 2 of the Disabled Persons Community Welfare Act 1975 where those persons are the passengers in or the drivers of vehicles lawfully parked therein. Every place reserved as aforesaid shall be clearly identified by an appropriate notice or symbol.
 - (b) Only vehicles in which a disabled person is a passenger or the driver shall be permitted to park in such a parking place reserved as aforesaid and shall display at all times in a prominent position an approved notice or symbol that would be used by a disabled person.
 - (c) Only the Mobility Card issued by the Crippled Children's Society, or any other similar notice which has been approved by the Council shall be an approved notice or symbol."
- (6) Fix the charge or charges payable for the parking of vehicles including penalty fees in any such parking place or transport station.
- (7) Make provision for the efficient management and control of any such parking place or transport station.
- (8) Fix the number of spaces in a parking area in each of which a vehicle may be parked.
- (9) Fix the charge or charges on the payment of which the driver or person in charge of a vehicle may leave it in a space not reserved for the use of any other person in terms of this Bylaw.
- (10) Fix the charge or charges to be paid by the owner of a vehicle in return for the privilege referred to in Sub-Clause 9.5 hereof.
- (11) Define the hours during which the owner of a vehicle or his duly authorised agent shall be entitled to enjoy the privilege referred to in the next following Sub-Clause.
- (12) Except as provided in paragraphs (3), (4) and (5) hereof, no part of a road may be appointed as a parking place available only to a specified person or to a specified class of persons or to vehicles owned or operated by a specified person or by specified classes of persons.

9.2 No driver or persons in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be parked in any such parking place except as permitted by such resolution.

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- 9.3 Any vehicle parked otherwise than in accordance with the provisions of this Bylaw or any resolution may be removed by the Council or its agent to a place of safety at the expense of the owner(s).
- 9.4 Any such resolution may from time to time be amended or rescinded by a further resolution of the Council.
- 9.5 Payment of the charge or charges referred to in Sub-Clause 9.1 (1 0) above shall entitle the owner of a vehicle in respect of which application has been made or his duly authorised agent to have the sole right to park such vehicle in the space allotted to him during the period that such privilege is conferred.
- 9.6 The Council shall erect and cause to be clearly displayed on each reserved area a notice or notices as follows:
- (1) Specifying the class or classes of vehicles that shall be permitted to park therein.
 - (2) Stating the hours during which parking spaces are reserved for exclusive use of persons who have paid for the privilege.
 - (3) Indicating which particular space or spaces are reserved as aforesaid.
 - (4) Stating the hours during which drivers of the specified class or classes of vehicles may park the same in any space whether or not the same is reserved for exclusive use at other times.
- 9.7 No person shall leave a vehicle in:-
- (1) A parking space that is not in the class or classes permitted to use it.
 - (2) In any space in a parking area during the time that the space is reserved by the Council for the use of any other person.
 - (3) In a parking area except in a parking space.
- 9.8 A parking space as described herein may only be used for the purpose of parking a vehicle and payment of the prescribed fees shall not entitle any person to use the space for any other purpose.

10 CYCLETRACKS

- 10.1 The Council may, in accordance with the provisions of this Bylaw, on any road or part thereof or on any land vested in or under the control of the Council, form a public cycle track.
- 10.2 The Council may from time to time by resolution fix the length, route and siting of a public cycle track on any such road or land, and, by the same means, it may alter its length, route or siting.

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- 10.3 When a cycle track has been laid out in accordance with the provisions of this Clause every vehicle shall yield the right of way thereon to a cyclist, PROVIDED however that this obligation shall not prejudice the stopping, standing, or parking of vehicles on a cycle track that forms part of the carriageway of a road and on which stopping, standing or parking of vehicles is not prohibited by any other enactment.
- 10.4 For the purposes of this Clause the word 'vehicle' shall not include a cycle, but apart from this exclusion it shall have the same meaning as appears in Section 2 of the Transport Act 1962.
- 10.5 (1) In the case of a cycle track located on a footpath the cycle track shall be on the portion of the footpath nearer the carriageway and its points of separation from the part reserved for the exclusive use of pedestrians shall be clearly marked out by white lines painted on the footpath.
- (2) In the case of a cycle track located on a carriageway it shall be the portion thereof alongside the kerb line, and its outer limits shall be clearly marked out by white lines painted on the carriageway.
- (3) Signs indicating the existence of a cycle track shall be displayed in appropriate positions, whether it be laid out on a footpath or on the carriageway or on any other land vested in or under the control of the Council.
- 10.6 (1) Where a cycle track is provided, no person shall except in case of emergency ride a cycle upon a part of the footpath outside the limits of the cycle track.
- (2) Every person riding a cycle on a cycle track located on a footpath shall yield the right of way to any pedestrian in his path.

11 SPECIAL PARKING

- 11.1 Notwithstanding Clause 7 or Clause 9.1 of this bylaw the Council or any officer of the Council authorised by the Council for that purpose may authorise the driver of any vehicle to park contrary to the parking times and conditions specified in any resolution made pursuant to this bylaw in the circumstances that it would be unreasonable to require the vehicle to be parked elsewhere and the safety and convenience of other road users is not unreasonably affected and the vehicle at all times displays in a conspicuous position a sign provided by the Council for this purpose.
- 11.2 The Council may by resolution from time to time fix a charge payable for parking of vehicles in return for the privilege conferred in Clause 11.1 hereof.

PART B - CONFIRMATION OF SPECIAL ORDERS

5 AMENDMENT TO BYLAW NO. 7 1991, TRAFFIC - BUS PRIORITY LANE

The Council on Wednesday, 26 March 2003 resolved by way of Special Order to Amendment to Bylaw No. 7 1991, Traffic - Bus Priority Lane. The Special Order was publicly notified on Monday, 7 April 2003 and Monday, 21 April 2003 in accordance with Section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received, however a correction to the commencement date of the Bylaw has been recommended by staff to make the Bylaw legally correct.

The Special Order resolution incorporating the correction of the commencement date is now confirmed as follows:

804/2003

MOVED by Cr Presland, seconded Cr Yates:

1. The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Transport Act 1962, Traffic Regulations 1976 the Bylaws Acts 1910 and all other powers and authorities in any way enabling it **HEREBY CONFIRMS BY SPECIAL ORDER** the following amendment to Bylaw No. 7 1991, Traffic hereby:-

1. **SHORT TITLE**

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7 1991, Traffic, Amendment No. 6, 2003.

2. **COMMENCEMENT**

This Amendment shall come into force on Friday, 16 May 2003.

3. **AMENDMENT**

Bylaw No. 7 1991, Traffic is amended by adding after clause 10 - CYCLE TRACKS the following clause entitled "BUS PRIORITY LANE"

10A) BUS PRIORITY LANE

10A.1 The Council or any duly delegated committee of the Council including a community board may at any time and from time to time by resolution determine that any part of street which shall be defined in such resolution shall be a 'bus priority lane' for the purposes of this Bylaw.

10A.2 The Council or any duly delegated committee of the Council including a community board may at any time by resolution prohibit, limit or restrict all classes of vehicle from using any 'bus priority lane' except for large passenger service vehicles, bicycles, police and traffic enforcement vehicles, emergency vehicles, and by any vehicle for a distance of not more than 50 metres for the purpose of turning into or out of side streets and properties.

10A.3 The Council or any duly delegated committee of Council including a community board may further and in like manner prohibit the parking of any vehicles in any bus priority lane in excess of a period fixed by such resolution.

10A.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a bus priority lane and the nature of such prohibition, limitation or restriction and purposes so determined.

10A.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such lane where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

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11A SPEED LIMITS

- 11A.1 No person shall use any road or street under the control of the Council for the purpose of driving a motor vehicle on or along such road or street when such motor vehicle is driven at a speed exceeding 50km/h (except such road or street as may be excluded from time to time by the Minister of Transport by notice published in the Gazette, pursuant to Section 52 of the Transport Act 1962). **PROVIDED** THAT the Council may fix such lower speed limit than 50 km/h as it deems necessary to roads over which it has control and to which it may from time to time by resolution determine.
- 11A.2 In determining which roads or streets to which it will fix such lower speed limit to, the Council shall consult with the New Zealand Police and take account of its comments.
- 11A.3 Any resolution made pursuant to this clause shall be publicly notified in at least one newspaper circulating in the City."

11B SPEED CONTROLS

- 11B.1 Where the Ministry of Transport by notice published in the Gazette, excludes any road or street from the limitations as to speed imposed by Section 52(l) of the Transport Act 1962 or Regulation 21 of the Traffic Regulations 1976 the Council may by resolution fix such lower speed limit on that road or street as it deems necessary for the safety of the public or for the better preservation of the road.
- 11B.2 In determining which roads or streets such lower speed limit shall be applied, the Council shall undertake the procedures set out in Road and Traffic Standard 17 - Guidelines for setting Speed Limits and any road or street against which a resolution is made in accordance with Clause 11.B.1 shall satisfy the criteria contained within that document.
- 11B.3 Any resolution made pursuant to the clause shall be publicly notified in at least one newspaper circulating within the City.

12 OFFENCES

12.1 Every person commits an offence against this Bylaw who:

- (1) Does any act in contravention of or fails to comply with any requirements thereof; or
- (2) Knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this Bylaw; or
- (3) Does not refrain from doing anything which under this Bylaw he is required to refrain from doing.

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13 PENALTIES

- 13.1 Every person who commits an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$500.00 and where the offence is a continuing one to a further fine not exceeding \$50.00 for every day or part of a day during which the offence continued.

14 SAVINGS

- 14.1 The Waitakere City Council Bylaw No. 7 1990 is hereby expressly repealed with effect from the date that this Bylaw comes into operation, provided however, that:-
- (1) All offices, appointments, orders, certificates, notices, requisitions, records, instruments, resolutions and generally all acts of authority and all other documents, matters, acts and things and all periods of time that originated or had effect under the said Bylaw or any part thereof and are subsisting and in force or continuing at the date that this revocation of Bylaw comes into force shall endure for the purpose of the Bylaw made by this Special Order as fully and effectually as if they had originated under the Bylaw hereby made and shall where necessary be deemed to have so originated.
 - (2) All matters, proceedings, and prosecutions commenced under the Bylaw hereby revoked and pending or in progress on the date this revocation comes into force may be completed, continued and enforced under the Bylaw made by this Special Order.
 - (3) The revocation of the said Bylaw shall not revise any Bylaw revoked by the Special Order by which that Bylaw was made.


15 DISPENSING POWERS

- 15.1 Where in the opinion of the Council a full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss of inconvenience to, any person without any corresponding benefit to the community, the Council may, on the special application of such person so affected or on the recommendation of the officer of the Council usually or for the time being charged with the control or administration of the particular Part or the provisions of the Part or clause of the Bylaw affected, by resolution dispense with the full Compliance or relax the full compliance with any such Part or the provision of any such Part or clause of such Bylaw, or otherwise modify the same with or without added conditions.
- 15.2 Should the Council acting pursuant to the foregoing clause (15.1) hereof dispense with the full compliance or relax the full compliance with any of the provisions of this Bylaw or otherwise modify the same then a breach by such applicant of any such terms or conditions shall be deemed a breach of this Bylaw.

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Authenticated in accordance with Section 252 Local Government Act 1974 as a true copy of Bylaw No. 7 (Traffic) 1991 incorporating amendments No.1 1991, No.2 1993, No.3 1995, No.4 1998 and No.5 2001.

Signed by


H. V. O'Rourke
Principal Administrative Officer

Dated this 23rd day of July 2002.