

WAITAKERE AND NORTH SHORE

CITY COUNCIL

BYLAW NO. 1 1990

UPPER HARBOUR BRIDGE

The North Shore City Council and the Waitakere City Council hereby jointly make by **SPECIAL ORDER** the following Bylaw pursuant to the powers vested in them by the Local Government (Auckland Region) Reorganisation Order 1989 and the Cities of Takapuna and Waitemata (Upper Harbour Bridge) Empowering Act 1976 and the Transport Act 1962, the Local Government Act 1974 and their amendments and any other act or authority in any way enabling the said Councils in that behalf.

1. **SHORT TITLE:**

The Short Title of this Bylaw shall be the North Shore and Waitakere City Council Bylaw No. 1 1990 Upper Harbour Bridge.

2. **COMMENCEMENT**

This Bylaw shall come into force on the 10 December 1990.

3. **INTERPRETATION:**

"Act" means the Cities of Takapuna and Waitemata (Upper Harbour Bridge) Empowering Act 1976.

"Bridge" means the bridge across the upper regions of the Waitemata Harbour having its eastern end at Greenhithe and its western end at Hobsonville and includes the street which passes thereover.

"Engineer" means the Engineer for the City of Waitakere for the time being his deputy or assistant or any other person appointed specially or generally by the Controlling Authority to perform the duties of such engineer for the time being.

"Controlling Authority" means the Waitakere City Council.

"Chief Executive Officer" means the Chief Executive Officer for the City of Waitakere for the time being his deputy or assistant or any other person appointed specially or generally by the Controlling Authority to perform the duties of such person for the time being.

"Vehicle" or "Heavy Motor Vehicle" shall have the meanings ascribed to them by the Transport Act 1962.

"Special Vehicle" means a vehicle declared by resolution of the Controlling Authority or the Chief Executive Officer under Clause 6(b) hereof to be a special vehicle for the purposes of this Bylaw.

4. PROHIBITED TRAFFIC:

- (a) The following classes of vehicle shall not enter or remain on the Bridge:
- (i) Any vehicle with metal tyres or revolving runners.
 - (ii) Any vehicle loaded with animals or poultry not properly confined or garbage, loose hay, straw, fine particles, ready-mix concrete-bituminous matter or similar material not properly covered or confined.
 - (iii) Any vehicle with load overhanging on the side or with a load not properly secured so as to prevent such load or any part thereof from blowing off or falling onto the bridge.
 - (iv) Any vehicle overloaded to such an extent that the means of propulsion are insufficient.
 - (v) Any vehicle not complying with the general restrictions as to loading dimensions and towing under the Traffic Regulations 1976 or its amendments.
 - (vi) Any vehicle containing anything which may cause pollution of the Waitemata Harbour.
 - (vii) Any vehicle carrying explosive materials other than in conformity with an approved goods service licence.
 - (viii) Any other vehicle which in the opinion of the Engineer is likely to endanger persons or property or likely to endanger the Bridge or be a hazard to road users on the Bridge or the Bridge itself.
- (b) The following classes of traffic shall not enter or remain on the Bridge:-
- (i) Horses loose or herded and livestock loose led herded or driven.

5. WEIGHT LIMITS OF VEHICLES:

The Bridge shall be deemed a Class 1 road within the meaning of the Heavy Motor Vehicle Regulations 1974 and the provisions of those Regulations as to the weight limits of vehicles permitted on Class 1 roads shall apply to traffic using the Bridge.

6. SPECIAL PERMITS:

- (a) Notwithstanding the provisions of Clause 4 (viii) hereof the Engineer may give written permission for any special vehicle to be used on the Bridge subject to such conditions as to weather speed the time for crossing the Bridge and any other reasonable conditions as he may impose. Every person operating a special vehicle under a permission given as aforesaid shall comply with the conditions of the permission and a breach of such condition or any of them shall be deemed a breach of this Bylaw.

6. **SPECIAL PERMITS:** (Cont'd)

- (b) The Controlling Authority may from time to time by resolution declare that any vehicle or class of vehicle shall be special vehicles for the purposes of this Bylaw.

7. **TRAFFIC RULES:**

No person operating a vehicle on the Bridge shall:

(a) **U Turns**

Make an attempt or make a U Turn with such vehicle while on the Bridge.

(b) **Stopping**

Unless compelled by accident or any unavoidable cause (and then only for so long as shall be reasonably necessary) stop or permit any vehicle under his control to stop or to remain stationary upon any part of the Bridge.

(c) **Speed Limits**

Drive or ride any vehicle along or across the Bridge.

- (i) At a speed exceeding that fixed from time to time by resolution of the Council.

- (ii) At such low speed as to block impede or retard the normal and reasonable movement to traffic across the Bridge except when reduced speed is necessary in the interests of road safety.

8. **GENERAL PROVISIONS:**

No person shall:

(a) **Leaving Unattended**

While in charge of any vehicle leave that vehicle unattended on the Bridge except in the case of an emergency or breakdown and then only for so long as is necessary for the purpose of making arrangements to have the vehicle removed from the Bridge.

(b) **Straying Animals**

Knowingly allow any animal to stray onto the bridge.

(c) **Climbing and Diving**

Without reasonable cause Climb on any portion of the Bridge nor dive nor leap from the Bridge or launch any airborne device from the Bridge.

(d) **Mooring Craft**

Attach or moor any floating craft to any part of the Bridge.

8. **GENERAL PROVISIONS: (Cont'd)**

(e) **Defacing**

Paint stick or post write display or attach or cause or permit to be painted stuck on posted written displayed or attached any placard bill advertisement graffiti or any other sign within or upon any part of the Bridge.

(f) **Damage**

Wilfully or negligently injure damage deface set fire to or interfere with or attempt to injure damage deface any part of the Bridge, Bridge fittings services or equipment thereon. Every person who damages the Bridge shall be liable for the amount of that damage and if such damage is done wilfully that person also commits an offence and shall be liable on summary conviction to a fine not exceeding \$500.00.

(g) **Lights on Bridge**

Extinguish or interfere in any way with any light or lamp on the Bridge.

(h) **Offensive Matter**

Deposit or cause or permit to be deposited on the Bridge or throw drop or cause or permit to be dropped from or through the Bridge any glass stone or their missile or any filth dirt rubbish or any other matter of a similar nature or discharge any firearm for the Bridge.

(i) **Fishing**

Fish from any part of the Bridge or Bridge structure nor attached any net to any part of the Bridge or Bridge structure.

(j) **Pedestrians**

Pedestrians shall use the pedestrian footway to cross the Bridge and shall not without reasonable cause walk on any part of the Bridge not marked for pedestrian use.

9. Processions of pedestrians and/or vehicles shall be prohibited without the prior written permission of the Chief Executive Officer first had and obtained.

10 **WATER AND GAS MAINS:**

Notwithstanding any provision contained in this Bylaw the Controlling Authority may grant permission to any person or body to transmit across or under the Bridge any water or gas or electricity or telephone wires or any other matter or thing and to erect on or under the Bridge and maintain any mains pipes conduits cable wires or other means necessary for transmitting or carrying the same subject to such conditions as the Controlling Authority thinks fit.

BYLAW NO. 1
UPPER HARBOUR BRIDGE

11. The Controlling Authority shall have the right from time to time and at all times to remove any unattended vehicle which is on the Bridge and which in the opinion of the Controlling Authority is or is likely to be a nuisance to traffic crossing the Bridge or likely to impede the flow of traffic across the Bridge and the costs incurred by the Controlling Authority in removing such vehicle or vehicles shall be borne by the owner or person in control of such vehicle or vehicles

12. **OFFENCES AND PENALTIES:**

(a) **Offences**

If any person:

- (i) Shall do or cause to be done or knowingly permit or suffer to be done or be concerned in doing anything whatsoever contrary to or otherwise than as provided by this Bylaw or
- (ii) Shall omit or neglect to do or knowingly permit or suffer to remain undone anything which according to the true intent and meaning of this Bylaw ought be done by him at the time and in the manner herein provided or
- (iii) Shall not refrain from doing anything which under this Bylaw he is required to abstain from doing or
- (iv) Shall knowingly permit or suffer any condition of things to exist contrary to this Bylaw or
- (v) Shall refuse or neglect to comply with any lawful direction given to him on behalf of the Controlling Authority in respect of traffic on the Bridge or
- (vi) Shall fail to comply with any condition contained in any permission granted to him by the Engineer or
- (viii) Shall aid abet or incite any other person to commit an offence against this Bylaw.

then in every such case every such person shall be deemed to have committed a breach of this Bylaw and shall be guilty of an offence against the same.

(b) **Penalty**

Every person offending or being guilty of an offence against this Bylaw or committing any breach of or failing to comply with or to perform any duty imposed on him by this Bylaw shall be liable for each offence breach or failure upon conviction to such penalty (recoverable in a summary manner) not exceeding \$500.00 (save as provided specifically for an offence under Clause 8 (f) hereof) as the court inflicting the same shall in its discretion think fit to impose and in each case in which such offence breach or failure shall be a continuing one shall also be liable to such penalty (recoverable as aforesaid) not exceeding \$50.00 as such Court

BYLAW NO. 1
UPPER HARBOUR BRIDGE

shall think fit to impose for every day or part of a day during which such
offence breach or failure shall continue.

THE COMMON SEAL OF THE MAYOR, COUNCILLORS
AND CITIZENS OF THE CITY OF WAITAKERE was
hereon to affixed pursuant to resolution
of the Waitakere City Council passed on the

in the presence of:-

.....
CHIEF EXECUTIVE OFFICER

.....
MANAGER: FINANCE & ADMINISTRATION