



# **Hauraki District Council Consolidated Bylaw**

## **PART 2 (LAND TRANSPORT)**

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## **PART 2 (LAND TRANSPORT)**

### **Purpose**

Residents and visitors have the right to a regulated traffic system that provides order, predictability and safety for road-users within the district. The negative effect arising from land transport in the district not regulated by the Transport Act, 1962 and the Land Transport Act, 1998 must be controlled. Currently these issues are regulated by a large number of disparate bylaws dating back from the early 1960's up to 2005.

Provision must be made to ensure that speed limits are adhered to, that traffic movement and parking are organised in a safe and clear manner, that vehicle crossings are correctly placed and maintained according to standards, and that the movement of stock on the roads is controlled in such manner that other users of the road are not placed at risk. The amenities (visual, quietness) that are negatively affected by land transport are to be protected and the impact reduced to acceptable levels.

## **1.0 INTRODUCTION**

### **1.1 SCOPE**

The purpose of Part 2 (Land Transport) is to provide for the regulation of roads and footpaths within the control of the Council by-

- a) the setting of speed limits for vehicles,
- b) providing requirements for parking and control of vehicular or other traffic,
- c) providing requirements for the movement of stock. and
- d) providing requirements for the construction, maintenance and use of vehicle crossings.

### **1.2 ENABLING ENACTMENTS**

This Part is made pursuant to the Local Government Act 1974, the Local Government Act 2002, the Transport Act, 1962, the Road Transport Act 1998 and the various Land Transport Rules and Regulations.

### **1.3 TITLE OF THIS PART OF THE BYLAW**

This Part shall be known and cited as Part 2 (Land Transport) of the Hauraki District Council Consolidated Bylaw 2007, and shall come into operation on the date specified by public notice after the Hauraki District Council makes the Bylaw. For expediency this Part of the Bylaw may be referred to as Part 2 (Land Transport) in this or other parts of the Bylaw.

## 1.4 DEFINITIONS AND INTERPRETATION

### 1.4.1

The provisions of the Part 1 (Introduction) shall apply to this Part of the Bylaw.

### 1.4.2

For the purposes of this Part the following definitions shall apply:

ENFORCEMENT OFFICER has the same meaning as in the Land Transport (Road User) Rule 2004.

FREIGHT CONTAINER means an article of transport equipment that is:

- a) of a permanent character and strong enough to be to be suitable for repeated use; and
- b) specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- c) designed to be secured and readily handled having fittings for this purpose.

GOODS SERVICE VEHICLE has the same meaning as in section 2 of the Land Transport Act 1998.

HEAVY MOTOR VEHICLE has the same meaning as in the Land transport (Road User) Rule 2004.

PARKING WARDEN means a parking warden appointed under section 7 of the Land Transport Act 1998.

PASSENGER SERVICE and PASSENGER SERVICE VEHICLE have the same meaning as in section 2(1) of the Land Transport Act 1998.

ROAD has the same the same meaning as in section 315 of the Local Government Act 1974 and shall where the context require include street. Except that for the purpose of

clause 2 of this Part “road” shall have the same meaning as in the Land Transport Rule: Setting of Speed Limits 2003.

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

TRAFFIC CONTROL DEVICE has the same meaning as in Part 2 of the Land Transport Rule Traffic Control Devices 2004.

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

## **1.5 SPECIFIC OFFENCES AND PENALTIES**

### **1.5.1**

Without limiting Part 1 (Introduction), every person commits an offence against Part 2 (Land Transport) and is liable on summary conviction to the penalty set out in the Local Government Act 2002, who:

- a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, speed limits, traffic signs and other signs or notices laid down, placed, made or erected on or upon any public car park, road, reserve, reserved parking place and other places controlled by the Council pursuant to any of the provisions of Part 2 (Land Transport) or any resolution made under this Part;
- b) fails to comply with any condition, duty or obligation, imposed by Part 2 (Land Transport) or by any resolution made there under;
- c) acts contrary to any prohibition or restriction contained in Part 2 (Land Transport) or by any resolution made there under.

### **1.5.2**

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, a parking warden or a traffic control device; or
- b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of that person's duty; or
- c) in the case of movement of stock, was necessary in response to emergency or the escape of the stock.

### **1.5.3**

Nothing in clause 1.5.1 of this Part of this Bylaw applies to any offence of a kind referred to in section 72(6A) of the Transport Act 1962.

### **1.5.4**

A person may not be subject to proceedings under clause 1.5.1 of this Part of this Bylaw, if that person is, with respect to the same facts, being proceeded against for a breach of the Land Transport Act 1998.

### **1.5.5**

Offences, penalties and fees relating to infringement of speed limits are provided for in the relevant provisions of the Land Transport Act 1998, the Land Transport (Road User) Rule 2004 and the Land Transport (Offences and Penalties) Regulations 1999.

## **2.0 SPEED LIMITS**

### **2.1 SCOPE**

The purpose of clause 2 is to set speed limits on any road within the jurisdiction of the Council other than State Highways controlled by Transit New Zealand. The provisions of the Transport Act, 1962 and the Land Transport Act, 1998 and the Rules passed under these enactments shall apply to this clause.

### **2.2 DATE THE SPEED LIMITS COME INTO FORCE**

The speed limits described in the Schedules come into force on the date specified in the Schedules.

### **2.3 SETTING OF SPEED LIMITS**

The roads or areas described in the Schedules or as shown on a map referenced in the Schedules are declared to have the speed limits specified in the Schedules and maps, which are part of this Part.

### **2.4 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 2**

- a) Schedule 1: Roads with a speed limit of 40 km/h
- b) Schedule 2: Roads with a speed limit of 50 km/h
- c) Schedule 3: Roads with a speed limit of 60 km/h
- d) Schedule 4: Roads with a speed limit of 70 km/h
- e) Schedule 5: Roads with a speed limit of 80 km/h
- f) Schedule 6: Roads with a speed limit of 90 km/h
- g) Roads with a speed limit of 100 km/h

## **3.0 TRAFFIC**

### **3.1 SCOPE**

The purpose of clause 3 is to set the requirements for parking and control of vehicular or other traffic on any road in the district other than State Highways controlled by Transit New Zealand.

### **3.2 DATE TRAFFIC CONTROL DEVICES COME INTO FORCE**

The traffic control devices described in the Schedules listed in clause 3.9 come into force on the date specified therein.

### **3.3 GENERAL**

**3.3.1** The Council may from time to time, by resolution publicly notified:

- a) prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road, or on any piece of land owned or occupied by the Council and not being a road or part of a road, including any parking place.
- b) set aside, designate or reserve any road or any piece of land owned or occupied by the Council and not being a road as:
  - i) stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
  - ii) parking places;
  - iii) reserved parking areas;
  - iv) cycle paths and cycle lanes;
  - v) foot paths;
  - vi) clearways;
  - vii) one-way streets;
  - viii) stock underpasses
  - ix) lanes for passenger service vehicles, or vehicles of any other specified classes;
  - x) lanes for vehicles carrying specified classes of loads or not less than specified number of occupants.

- c) prohibit or restrict:
- i) u-turns;
  - ii) left or right turns;
  - iii) use of lanes or turning movements to be made by passenger service vehicles, or vehicles of other specified classes or vehicles carrying specified loads or not less than a specified number of occupants
  - iv) weights of vehicles or loads that may pass over bridges or culverts;
  - v) any specified class of traffic, or any specified motor vehicle or class of motor vehicle which by reason of its size or nature or the nature of the goods carried is unsuitable for the use on any road or roads;
  - vi) parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified.

### **3.3.2 CLASSIFICATION OF CLASSES OF VEHICLES**

A resolution in respect of any matter in clause 3.3.1 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.

### **3.3.3 CLASSIFICATION OF ROADS AND PUBLIC PLACES**

A resolution in respect of any matter in clause 3 may apply to:

- a) a specified car park, public place, road, reserve, reserved parking place or other places controlled by the Council; or
- b) all car parks, public places, roads, reserves, reserved parking places or other places controlled by the Council in specified zones designated in the District Plan.

### **3.3.4 ROAD SIGNS**

The Council shall mark such roads and/or erect such signs on any road or part of a road, or any land owned or occupied by the Council and not being a road or part of a road, including any car park, public place, road, reserve, reserved parking place as necessary to give effect to any resolution made pursuant to clause 3.3.1.

### **3.3.5**

The Council may by resolution publicly notified rescind, amend or vary any resolution made pursuant to clause 3.3.1.

## **3.4 PARKING**

### **3.4.1**

- a) No person shall stop, stand, or park a vehicle on any car park, public place, road, reserve, reserved parking place or other places controlled by the Council in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road marks.
- b) Notwithstanding the provisions of subclause (a), an authorised officer may, subject to such conditions as appropriate in the circumstances, authorise the stopping, standing or parking of specified vehicles.

### **3.4.2**

Clause 3.4.1(a) shall not apply to:

- a) a network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation. (The expression “network utility operator” has the same meaning given to it by section 166 of the Resource Management Act 1991);
- b) an emergency vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property;
- c) a vehicle used in an official capacity at the time by a law enforcement agency;

- d) medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

#### **3.4.3**

No person shall stop, stand or park on an ornamental verge, lawn, garden or other cultivation adjacent to, or forming part of a road.

#### **3.4.4**

Except with the prior written permission of the Council, no person shall park a vehicle on a road or other land under the control or ownership of the Council, for any period exceeding 7 days if that vehicle cannot easily be moved on at the request of an authorised officer, or if it cannot be safely driven.

#### **3.4.5**

- a) No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in accordance with any conditions that may be required.
- b) Clause 3.4.6(a) does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council provided that such containers are not left on any road or public place for a period exceeding 48 hours.

## **3.5 ONE-WAY ROADS**

### **3.5.1**

A person may only drive a vehicle or ride a horse along the roads listed as “One-Way Roads” in Schedule 8 of this Part, in the direction specified.

### **3.5.2**

The Council may from time to time by resolution publicly notified, amend Schedule 8 of this Part to provide for a road or part thereof to be a one-way road, or to provide that a road should cease to be used as a one-way road.

## **3.6 TURNING RESTRICTIONS**

### **3.6.1**

Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction listed in Schedule 9 of this Part.

### **3.6.2**

The Council may from time to time amend Schedule 9 of this Part by resolution to prohibit, subject to the erection of the prescribed signs:

- a) vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No ‘u-turns’);
- b) vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.

### **3.6.3**

The Council may from time to time amend Schedule 9 of this Part by resolution to provide that a turning restriction be removed.

## **3.7 TRAFFIC PROHIBITIONS**

### **3.7.1 DETERMINATION OF CATEGORIES OF MOTOR VEHICLES**

The Council may from time to time by resolution, and subject to clause 3.3, determine the application and extent of the prohibitions and restrictions contained in clauses 3.7.2 and 3.7.3.

### **3.7.2 RESTRICTION ON DRIVING ON CERTAIN ROADS**

No person shall drive or permit to be driven any class of motor vehicle that is prohibited on specified roads during restricted hours, as set out in Schedule 10A of this Part, except for the purpose of loading or unloading goods or passengers at any property whose access is by way of the road or roads.

### **3.7.3 RESTRICTION ON PARKING DURING CERTAIN PERIODS ON CERTAIN ROADS**

No person shall park or allow to be parked any class of vehicle that is prohibited on specified roads during the restricted hours, as set out in Schedule 10B of this Part, except for the purpose of loading or unloading goods or passengers at any property whose access is by way of the road or roads.

### **3.7.4**

The Council may from time to time amend Schedule 10A & B of this Part by resolution.

### **3.8 WEIGHTS OF VEHICLES AND LOADS OVER BRIDGES AND CULVERTS**

#### **3.8.1**

The Council may from time to time determine by resolution the weights of vehicles or loads that may pass over bridges and culverts.

#### **3.8.2**

The weights of vehicles and loads that may pass over bridges and culverts permitted under clause 3.8.1 shall be contained in Schedule 11 of this Part of the Bylaw.

#### **3.8.3**

The Council may from time to time amend by resolution Schedule 11 of this Part.

### **3.9 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 3 OF PART 2 – TRAFFIC**

- a) Schedule 8: One way roads;
- b) Schedule 9: Turning restrictions;
- c) Schedule 10 A & B: Traffic prohibitions;
- d) Schedule 11: Weight or load restrictions over bridges or culverts

## **4.0 STOCK MOVEMENT ON ROADS**

### **4.1 PURPOSE**

The purpose of clause 4 of is to set the requirements for movement of stock on any road in the district controlled by the Council, including of State Highways under formal delegation from Transit New Zealand.

### **4.2 PROHIBITION OF MOVEMENT WITHOUT A PERMIT**

No person shall move any stock on any road in the district unless a valid permit is held and the stock movement takes place in compliance with the permit.

### **4.3 PERMITS**

#### **4.3.1 ISSUE OF PERMITS**

The Council may issue a permit for the movement of stock on or across one or more roads within the district, subject to such conditions as it may determine.

#### **4.3.2 CONSIDERATION OF PERMIT APPLICATIONS**

In considering the application, the Council shall have regard to:

- a) the numbers and nature of the stock, the frequency of intended use of the route and the time involved in the movement of the stock on the road;
- b) the other uses, condition and physical characteristics of the road and possible alternative routes;
- c) the safety of users of the road and damage to property on or adjacent to the road;
- d) any Council policy relating to the issue; and
- e) other considerations that may be relevant in the circumstances.

## **4.4 CONDITIONS OF PERMITS**

### **4.4.1 STANDARD CONDITIONS OF PERMITS**

The following are standard conditions and shall apply to all permits issued by the Council:

- a) The temporary stock warning signs as specified in Transit New Zealand's Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements thereof) that are imposed as conditions of the permit shall be displayed at all times during the stock movement.
- b) Drivers working on the road during the movement shall comply with Transit New Zealand's booklet Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements thereof) that are imposed as conditions of the permit at all times during the stock movement.
- c) Stock shall at all times move at a rate of progress of not less than one kilometre per hour. This provision does not apply during stock rest or over-night periods.
- d) Stock shall be controlled at all times during their movement.

### **4.4.2 SPECIFIC CONDITIONS OF PERMIT**

In addition to the standard conditions contained in clause 4.4.1, one or more of the following specific conditions may apply to a permit issued by the Council:

- a) The road or roads that the stock may be moved along or across.
- b) The road or roads that the stock may not enter.
- c) The days or dates and the times that stock may be moved.
- d) Areas designated as rest or overnight area.
- e) The nature of the stock and the size of the herd.

- f) The number of drovers required to be present during the movement. If appropriate, the functions of one or more drovers during the movement may be prescribed.
- g) The extent to which the provisions of Transit New Zealand's Code of Practice for Temporary Traffic Management (inclusive of any subsequent amendments or replacements thereof) applies to the stock movement.
- h) To ensure indemnity against the contingent liability of the Council for damage to the road, any property on or adjacent to the road, or from any other cause contributed, directly or indirectly, to the movement of the stock, the Council may require the provision of an acceptable public liability insurance policy or any other form of indemnity from the permit holder. The omission of the Council to require the permit holder to hold public liability insurance or another form of indemnity or to determine the appropriate amount of the liability shall not constitute a waiver or limitation of its right to be indemnified by the permit holder and the person in charge of the stock movement for claims arising from the movement of stock.
  - i) The payment to the Council of the costs of any work on a road that, in the opinion of the Council is necessary or desirable to:
    - ii) facilitate the passage of the moved stock, or
    - iii) reinstate damage caused by the moved stock or the removal of stock effluent from the road.
- i) Any measure required to repair damage or clearing excessive fouling of the road.
- j) Any measures that the Council may reasonably impose to ensure orderly and safe stock movement.

#### **4.5 STOCK UNDERPASS**

Where stock movement across a road will be in excess of the limits specified in Schedule 12 of this Part, the Council may require the construction by the applicant of an approved stock underpass that meet the requirements of the Council.

#### **4.6 LIST OF SCHEDULES PASSED IN TERMS OF CLAUSE 4**

- a) Schedule 12: Stock Movement Graph

### **5.0 VEHICLE CROSSINGS**

#### **5.1 PURPOSE**

The purpose of Clause 5 is to set out the requirements for the construction, maintenance and use of vehicle crossings across footpaths, berms and water channels.

#### **5.2 CROSSINGS RESTRICTED TO APPROVED CONSTRUCTION**

No person shall drive, ride, propel, or wheel any motor vehicle across any footpath, berm or water channel in a public place otherwise than by means of a crossing properly constructed under the provisions of this Part or constructed in accordance with the Bylaws of the Council in force at the time of such construction.

#### **5.3 APPROVAL OF CONSTRUCTION OF CROSSINGS**

- b) Except with the prior written permission of the Council, no person shall after the coming into force of clause 5 of this Part construct any crossing across any footpath on or berm of any road or across any water channel on or adjoining any road or repair, reconstruct, renew, or do any work in connection with any existing crossing.
- c) Prior written permission of the Council shall not be required for work to repair or maintain an approved crossing on condition that such work is limited to reinstate the crossing to its originally approved state.

## **5.4 APPROVAL OF WORK**

Any person designing the construction, repair, reconstruction, or renewal of any crossing shall make application in writing to the Council and the Council may:

- a) consent to the applicant, or an agent, carrying out the work or a part thereof, to such standards as the Council may from time to time may determine;
- b) ensure that such work or a part thereof is carried out by the Council or its contractors to such standards as the Council may from time to time may determine; or
- c) refuse to carry out such work or to permit such work to be carried out if the existence of any such crossing causes or may be likely to cause any danger or obstruction in any public place.

## **5.5 REMOVAL OF UNSAFE CROSSINGS**

### **5.5.1**

If in the opinion of the Council any crossing is in a unsafe state of repair, the Council may by notice in writing, require the owner or occupier of any premises to which such crossing provides access, to undertake such work as shall be necessary in the opinion of the Council to remove the crossing and do the required repair work to such standards as the Council may from time to time determine.

### **5.5.2**

If in the opinion of the Council any crossing is in an unsafe state of repair, the Council may forthwith remove or repair such crossing and the owner or occupier of any premises to which such crossing provides access shall be liable for the actual costs of the removal or any repair work.



In compliance with the provisions of the Local Government Act, 2002 and the Bylaws Act, 1910, this Part is passed by the Hauraki District Council on 12 July, 2007

THE COMMON SEAL of THE HAURAKI DISTRICT COUNCIL

was affixed this 30th day of July, 2007 in the presence of:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Chief Executive Officer