

Parking Bylaw 2017

This bylaw is made under the Land Transport Act 1998, the Local Government Act 1974 and the Local Government Act 2002.

1. Title

This bylaw is the Marlborough District Council Parking Bylaw 2017.

2. Commencement

This bylaw comes into force on 25 May 2017.

3. Application

This bylaw applies to all roads and other public places under the administration and control of Council.

Part 1—Preliminary Provisions

4. Purpose

The purpose of this bylaw is to set the requirements for parking within Marlborough.

5. Interpretation

- (1) Any word used in this Bylaw that is defined in section 2 of the Act, has, for the purposes of this Bylaw, the same meaning as in section 2:
- (2) Any word used in this Bylaw that is defined in rule 1.6 of the Rules, has, for the purposes of this Bylaw, the same meaning as in rule 1.6:
- (3) In this Bylaw, unless the context otherwise requires,—

Act means the Land Transport Act 1998 and any regulations or rules made under that Act:

authorised officer means a person authorised by Council for the purposes of this bylaw:

authorisation includes a parking coupon, ticket or permit:

Council means the Marlborough District Council:

motorcycle includes a moped;

parking place means a place (including a road, a carpark, a parking space or a building) where vehicles, or any class of vehicles, may wait and which has been designated as a parking place by Council, by resolution:

parking space means a parking place or a part of a parking place that has been identified by sign, marking or notice for the use of a single vehicle or a specified number of motorcycles:

parking zone means a parking place, a part of a parking place, or a parking space that has been identified by sign, marking, or notice, as reserved for the use of a specified type of vehicle or class of person and includes a loading zone, taxi stand and a bus stop:

rule means the Land Transport (Road User) Rule 2004:

transport station means a place where transport service vehicles, or any class of transport service vehicles, may wait between trips:

urban traffic area means any area for which the speed limit is 50km/h or less.

Part 2— Parking fees, time limits and permits

6. Parking fees & time limits

- (1) The Council may by resolution, publicly notified, determine—
 - (a) any parking place, or any part of a parking place or any parking space to be an area where a fee must be paid for parking;
 - (b) the time allowed for parking in any parking space (whether or not a fee is payable);
 - (c) fees and methods of payment for the parking;
 - (d) the maximum length of time which any vehicle may continuously park;
 - (e) opening and closing hours for parking places (that are not on a road).
- (2) The Council may establish and mark out parking spaces. The Council may install a parking meter at each metered space and at least one multiple parking meter in a multiple meter area.
- (3) No person may park in any parking space without paying the required fees, if any, and having correctly activated any parking meter controlling the space or in compliance with any instructions on any signs or machines at the place.
- (4) No person may park in a parking space in excess of the time authorised by the payment of a parking fee.
- (5) The driver or person in charge of any of the following vehicles may park free of charge in a parking space regulated by a parking machine:
 - (a) an emergency vehicle and which is, at the time, being used for an emergency;
 - (b) a vehicle used by a medical practitioner and who is, at the time, attending a patient or emergency;
 - (c) a branded vehicle used by a member of the Police, on duty;
 - (d) a branded Council vehicle used by an authorised officer engaged in work for the Council.

7. Parking permits

- (1) Council may, by resolution, publicly notified, determine any road or part of a road or any parking place or part of a parking place, or any parking space, to be an area where a parking permit or other authorisation is required to be obtained and displayed.
- (2) No person may park in a parking space, where an authorisation is required to be obtained and displayed, as indicated by notice, sign, marking, or parking machine—
 - (a) without obtaining a valid parking authorisation;
 - (b) without correctly displaying the authorisation;
 - (c) while displaying an expired authorisation.

Part 3—Reserved, leased and zone parking

8. Loading zones

- (1) Council may, by resolution, publicly notified, determine any road or part of a road, or any parking space to be a loading zone for the sole use of goods vehicles.
- (2) No person may park a vehicle not being a goods vehicle in a loading zone.
- (3) No person may park a goods vehicle for longer than necessary to load or unload the vehicle in a loading zone.

9. Pick up and drop off zone

- (1) Council may, by resolution, publicly notified, determine any road or part of a road or any parking space to be a pick up and drop off zone.
- (2) No person may park a vehicle longer than necessary to pick up or drop off passengers in a pick up or drop off zone.

10. Disabled persons parking

- (1) Council may, by resolution, publicly notified, determine any parking space to be reserved for the sole use of disabled persons.
- (2) No person may park in area reserved for disabled persons only unless—
 - (a) the driver or a passenger is disabled; and
 - (b) a current disabled persons parking permit is clearly displayed on the vehicle; and
 - (c) the person complies with all other terms and conditions applicable to that parking space.

11. Motorcycle parking

- (1) Council may, by resolution, publicly notified, determine any parking space to be reserved for the sole use of motorcycles.
- (2) No person may park a vehicle that is not a motorcycle in a parking space reserved for motor cycles only.
- (3) No person may park a motorcycle or moped in a parking space reserved for motorcycles only other than at at right angles to the road way.

12. Leased parks

- (1) Council may lease any parking space in a parking place for the sole use of the lessee.
- (2) No person may park a vehicle in a leased parking space other than in accordance with a current written lease with Council for the lease of that parking space.

13. Taxi stands, bus stops and other passenger service parks

- (1) Council may, by resolution, publicly notified, determine any parking space to be a taxi stand, or a bus stop or a space reserved solely for the use of a passenger service vehicle.
- (2) No person may park a taxi, bus or other passenger service vehicle in any parking space except a parking space reserved for the use of taxis, buses, or other passenger service vehicles, as the case may be, while soliciting for passengers or picking up and dropping off passengers.

- (3) No person may park a vehicle in a parking space reserved for passenger service vehicles unless that vehicle is of the class authorised to park in that space.

14. Residents' parking zones

- (1) Council may, by resolution, publicly notified, determine any road or part of a road, or any parking space, to be a residents' parking zone for the sole use of the vehicle of a person who resides in the vicinity.
- (2) No person may park a vehicle in a residents' parking zone unless a current approved resident's parking permit is prominently displayed in the vehicle.

15. Heavy vehicle parking

- (1) Council may, by resolution, publicly notified, determine any road or part of a road, or any parking space, to be an area where the parking of heavy vehicles is prohibited or restricted.
- (2) No person may park any heavy vehicle on any road or in any parking space where the parking of heavy vehicles has been prohibited or restricted.
- (3) No person may park any heavy motor vehicle on any road or in any parking space during any specified hours or for any period of time in excess of any limit on the period of time or the hours or days that heavy motor vehicles may park there.

16. General restrictions

- (1) Council may, by resolution, publicly notified, determine any road or part of a road, any parking place or any parking space, to be an area for the sole use of vehicles of a specified class or classes.
- (2) No person may park in a parking space any road or part of a road, any parking place or any parking space if that vehicle is not of a class permitted to use that area.

Part 4—Further restrictions on parking

17. No parking on footpath or verge

No person may park a vehicle on a footpath or on any grassed area of the verge of a road where the speed limit is 50km/h or less.

18. Parking within the marked space

- (1) No person may park a vehicle in a parking space—
- (a) so that any part of the vehicle extends beyond the marked space or is not entirely within the space; or
 - (b) that is already occupied by another vehicle unless the vehicles are motorcycles.
- (2) Notwithstanding subclause (1) of this bylaw, a vehicle greater in length than 6.6 metres, including any trailer or other attachment, may occupy two spaces so long as the vehicle does not extend beyond the space into the roadway and any fees for the use of both spaces are paid.

19. Angle parking

No person may park a vehicle in an angled parking space other than front first and on the angle indicated by the road markings.

20. Immobilised vehicles, repair, advertising and sale

- (1) No person may park an immobilised vehicle on a road for more than 7 days.

- (2) No person may park a vehicle on a road for the purposes of—
 - (a) repair, unless it is an emergency;
 - (b) advertising, except election advertising;
 - (d) maintenance or cleaning of the vehicle; or
 - (e) the storage of goods in the vehicle.
- (3) Council may, by resolution, publicly notified, provide that no road or part of a road or no parking place may be used for the purpose of parking a vehicle to advertise that vehicle for sale.
- (4) Council may, by resolution, publicly notified, provide that no road or part of a road or no parking place may be used for the purpose of parking a vehicle to advertise any goods or services or any event; except that election advertising is permitted.

21. Discontinued parking spaces

No person may park in a parking space where parking is temporarily discontinued by Council by use of signs or cones.

22. Machinery or equipment

- (1) No person may leave any machinery, equipment, materials or freight containers on any road or parking place, unless that person has the written permission of Council.
- (2) Clause (1) of this bylaw does not apply to containers that are used solely for the purpose of kerbside collection of waste or diverted material authorised by Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.

23. Further general restrictions

- (1) No person may park a vehicle on any road or in any parking space in contravention of a prohibition, restriction, or limitation made by Council, and as indicated by sign, marking or notice.
- (2) No person shall:
 - (a) misuse or wilfully damage any parking place;
 - (b) interfere or tamper with the working operations of a parking place;
 - (c) affix any placard, advertisement, notice, list, document, board or thing on any parking place without the prior written permission of Council;
 - (d) paint or write on any parking place without the prior written permission of Council;
 - (f) operate any parking machine except in accordance with the instructions printed on the machine, or on any nearby notice or sign; or
 - (g) deposit in any parking machine anything other than payment in New Zealand currency.
- (3) Council may, by resolution, publicly notified, set limits on the speed any vehicle may travel in any carpark or parking building.
- (4) No person may travel above any speed limit set under this bylaw.

Part 5—Administration, Enforcement & Miscellaneous matters

24. Council permission

- (1) Any person who seeks authorisation or permission of Council under these bylaws must;
 - (a) Apply in writing providing the information required by Council; and
 - (b) Pay the fee set for the application.
- (2) Council may grant or refuse to grant permission.
- (3) The permission may be granted on such terms and conditions as Council thinks appropriate including a term after which the permission will expire.
- (4) Council may revoke the permission if Council considers the permit holder is in breach of the permission.

25. Fees

- (1) Council may, by resolution, fix fees for parking under this bylaw.
- (2) The fees may be reviewed and amended from time to time.
- (3) Council may set different fees for different activities, locations, or types of vehicle.

26. Offences & penalties

It is an offence to breach these bylaws with a penalty, on conviction, of a fine not exceeding \$1,000.00 under the Land Transport (Offences and Penalties) Regulations 1999. Alternatively, an infringement notice may be issued. Towage fees may also be payable.

27. Consequences of breach of bylaws

Council may—

- (a) remove any vehicle from a parking place or transport station or road where the vehicle is using the place or station or road in breach of these bylaws; and
- (b) Recover the costs of the removal from the owner of any vehicle before the vehicle is released to them.

28. Bylaws not to limit or affect other enactments

These bylaws do not limit or affect the requirements in or under any other enactment.

Part 6—Revocation and Savings

29. Revocation

Chapter 3 of the Marlborough District Council General Bylaws is revoked.

30. Savings

Any resolutions, approvals, permits or other acts of authority made under Marlborough District Council General Bylaws Chapter 3, current at the time of revocation of those bylaws, remain in force on their terms until amended, replaced or revoked by Council.