

Traffic Bylaw 2017

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

Title

This bylaw is the Marlborough District Council Traffic Bylaw 2017.

1. Commencement

This bylaw comes into force on 25 May 2017.

2. Application and Purpose

The purpose of this bylaw is to regulate vehicles and other traffic on roads within the control or management of Council.

Part 1 — Preliminary Provisions

3. Interpretation

- (1) Any word used in this bylaw that is defined in section 2 of the Land Transport Act 1998, has, for the purposes of this bylaw, the same meaning as in section 2 of that Act.
- (2) Any word used in this bylaw that is defined in rule 1.6 of the Land Transport (Road User) Rule 2004 has, for the purposes of this bylaw, the same meaning as in rule 1.6 of that Rule.
- (3) In this bylaw, unless the context otherwise requires,—

Council means the Marlborough District Council.

Part 2 — Vehicle and Road use

4. Traffic direction & turns

- (1) The Council may, by resolution publicly notified, on any specified road or part of a road:
 - (a) prohibit or restrict vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing 'U-turns');
 - (b) prohibit or restrict vehicles or classes of vehicles on any road from turning to the right or left or from proceeding in any other direction; or
 - (c) require vehicles on roads to travel in one direction only.
- (2) A person must not use a road or part of a road contrary to a resolution made by Council under clause 5(1).
- (3) Every driver of a vehicle must travel only in the direction specified for that road as evidenced by appropriate signs/and or markings.

5. Traffic routes

- (1) The Council may, by resolution publicly notified, prescribe, for traffic or specified classes of traffic, routes that must be followed or any turning movements or manoeuvres that must be undertaken on a road, intersection or cycle path.
- (2) A person must not use a road or cycle path contrary to a resolution made by Council under clause 6(1).

6. Traffic control by size, weight, nature

- (1) The Council may, by resolution publicly notified, provide that the use of a road or part of a road (including any bridge or culvert) is unsuitable for the use of any specified class of traffic or any specified vehicle or any specified class of motor vehicle due to their weight, size or nature or the nature of the goods carried.
- (2) Council may, by resolution, publicly notified, prohibit from travelling on any road any specified class of heavy vehicle that has caused or is likely to cause serious damage to the road or a road safety risk to other users of the road.
- (3) The Council may, by resolution publicly notified:
 - (a) provide for weighbridges and other vehicle weighing devices, for the computation of the weight or measurement of loads, and the quantity of material that may be conclusively treated as a specified weight or measurement of vehicle loads;
 - (b) require the driver of a vehicle to give information as to vehicle loads and the quantity, weight, size, or measurement of the vehicle loads;
 - (c) authorise any person to require the driver of any vehicle to do any thing for the purpose of enabling the quantity, weight, size or measurement of the loads to be ascertained; or
 - (d) require an annual sum or bond or other payment to recover any reasonable, or reasonably anticipated, costs for any damage which has been or is likely to be caused to any road due to such vehicle usage.
- (4) A person must not:
 - (a) use a road or part of a road contrary to a resolution made by the Council under sub-clause (1) or (2) of this bylaw; or
 - (b) fail to comply with a Council requirement made in accordance with a Council resolution under sub-clause (3) of this bylaw.

7. Special vehicle lanes

- (1) The Council may, by resolution publicly notified, prescribe a road, or any part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- (2) A person must not use a road or part of a road contrary to a resolution made by the Council under clause 8(1).

8. Light motor vehicles

- (1) The Council may, by resolution publicly notified, restrict or prohibit any vehicle having a gross vehicle mass less than 3,500kg from being operated on that road at any time or during the hours specified in the resolution.
- (2) A person must not drive a motor vehicle in contravention of a resolution made by the Council under clause 9(1).

9. Unformed legal roads and beaches

- (1) The Council may, by resolution publicly notified, restrict the use of any motor vehicle on an unformed legal road or on a beach for the purposes of protecting the environment, the road and adjoining land, or the safety of road or beach users.
- (2) A person must not use a motor vehicle in contravention of a resolution made by the Council under clause 10(1), unless prior written permission from Council has been obtained.

10. Works in, on, under, or over a road

No person may undertake any works in, on, under, or over any road without the prior permission of Council.

11. Street and RAPID numbering

- (1) Council may, by resolution, publicly notified require every owner or occupier of land on which a building is situated to obtain and display a street or other identifying number in a position visible from the road.
- (2) The owner of occupier must comply with any directions of Council as to the assigning and obtaining of the number and its positioning and must pay any fee set by Council for the purpose.

Part 3 — Stock on roads

12. Movement of Stock

- (1) No person may move stock along or across a road where that person can reasonably move the stock along private land or a stock race.
- (2) Where it is not reasonable to move the stock along private land or a stock race, stock may be moved across or along a road with the prior written permission of Council.

13. Stock races, crossings & underpasses

No person may construct a stock race, stock crossing, or an underpass on or under any road without the prior written permission of Council.

14. Stock grazing

A person may graze stock on a road verge if—

- (a) the speed limit is more than 80km/hour; and
- (b) the stock is tethered or fenced at least 1 metre from the carriageway.

Part 4 — Administration & Enforcement

15. Cost recovery

Council may recover the costs incurred in cleaning up any road necessary through spillage of oil or other substance on the road. The person who caused the spillage or the owner of the vehicle must pay the costs.

16. Council permission

- (1) Any person who seeks permission of Council under these bylaws must:
 - (a) apply in writing providing the information required by Council;
 - (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.

17. Fees

- (1) Council may, by resolution, fix fees for an application for a permission and other matters for which a fee is payable under the Act or these bylaws 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.

18. Offences & Penalties

A person who fails to comply with any control, restriction, limitation or prohibition made under this bylaw commits an offence under the Land Transport Act 1998 or the Local Government Act 1974 and is liable to the penalties set out in those Acts or regulations.

19. Bylaws not to limit or affect other enactments

This bylaw does not limit or affect the requirements in or under any other enactment.

Part 5 — Revocation and Savings

20. Revocation

The Marlborough District Council General Bylaws Chapter 3 are revoked.

21. 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.