

CHAPTER 3 - TRAFFIC

The Marlborough District Council hereby makes by resolution the following Chapter 3 of the Marlborough District Council Bylaw 2010 pursuant to the powers contained in Sections 145 and 146 of the Local Government Act 2002, the Local Government Act 1974, Section 72 of the Transport Act 1962, the Land Transport Act 1998 and its Regulations, and any other Act or authority in any way enabling the Council in that behalf.

Section 1 – Vehicle Stands on Streets

301 Stands for Buses, Taxi Cabs, Mobile Food Stalls & Street Stalls

301.1 Portions of streets as defined by Council resolution publicly notified may be constituted stands for:

- (i) Taxi cabs;
- (ii) Buses;
- (iii) Street stalls;
- (iv) Mobile food stalls.

302 Conditions Upon Stands

302.1 It is an offence against this Chapter of this Bylaw for any person to allow any motor vehicle, street stall or mobile food stall to occupy a position upon or to remain upon any stand unless the motor vehicle, street stall or mobile food stall is:

- (i) Of the class for which the stand has been designated;
- (ii) Complying with any Council directions as to the manner and use of the stand.

303 Alterations or Variations

303.1 The Council may by resolution publicly notified alter, add to, vary, or reduce in any manner:

- (i) The lists of streets or portions of streets established as stands pursuant to Clause 302.1 above; and
- (ii) Any conditions according to this Chapter of this Bylaw.

304 Cancellation or Suspension

304.1 If at any time the user of a stand is found to have:

- (i) Committed an offence against this Chapter of this Bylaw; or
- (ii) Committed any offence against any Act, regulation or Bylaw associated with:
 - (a) The use of any stand; or
 - (b) The use of any vehicle which is used in respect of the stand.

then the Council may give notice in writing to the user requiring him or her to appear before the Council to show why he or she should not be prohibited from using the vehicle stands.

The time and place will be fixed in the notice, provided that no person will be required to appear less than seven (7) days after the service of the notice.

The Council may after hearing the user or his or her representative, or in default of an appearance by the user, prohibit the user from using any vehicle stands for any period of time which the Council considers appropriate.

Section 2 – Road Restrictions

305 Traffic Direction

305.1 The Council may by resolution publicly notified:

- (i) Declare that traffic in any road within the District shall proceed only in the direction specified in the resolution; and
- (ii) Prohibit vehicles from doing U-turns on any specified road.

306 Restricted Areas

306.1 The Council may by resolution publicly notified set aside areas on any road within the District as cycle stands, keep clear areas or any other restricted areas as authorised by the Transport Act 1962.

307 Traffic Routes for Types of Traffic

307.1 The Council may by resolution publicly notified state routes for passenger

service vehicles, goods and service vehicles and heavy vehicles.

308 Speed Restrictions

- 308.1 The Council may by resolution publicly notified declare that traffic on any specified part of any road within the District will not exceed the speed stated in such resolution and in notices giving effect to such resolution erected in the appropriate places on such road.

309 Noisy Vehicles and Inconsiderate Use of Vehicles

- 309.1 No person shall operate any vehicle in such condition, or in such manner, or otherwise however so as to cause or be liable to cause annoyance to any person on account of noise.
- 309.2 No person shall operate any vehicle in such a manner as to cause or be liable to cause annoyance to any person generally.

310 Heavy Vehicles

- 310.1 The Council may by resolution publicly notified prohibit from travelling on all roads or any road or any part of a road under its care, control or management, any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, likely to cause serious damage to any road. Provided that where the cost of reinstating or reinforcing the road as estimated by the Council, has been paid to the Council, then such heavy traffic may use the road subject to any conditions specified by the Engineer.
- 310.2 The Council may require an annual sum or bond or other payment of such reasonable sum as the Council thinks fit as compensation for any damage which in the opinion of the Engineer, has been or is likely to be caused to any road due to such vehicle usage. Any bond paid in accordance with this clause will be fully refundable if no damage is incurred.

311 Weight Limits on Roads

- 311.1 That Council made by resolution publicly notified regulate the weights of vehicles or loads that may pass over bridges or culverts under the care, control or management of the Council.

312 Animals

- 312.1 The Council may by resolution publicly notified regulate or prohibit the movement of animals on specified roads.

313 Stock Droving

- 313.1 No person shall drive any stock along any road except:
- (i) During the hours of daylight; or
 - (ii) In the case of escape; or
 - (iii) In the case of emergency; or
 - (iv) For the purpose of moving dairy cattle from one part of a land unit to another, part of that unit for the purposes of milking where such movement of dairy cattle is the subject of a management plan prepared by the farmer which has been approved by Council.
- 313.2 No person may move stock across or along a road where that person may reasonably move the stock along private land or unformed sections of the road reserve.
- 313.3 If stock are moved along a road then:
- (i) The stock must be attended by a drover stationed on the road to ensure that continuous progress is made towards the destination; and
 - (ii) The stock must be driven in such a manner and use the minimum amount of road required as will ensure that any danger to other road users and damage to the road is minimised; and
 - (iii) Warning signs must be erected and maintained by the person responsible for the stock; and
 - (iv) The person responsible for the stock must implement and carry out a regular maintenance programme to cleanse the road surface of resultant debris and matter which may cause inconvenience to road users.
- 313.4 The prior approval of Council is required for every person who wishes to:
- (i) Construct a race, either whole or partially, for the purpose of infrequently moving that stock from one part of a farming unit to another part of that unit. Routine moving of dairy cattle along any road surface for milking is not permitted; or
 - (ii) Move stock along a road otherwise than in accordance with clause 313.1 above.
- 313.5 Council approval under Clause 313.4 may have terms or conditions imposed. The applicant will be responsible for all costs of construction and maintenance of any race.

- 313.6 Every person who uses road for stock droving purposes or for a race shall be fully liable for the repair or replacement of the road where the road has been detrimentally affected by such usage.
- 313.7 In the case of dairy cattle being moved pursuant to a Management Plan in terms of 313.1(iv) such Management Plan shall address:
- (i) The impacts of the movement of such dairy cattle on other road users and other persons in the vicinity; and
 - (ii) The cleansing of the road surfaces; and
 - (iii) Safety issues; and
 - (iv) Whether the movement of such dairy cattle may amount to a public nuisance; and
 - (v) The means by which any adverse impacts on road users and other persons in the vicinity and any public nuisance would be alleviated; and
 - (vi) Responsibility for any costs associated with the movement of such dairy cattle; and
 - (vii) Other options; and
 - (viii) All other relevant matters.

314 Overhanging Trees or Hedges

- 314.1 Council may by notice in writing under the hand of an authorised officer require the owner of any land abutting upon any road within the district to remove, lower or trim to the satisfaction of Council any tree or hedge overhanging or overshadowing the road in cases where in the opinion of Council the removal, lowering or trimming is necessary in order to prevent damage to any footpath forming part of the road or obstruction to pedestrian traffic on such footpath.
- 314.2 The provisions of Section 355 of the Local Government Act 1974, subsections (2), (3), (4), (5), (6), (7), (8), (9) and (10) shall apply to this Bylaw as if they were repeated in full within it.
- 314.3 It is recorded that this part of this Bylaw has been passed in the event that it be held by a Court that Section 355 does not sufficiently extend to enable the powers specified in Section 355(1) to be used in the event of any tree or hedge overhanging or overshadowing a footpath and creating a potential for injury or obstruction of pedestrian traffic on such footpath.

Section 3 – Parking on Roads

315 Time Limits

- 315.1 The Council may by resolution publicly notified impose a limit on the time in which any vehicle may park in any parking space (*the maximum time limit*).
- 315.2 Every parking meter must clearly indicate the existence and nature of the maximum time limit restriction, in accordance with this Chapter of this Bylaw.
- 315.3 Every parking meter must clearly indicate the prescribed coins or other method of payment for parking.
- 315.4 No person may leave any vehicle parked in any parking space for a period of more than 48 hours.

316 Movement of Vehicles

- 316.1 No person may park any vehicle in a parking space:
- (i) Across any markings indicating the limit of such space;
 - (ii) In such a position that the vehicle is not entirely within the space.
- 316.2 Where a vehicle has a trailer attached or is greater in length than one parking space, then the driver may occupy or partially occupy two parking spaces with such vehicle (and trailer) where such spaces are parallel to the roadway.
- 316.3 Fees must be paid for each metered space occupied or partially occupied.

317 Parking Places for Motorcycles

- 317.1 The Council may by resolution publicly notified declare that any parking space will be set aside for motorcycles only.
- 317.2 Notice that any parking space is reserved as a parking space for motorcycles only will be displayed clearly so as to indicate the existence and nature of the restriction.
- 317.3 No person may park on any such parking space any vehicle other than a motorcycle.
- 317.4 Except in the case of motorcycles, only one vehicle may occupy any parking space at one time. Only one parking fee will be payable in respect of such motorcycles.
- 317.5 In the case where more than one motorcycle is parked in a parking space

showing a time expired meter, each person who owns a motorcycle so parked is severally liable and therefore has committed an offence against this Bylaw.

- 317.6 All motorcycles parked in parking spaces parallel to the road shall be no closer than 1.22 metres from the painted line marking the rear extremity of such parking space.

318 Repairs

- 318.1 No person may repair any vehicle in any parking space, except in an emergency or with the prior permission of Council.

319 Installation of Parking Meters

- 319.1 The Council may by resolution publicly notified:
- (i) Declare any road under the Council's control, or any part of such road to be a metered zone;
 - (ii) Declare the number and situation of parking spaces within a metered zone;
 - (iii) Declare the time allowed for parking in such parking spaces;
 - (iv) Fix the prescribed coins or other method of payment for the parking of vehicles at such parking spaces;
 - (v) Fix the maximum length of time which any vehicle may continuously park in any parking space (*maximum time limit*).
- 319.2 The Council may establish and mark out parking spaces in all metered zones. The Council will install a parking meter at each metered space.
- 319.3 Where the Council fixes a maximum time limit in relation to any metered spaces the maximum time limit will be indicated either on the body of the meter or by signs at each end of the metered zone, and in accordance with Land Transport Rule: Traffic Control Devices 2002.

320 Parking

- 320.1 For all parking spaces parallel to the roadway the driver must park the vehicle in the metered space in such a way so that the vehicle is headed in the direction of movement of traffic on the side of the road on which the vehicle is parked.

- 320.2 For any angled parking spaces to the roadway the driver shall park the

vehicle in the parking space so that the vehicle's front is facing the edge of the roadway.

- 320.3 No vehicle may remain in any metered space after the parking meter has expired.
- 320.4 No driver of a vehicle which by itself or together with any attachments is greater than 6.6 metres in length shall park in any angled space. The word park for the purposes of this clause means the stopping or standing of a vehicle for any period of time whether more or less than five minutes.

Provided that where two angled spaces form a straight line in length such vehicle may occupy or partially occupy those spaces provided that any required fees are paid.

321 Payment and Activation of Meter

- 321.1 When any vehicle is parked in a metered space the driver of the vehicle will immediately insert the prescribed coin, as indicated on the parking meter. Provided that the driver of such vehicle may without payment park such vehicle during the time (if any) as may be indicated on the parking meter as unexpired time.
- 321.2 The driver of a vehicle when parked in a metered space and required by this Bylaw to insert the prescribed coins, must insert the coins and fully activate the meter in whatever manner is required.
- 321.3 A person may only insert the prescribed coins in New Zealand currency into any parking meter.
- 321.4 A person may only operate or attempt to operate any parking meter in accordance with this Bylaw, and any sign or notice that is relevant to the parking meter.

322 Temporary Closure

- 322.1 Where in a Traffic Officer's or the Engineer's opinion the use of any parking space should be temporarily discontinued the authorised parking warden may place, or erect a sign at such space. Such sign shall conform with Land Transport Rule: Traffic Control Devices 2002.

323 Hours of Charge

- 323.1 Every parking space may be occupied and payment for the parking meter shall be required between the following hours:
- (i) Monday to Friday between 9.00 am and 6.00 pm; and

- (ii) Saturday between 9.00 am and 1.00 pm.

324 **Cycles**

- 324.1 A bicycle is permitted to occupy a metered space if the bicycle is placed against and parallel to the kerb of the road.

325 **Fines**

- 325.1 The following infringement fees apply for any contravention of Section 3 of these bylaws:

| Offence | Infringement Fee \$ (in addition to any towage fee - see below) |
|----------------|--|
|----------------|--|

Any parking offence involving parking in breach of this Bylaw, in excess of a period fixed by a meter or otherwise, where the excess time is

| | |
|--|----|
| Not more than 30 minutes | 12 |
| More than 30 minutes but not more than one hour | 15 |
| More than one hour but not more than two hours | 21 |
| More than two hours but not more Than four hours | 30 |
| More than four hours but not more Than six hours | 42 |
| More than six hours | 57 |
| Any other parking offence | 40 |

Towage Fee: Where expenses are incurred by the Council in respect of the movement or proposed movement of the vehicle involved in the offence (whether or not the vehicle is in fact moved), the infringement fee shall be the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any Goods and Services Tax payable in respect of the towage fee).

326 **Towage Fees**

- 326.1 The towage fee payable for a breach of this Bylaw is:

- (i) \$60.00 in the case of a vehicle whose gross weight does not exceed 3500 kg; and
- (ii) \$160.00 in the case of a vehicle whose gross weight exceeds 3500 kg.

(both of the above fees are inclusive of GST).

327 Registered Owner Liable

- 327.1 The registered owner of any vehicle that is parked in breach of this Chapter of this Bylaw will be liable for all fees, fines and other penalties that are incurred.

Section 4 – Parking in Carparks

328 Speed Restrictions

- 328.1 The maximum speed limit for vehicles in any carpark is 20 km/hr.

329 Time Limits

- 329.1 The Council may by resolution publicly notified impose a limit on the time in which any vehicle may park in any carpark (*maximum time limit*).
- 329.2 Notice of any maximum time limit will be displayed at the carpark and will indicate the existence and nature of the restriction.
- 329.3 Every parking meter will indicate the maximum time limit which a vehicle may be parked at the correspondence metered space and the prescribed coins or other method of payment for such parking.
- 329.4 Any person parking in a park with a maximum time limit shall at or before the expiry of such maximum time limit remove the parked vehicle so that it does not occupy any parking space within a radius of fifty metres from the maximum limit space it was occupying. This restriction on parking will apply for two hours after the expiry of the maximum time limit.
- 329.5 No person may leave any vehicle within a carpark for a continuous period of more than 48 hours without the Council's consent or a long term parking permit.

330 Movement of Vehicles

- 330.1 Council may lay out, mark, or signpost any carparks so as to provide for any of the following:

- (i) Entrances, exits, direction of traffic flow and designated parking spaces;
- (ii) Any other lay out, marking or signposting that the Council considers appropriate.

330.2 No person may drive any vehicle into any carpark where any marking says "Exit" only or out of any carpark where any marking says "Entrance" only or words to like effect.

331 Long Term Parking

331.1 The Council may by resolution publicly notified declare that any part of a carpark will be set aside as a long term parking place and set the appropriate fee for parking in that parking place.

331.2 Notice that any part of a carpark is reserved as a long term parking place will be displayed at the carpark. The notice will clearly indicate the existence and nature of the restriction.

331.3 Any person who parks any vehicle on a long term parking place without payment of the prescribed fee commits a breach of this Bylaw.

331.4 Once the prescribed fee has been paid to the Council a vehicle may be parked in the long term parking place for the period which the appropriate fee permits. The specified period may be greater than any other period given in any other provision of this Chapter of this Bylaw.

332 Parking Places for Motor Cycles

332.1 The Council may by resolution publicly notified declare that any part of a carpark shall be set aside as a parking place for motorcycles only.

332.2 Notice that any part of a carpark is reserved as a parking place for motorcycles only will be displayed at the carpark. The notice will indicate the restriction.

332.3 Any person who parks any vehicle other than a motorcycle on any such area commits an offence.

332.4 A person may only park a vehicle in a metered space or parking space which is already occupied by another vehicle if both or all vehicles in the space are motorcycles. Only one parking fee is payable in respect of such motorcycles.

332.5 Where more than one motorcycle is parked in a parking space showing a time expired meter, or no appropriate ticket is displayed, each person who owns a motorcycle parked in the parking space is severally liable and therefore commits an offence against this Bylaw.

333 Repairs in Carparks

333.1 No person may repair any vehicle on any carpark without the prior permission of Council, except in an emergency.

334 Installation of Meters

334.1 The Council may by resolution publicly notified:

- (i) Declare any carpark, or any part of such carpark to be a metered zone or a multiple meter area;
- (ii) Declare the number and location of metered spaces or parking spaces within a metered zone or multiple meter area;
- (iii) Declare the time allowed for parking in any metered spaces or in any parking space;
- (iv) Fix the prescribed coins or other method of payment for the parking of vehicles at metered spaces or in any parking space;
- (v) Fix the maximum length of time which any vehicle may continuously park in any metered space or parking space (*maximum time limit*).

334.2 The Council will establish and mark out parking spaces in all metered zones and multiple meter areas respectively. The Council will install a parking meter at each metered space and at least one multiple parking meter in a multiple meter area.

335 Parking and Payment

335.1 When any vehicle is parked in a metered space the driver of that vehicle will immediately insert the prescribed coin, as indicated on the parking meter, in either the parking meter or multiple parking meter unit, whichever is provided. However, the driver of such vehicle may without any payment park the vehicle during the time (if any) indicated on the parking meter as unexpired time.

335.2 The driver of such vehicle must fully activate the parking meter or multiple parking meter unit in whatever manner is required for the meter to become operative.

335.3 Where any multiple parking meter machine issues tickets for parking, the driver will display any such ticket in a prominent position on the interior driver's side of the front windshield so that the date, time and number on the ticket are clearly visible through the windshield.

- 335.4 Any person displaying a current parking permit on the dashboard of a vehicle may park in any parking space without further payment of the appropriate fee.
- 335.5 No person may park any vehicle in a metered space or parking space:
- (i) Across any markings indicating the limit of the space;
 - (ii) In such a position so that the vehicle is not entirely within the space.
- 335.6 Where a parking space is not marked out by complete boundaries, then parking within the space shall be that deemed reasonable having regard to the markings that are given.
- 335.7 Where a vehicle is greater in length than 6.6 metres (including attachments) then the driver may occupy or partially occupy two parking spaces with the vehicle (and attachments) where the spaces form a straight line in length. Fees must be paid for each space so occupied.
- 335.8 No person shall park any bicycle or motorcycle on any metered space or parking space in a carpark other than those spaces that are specifically indicated for that purpose.
- 335.9 Every person commits an offence against this Bylaw who:
- (i) Misuses, interferes or attempts to interfere with any parking meter
 - (ii) Without due authority attaches or attempts to attach any item to any parking meter
 - (iii) Without due authority defaces any parking meter
 - (iv) Operates or attempts to operate any parking meter other than in accordance with this Bylaw.
 - (v) Remains in any parking space after the time shown for parking on the parking meter has expired.
 - (vi) Parks otherwise than in accordance with this Bylaw.

336 Temporary Closure

- 336.1 Where in the Engineer's opinion the use of any metered space or parking space should be temporarily discontinued, the authorised parking warden may place, or erect a sign to that effect at such spaces.

337 Prescribed Coins

337.1 A person may only insert the prescribed coins in New Zealand currency in any parking meter.

338 Exemptions

338.1 The driver of any of the following classes of vehicles shall be exempt from the provisions of this Bylaw:

Vehicles belonging to the:

- (i) Ambulance service
- (ii) Fire service
- (iii) Police

while engaged on official duties.

339 Hours of Operation

339.1 Every metered space or parking space may be occupied and payment is required for every space between the following hours:

- (i) Mondays to Fridays between 9.00 am and 6.00 pm; and
- (ii) Saturdays between 9.00 am and 1.00 pm.

339.2 All maximum time limits for parking spaces will be operative during the hours listed in Clause 326.1 above, or as otherwise indicated on the relevant signs.

340 Towing

340.1 Every vehicle that is parked in a carpark in breach of this Chapter of this Bylaw may be towed away at the vehicle owner's expense.

341 Fines

The following infringement fees apply for any contravention of Section 4 of these bylaws:

Offence

**Infringement Fee \$
(in addition to any
towage fee - see below)**

Any parking offence involving parking in breach of this Bylaw, in excess of a period fixed by a meter or otherwise,

where the excess time is

| | |
|--|----|
| Not more than 30 minutes | 12 |
| More than 30 minutes but not more than one hour | 15 |
| More than one hour but not more than two hours | 21 |
| More than two hours but not more Than four hours | 30 |
| More than four hours but not more Than six hours | 42 |
| More than six hours | 57 |
| All other parking offences | 40 |

Towage Fee: Where expenses are incurred by the Council in respect of the movement or proposed movement of the vehicle involved in the offence (whether or not the vehicle is in fact moved), the infringement fee shall be the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any Goods & Services Tax payable in respect of the towage fee).

342 Registered Owner Liable

342.1 The registered owner of any vehicle that is parked in breach of this Chapter of this Bylaw will be liable for all fees, fines and other penalties that are incurred.

343 Closure of Carpark

343.1 The Council may by Council resolution close either temporarily or permanently any carpark either wholly or in part. During the period of closure it will be lawful for the Council to suspend the operation of any or all of the provisions of this chapter of this Bylaw.