

Parking Bylaw

2024

Parking Bylaw

REVISION HISTORY

Date Created:	2024
Review Date:	27th August 2024
Department:	Operations
Responsible Officer:	Roading Manager
Sponsor:	
Approved by:	Chief Executive Officer
New Review Date:	

1. Title, Commencement and Application

This bylaw is the Mackenzie District Council Parking Bylaw 2024.

This bylaw comes into force on 27th August 2024.

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998. It applies generally to all roads under the care, control and management of the Council.

2. Purpose

The purpose of this bylaw is to provide for the introduction of parking related restrictions and control the use of the road in order to:

- Maintain and improve the efficiency of the road network.
- Ensure the safe operation of the road network, including for pedestrians.
- Ensure that parking is available in areas of high demand and is turned over in sufficient frequency to meet with the demand.
- Manage heavy motor vehicle use and parking within townships.
- Ensure loading areas are available for commercial use.
- Control the storage of items and vehicles on roads.

3. Interpretation

3.1 In this Bylaw unless the context otherwise requires:

Act means the Land Transport Act 1998 and the regulations, and rules made under that Act.

Authorised officer means any person appointed by Council to act on its behalf and with its authority and includes contractors or any person appointed especially or generally to enforce the provisions of this bylaw. This includes any person appointed under the provisions of the Land Transport Act 1988.

Council means the Mackenzie District Council.

Emergency Vehicle is defined in clause 1.6 of the Land Transport (Road User) Rule 2004 and means a vehicle used for attendance at emergencies and operated—

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

Heavy Motor Vehicle is defined in clause 1.6 of the Land Transport (Road User) Rule 2004 and means a motor vehicle that has a gross vehicle mass exceeding 3 500 kg.

Immobilised vehicle means any vehicle that cannot be moved on its own because it is mechanically not able to be moved or has a wheel or wheels missing from the vehicle.

Loading Zone is defined in clause 1.6 of the Land Transport (Road User) Rule 2004 and means an area

of marked roadway designated solely for the purpose of loading or unloading goods or passengers.

Motor Vehicle is defined in section 2 of the Land Transport Act 1998 and:

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
 - (i) a vehicle running on rails; or
 - (ii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iii) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (iv) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (v) a pedestrian-controlled machine; or
 - (vi) a vehicle that the New Zealand Transport Agency has declared under section 168A is not a motor vehicle; or
 - (vii) a mobility device.

Owner is defined in section 2 of the Land Transport Act 1998 and, in relation to a motor vehicle, means the person lawfully entitled to possession of that vehicle, except where:

- (a) The motor vehicle is subject to a bailment for a period not exceeding 28 days; or
- (b) The motor vehicle is let on hire under the terms of a rental-service licence; in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle.

Parking means:

- (a) in relation to a portion of a road where parking is available, for the time being governed by time restrictions and/or by the location of parking machines placed under the authority of this bylaw, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:
- (b) in relation to any other portion of a road or area, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or parking area, and entitled to do so) on that portion of the road, and park has a corresponding meaning.

Parking Area means a road or part of a road, or other land under the control of Council which is authorised by resolution of Council to be used as a place where vehicles may park.

Parking Space means a portion of a road or parking area marked out with painted lines for the specific purpose of accommodating a parked vehicle.

Parking Warden means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998.

Road has the same meaning as in the Land Transport Act 1998 which includes:

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

But does not include any State Highways within the District unless the control of a particular State Highway has been delegated to the Council by the New Zealand Transport Agency.

Use is defined in clause 1.6 of the Land Transport (Road User) Rule 2004 and in relation to a vehicle, includes—

- (a) driving, drawing, or propelling on a road by means of another vehicle; and
- (b) permitting to be on a road.

- 3.2 Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 3.3 The Legislation Act 2019 applies to the interpretation of this Bylaw.
- 3.4 Explanatory notes are not part of the Bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the Bylaw.

Explanatory note: The definitions in the Act are subject to change, and the wording of the above definitions that are the same as in the Act, should be confirmed by reviewing the Act at the time of application.

4. Exempt Vehicles

- 4.1 This bylaw does not apply to any emergency vehicles when being used in the course of their usual duty.

5. Stopping, standing and parking

- 5.1 The Council may by resolution –
- (a) prohibit or restrict the stopping, standing or parking of vehicles, or any class of vehicles, on any road; or
 - (b) limit the stopping, standing or parking of vehicles on any road to any class of vehicles.
- 5.2 Any prohibition, restriction or limitation may be subject to such conditions as the Council thinks fit.
- 5.3 A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

Explanatory note: Examples of possible prohibitions and restrictions include:

- *prohibiting parking on any roads (“No Stopping”);*
- *prohibiting heavy motor vehicles from parking on certain roads; and*
- *providing for loading zones, bus parking mobility parking etc.*

6. Time restricted parking

- 6.1 The Council may by resolution specify a road, or part of a road to be a time restricted parking area.
- 6.2 Any resolution made by the Council under this clause may specify–
- (a) the days and times during which parking restrictions have effect;
 - (b) the number and location of parking spaces within the parking area;
 - (c) the maximum time period allowed for parking in any parking area,
 - (d) any class of vehicles that are not permitted to park in the parking area, or the class or description of vehicles that the parking area is limited to (if any);
 - (e) any class of vehicles that are exempt from the time period applying in the parking area, and the circumstances in which they will be exempt (for instance, on which days and times); and
 - (f) any fees or other charges to be paid for parking in any parking space or parking area; and
 - (g) the means or manner by which fees or other charges may be paid; and
 - (h) any other condition the Council considers necessary or desirable for the efficient management and control of all or any part of the parking area.
- 6.3 The payment of any fees and charges for parking does not permit a person to exceed any time periods imposed in a parking area.
- 6.4 A person must not park a vehicle in a parking area in contravention of any resolution made by the Council under this clause.

7. Resolutions under this Bylaw

- 7.1 The Council may make resolutions for the purposes of clauses 5 and 6 of this Bylaw to regulate, control or prohibit any matter or thing generally, or for any specified classes of case, or in a particular case.
- 7.2 The Council may subsequently amend or revoke any resolution made under this Bylaw at any time.

Explanatory Note: A resolution under this bylaw imposing a parking restriction will not have legal effect until the necessary signage under the Traffic Control Devices Rules 2004 or any other relevant Rules under the Land Transport Act 1998 have been installed.

8. Immobilised vehicles, motorhomes and trailers

- 8.1 No person may stop, stand or park an immobilised vehicle, or a motorhome, or trailer (including a continuous period exceeding five days without the prior written permission of an Authorised Officer.
- 8.2 Parking on any road for a continuous period exceeding five days includes parking on any road within 500 metres of the original parking place, at any time during that period.

Explanatory Note: The restriction on the parking of trailers to a maximum of five days continuous period is consistent with Rule 6.19 of the Land Transport (Road User) Rule 2004.

9. Other items on roads

- 9.1 No person may leave items, including freight containers, machinery, equipment, materials, portaloos or skips, on any road unless that person has the written permission of an Authorised Officer.
- 9.2 If an item is placed on the road contrary to this clause (including if the placement does not comply with the conditions of a written permission from an Authorised Officer):
- (a) the Council may request the person responsible for the item to remove it and repair any damage to the road caused by the item, to the Council's satisfaction, within 24 hours of receiving a written notice to that effect from an Authorised Officer (or within any longer timeframe set by the Authorised Officer in the notice); and
- (b) in the event the person responsible for the item fails to fully comply with the written notice from an Authorised Officer, the Council may:
- (i) remove the item or place adjacent, or affix, to the item any safety or warning devices; and
 - (ii) repair any damage to the road; and
 - (iii) charge the owner for its reasonable costs incurred (including the costs of any safety or warning device).

10. Enforcement and removal of vehicles

- 10.1 For the purpose of this Bylaw any Parking Warden or Authorised Officer may inspect any parked vehicle for the purpose of establishing compliance with this Bylaw.
- 10.2 A Parking Warden or Authorised Officer may remove or cause to be removed any vehicle or other thing from any road or parking area which breaches this Bylaw, or any resolution made under it. The Council may recover from the owner or person committing the breach the reasonable cost of removal of the vehicle or thing.
- 10.3 Nothing in clause 9.2 limits the liability of any person for an infringement offence under the Land Transport Act 1998.

Explanatory Note: *A breach of this Bylaw is a stationary vehicle offence and the infringement fees are set out in the Land Transport (Offences and Penalties) Regulations 1999. Any person who commits a breach of this Bylaw may also be liable for any towage fee incurred by the Council in accordance with the Transport (Towage Fees) Notice 2004.*



Mackenzie

DISTRICT COUNCIL