



# KAPITI COAST DISTRICT COUNCIL DRAFT TRANSPORT BYLAW 2022

## Contents

<b>KAPITI COAST DISTRICT COUNCIL DRAFT TRANSPORT BYLAW 2022</b> .....	1
1. TITLE, COMMENCEMENT AND APPLICATION .....	1
2. BYLAW VALIDATION .....	1
3. OBJECTIVE AND SCOPE .....	2
4. INTERPRETATION .....	2
<b>PART ONE – GENERAL</b> .....	9
5. GENERAL .....	9
<b>PART TWO - PARKING</b> .....	9
6. PARKING - GENERAL .....	9
7. PARKING ON THE ROAD, ROAD MARGIN AND OTHER LAND OWNED OR MANAGED BY COUNCIL .....	10
8. TIME LIMITED PARKING AREAS .....	11
9. RESIDENTS AND BUSINESS PARKING SCHEMES AND AREAS .....	12
10. METHOD OF PARKING .....	13
11. DISCONTINUED PARKING SPACE .....	13
12. METERED ZONES, PARKING METERS AND PAY AND DISPLAY MACHINES .....	13
13. PARKING FEE TO BE PAID .....	14
14. MOBILITY PARKING .....	15
<b>PART THREE – USE OF THE ROAD AND OTHER SPACES UNDER THE OWNERSHIP OR MANAGEMENT OF COUNCIL</b> .....	15
15. ROAD USE .....	15
16. CYCLEWAYS, WALKWAYS, BRIDLEWAYS, FOOTPATHS, CYCLE LANES AND SHARED PATHS .....	15
17. TEMPORARY RESTRICTIONS ON THE USE OF ROADS .....	16
18. ROAD WORKS .....	16
19. HEAVY MOTOR VEHICLES .....	16
20. SPECIAL LANES .....	17
21. SELLING AND LEASE OF GOODS AND SERVICES .....	18
22. DAMAGE TO SIGNS .....	18
23. DAMAGE TO THE ROAD AND ROAD MARGIN AND OTHER SPACES WITHIN THE CONTROL OF COUNCIL .....	18
24. ACTIVITIES IN THE ROAD AND ROAD MARGIN .....	18
25. ENGINE BRAKING .....	19
26. STOCK, STOCK RACES, STOCK DROVING AND THE TRANSPORTATION OF STOCK .....	19
27. UNFORMED LEGAL ROAD .....	20
<b>PART FOUR – ADMINISTRATION</b> .....	20
28. PRESCRIBED FORM .....	20
29. SERVICE OF NOTICES .....	20
30. GRANTING OF LICENCES AND PERMITS .....	20
<b>PART FIVE – OFFENCES AND BREACHES</b> .....	20
31. OFFENCES, BREACHES AND PENALTIES .....	20
32. DISPENSING POWER .....	21

<b>PART SIX - BYLAWS</b> .....	21
<b>33. KAPITI COAST DISTRICT COUNCIL BYLAWS</b> .....	21

## **1. TITLE, COMMENCEMENT AND APPLICATION**

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Transport Bylaw 2022 and shall come into force on 3 March 2022.
- 1.2 The Bylaw is made pursuant to Sections 145 (a) and (b), and 146 (b) of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Traffic Bylaw 2010 and Kapiti Coast District Council General Bylaw 2010.

## **2. BYLAW VALIDATION**

- 2.1 The Kapiti Coast District Council Transport Bylaw 2022 was approved at a meeting of the Kapiti Coast District Council on 24 February 2022, after completion of the Special Consultative Procedure.
- 2.2 The Common Seal of the Kapiti Coast District Council was affixed hereto, pursuant to resolution of Council on 24 February 2022 in the presence of:

K Gurunathan  
Mayor

Councillor James Cootes

Wayne Maxwell  
Chief Executive

### 3. OBJECTIVE AND SCOPE

- 3.1 The purpose of the Kapiti Coast District Council Transport Bylaw 2022 is to set the requirements for parking and the control of vehicular or other traffic and activities on any road, public car park, reserve or any other public place owned or controlled by Kapiti Coast District Council in the district.
- 3.2 The Bylaw does not apply to State Highways controlled by Waka Kotahi NZ Transport Agency (Waka Kotahi), except for the determination and management of the transport network where delegated by Waka Kotahi to the Kapiti Coast District Council, pursuant to section 62 of the Government Rounding Powers Act.
- 3.3 The Bylaw only applies to land or buildings owned or controlled by Kapiti Coast District Council, and areas of State Highways as identified in clause 3.2.
- 3.4 This Bylaw applies to public carparks, reserves, any public place owned and controlled by Kapiti Coast District Council and all roads vested in or under the care, control and management of the Kapiti Coast District Council, including partial management or control.
- 3.5 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
  - i. the Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
  - ii. the Land Transport Act 1962 or any Act passed in amendment or substitution thereof;
  - iii. the Local Government Act 2002 or any Act passed in amendment or substitution thereof;
  - iv. the Land Transport Act 1998 (Road User) Rule 2004 or any Rules passed in amendment or substitution thereof;
  - v. the Land Transport Management Act 2003 or any Rules passed in amendment or substitution thereof;
  - vi. any other applicable Acts, regulations or rules; and
  - vii. any other Council Bylaws or District Plan requirements.
- 3.6 In the interests of clarity, whilst the beach is classed as a road, all permitted activities and regulations relating to beaches can be found in the Kapiti Coast District Council Beach Bylaw 2021, and speed limits are identified in the Kapiti Coast District Council Speed Limit Bylaw 2015.

### 4. INTERPRETATION

- 4.1 In this Bylaw, unless the context otherwise requires:
  - a) the following term definitions apply:

**Approval** means permission granted, by Council or an Authorised Officer, to carry out an activity. This may require a permit and may be subject to conditions

**Authorised Officer** means any officer of Council or other person authorised by Council to administer and enforce its Bylaws, and any person appointed especially or generally by Council to enforce the provisions of this Bylaw, including:

- a) a Council enforcement officer;
- b) a parking warden appointed by Council under Section 128D of the Land Transport Act 1998; and
- c) any Police Officer.

**Bridleway** means an off-road path for horse riders to which motor vehicles do not have access. Cyclists and pedestrians may be allowed to share use.

**Bus Lane** has the same meaning as in the Land Transport (Road User) Rule 2004.

**Business** means a commercial activity paying rates as such.

**Business Parking Scheme** means a scheme pursuant to a resolution passed under this Bylaw, where businesses and their staff and visitors are able to park in a Business Parking Scheme Area with a relevant and valid permit.

**Business Parking Scheme Area** means a road, part of a road or group of roads subject to the designation as a Business Parking Scheme Area under this Bylaw where only vehicles of businesses in these areas or their staff and visitors may park on street with the relevant and valid permit.

**Car Share Vehicle** means a vehicle or groups of vehicles operated by an organisation approved by Council that rents out vehicles to its members.

**Carriageway** means the portion of the road that has been formed and laid out for the use of vehicular traffic in general.

**Class of vehicle** shall have the same meaning as vehicle types as defined by Waka Kotahi and includes, but is not limited to:

- a) car and passenger vehicles;
- b) heavy motor vehicles;
- c) heavy trailers;
- d) light goods vehicles;
- e) buses and taxis;
- f) boats;
- g) motorhomes, caravans and light trailers;
- h) electric vehicles;
- i) low powered vehicles such as e-scooters, e-bikes and power assisted scooters;
- j) mobility scooters;
- k) automated and autonomous vehicles;

- l) cycles;
- m) motorbikes;
- n) quads and all terrain vehicles;
- o) specialist vehicles;
- p) agricultural vehicles and forklifts; and
- q) scooters and skateboards.

For the avoidance of doubt, taxi means the same as a small passenger vehicle for the purpose of this Bylaw.

**Clearway** means any part of the road which pursuant to a resolution of Council is set aside for the free passage of motor vehicles during the times specified within the resolution.

**Council** means the Kapiti Coast District Council or any committee, community board, or a person delegated or authorised to exercise the authority of the Council.

**Cycle** means a wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider/s. It includes but is not limited to unicycles, bicycles, and tricycles.

**Cycle Lane** means part of a road way allocated specifically for cycle use, but which may occasionally be used for motor vehicles (e.g. for turning at intersections or driveways or manoeuvring into parking spaces).

**Cycle Path** means an off-road path for cycles to which motor vehicles do not have access – it can be an exclusive cycle path, a shared use path or a separated path.

**Driver** of a vehicle includes any person in charge of the vehicle.

**Driveway** means a defined area used by vehicles travelling between a public roadway and property adjacent to or near the road.

**Footpath or Walkway** means as much of any road or public place that is laid out or constructed by the authority of Council for pedestrian use.

**Heavy Motor Vehicle** means a motor vehicle that has a gross vehicle mass exceeding 3,500 kg.

**High Productivity Motor Vehicle** means trucks that are able to operate above the current 44 tonne weight limit under permit

**High Productivity Motor Vehicle Route** means routes that are suitable for high productivity motor vehicles (HPMVs) carrying the maximum loads available under a permit.

**High Occupancy Vehicle Lane** means a lane for high occupancy vehicles such as buses, minibuses and cars with multiple passengers.

**Lane** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**Loading zone** means an area designated solely for the purpose of loading or unloading goods or passengers.

Low Powered Vehicles mean micro mobility devices such as powered bicycles, standing and seated scooters, segways, self-balancing and non-self-balancing devices, and skates that are partially or fully powered by a motor/engine, have a maximum power output not exceeding 300kw. For e-scooters the wheels shall not exceed 355mm

**Metered Space** means a part of a road in a metered zone which has boundaries marked out and defined by painted lines for the accommodation of a motor vehicle.

**Metered Zone** means any road, or part of a road, or any other piece of land owned or occupied by the Council, and determined by resolution of the Council, to be used as a place where motor vehicles may park and at which parking meters or pay and display machines, parking machines or mobile app based parking are established and maintained.

**Mobility Device** has the same meaning as in the Land Transport (Road User) Rule 2004.

**Mobility Parking Permit** means a current / valid permit or concession card issued by CCS Disability Action or Sommerville Disability Support Services to a person with a physical disability.

**Mobility Parking Space** means a parking space set aside by signs or markings by Council for exclusive use by holders of a current / valid mobility parking permit or concession from CCS Disability Action or Sommerville Disability Support Services.

**Motorhome** means a motor vehicle equipped with living quarters.

**Motor Vehicle** shall have the same meaning as a motor vehicle defined in the land transport act.

**No Parking** means 'no stopping', except that stops for short periods are permitted for the purpose of taking up or setting down passengers or goods.

**No Stopping** means that a vehicle may not be stopped or allowed to remain stationary, except when necessary to avoid conflict with other traffic or to comply with the directions of a member of the police force or a traffic control sign or signal.

**Occupier** in relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.

**Parking** shall have the same meaning as defined in the Land Transport (Road User) Rule 2004.



**Parking Machine** means a device designed for the purpose of issuing a receipt, by print or electronic communications, including mobile app parking:

- a) indicating the date and time of payment of a fee;
- b) identifying the amount of fee paid and time until which a motor vehicle may be parked within a parking meter area controlled by that pay and display parking meter;
- c) used for the purpose of controlling or monitoring the parking of any motor vehicle in a parking place; and
- d) includes single, multiple and pay and display parking meters and any other device that is used to collect payment in exchange for parking a motor vehicle in a particular place for a limited time.

**Parking Meter and Pay and Display Machines** means an appliance designed and installed for the purpose of automatically measuring and indicating the time within which a motor vehicle may be parked at a metered space and includes the standard to which that appliance is fixed.

**Parking Permit** means a permit issued by or on behalf of Council for the purpose of parking in a space or on the road in an area owned or managed by Council.

**Parking Space** means a space or section in a parking meter area indicated by and lying within any markings made by Council (whether by paint or otherwise) for the accommodation of a motor vehicle, and "metered space" and "metered parking space" have a corresponding meaning.

**Pedestrian** means any person on foot.

**Permit** means a permit to park a vehicle on a road or parking space supplied by the Council, under this Bylaw.

**Prescribed fee** means New Zealand coin, or token, card, prepaid parking device, or other system of payment prescribed by resolution of Council pursuant to this Bylaw as the fee payable for parking in a parking meter area.

**Public Carpark** includes a road, street or area designated for car parking (including a building) that is under the control of Council and to which the public has access, whether free or on payment of a charge, where a person can park a motor vehicle in accordance with this Bylaw.

**Public Holiday** means a day specified as a public holiday in section 44(1) of the Holidays Act 2003.

**Public Land** means a place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge. To avoid doubt this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat

ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.

**Publicly Notified** means a notice published in a newspaper circulating in the Council's district that provides information to the public and where the notice sets forth the object, purport, or general effect of a document it shall be sufficient notice of that document.

**Reserve** shall have the same meaning as in the Reserves Act 1977.

**Resident** in respect of a particular road the subject of a Residents Parking Scheme resolution under this Bylaw, means a person whose only or principal residential accommodation is a dwelling or other building which has its only or principal legal access from that particular road, or which has such access in the vicinity of that road.

**Residents Parking Scheme** means a scheme pursuant to a resolution passed under this Bylaw where residents and visitors can park in a Residents Parking Scheme Area with the relevant permit.

**Residents Parking Scheme Area** means a road, part of a road or group of roads subject to the designation as a Residents Parking Scheme Area under this Bylaw where only vehicles of residents on those roads or their visitors may park on the street with the relevant permit.

**Residents Exemption Parking Area** is a road, part of a road or group of roads where a parking restriction is in place and vehicles of residents residing on those roads within the Residents Exemption Parking Area, with the relevant permit, are exempt from the parking restrictions.

**Road** shall have the same meaning as in section 315 of the Local Government Act 1974 and the Land Transport (Road User) Rule 2004 and shall where the context requires include a street and any place the public has access to, whether as of right or not.

**Road Margin** includes:

- a) any channel and kerbing adjoining the carriageway;
- b) any grass or metalled areas between the channel and kerbing and the footpath or the boundary of private property;
- c) any grass or metalled areas immediately adjoining the carriageway; and
- d) any areas adjoining the carriageway where underground services have been buried.

**Shared Path** has the same meaning as section 11.1A in the Land Transport (Road User) Rule 2004 and the provisions under section 11.1A apply.

**Shared Use Zone** has the same meaning as the Land Transport (Road User) Rule 2004.

**Sign** means anything visible from a public place (including from roads or state highways) which is intended to attract the attention of people passing by for the purpose of directing, identifying, informing or advertising. It includes any frame, board or other

supporting structure, disseminating device or associated illumination of any sign. It includes flags or banners which do not contain any text or graphics but are positioned to attract the attention of passers-by. The sign may be manufactured, painted, written, drawn, projected or disseminated, digital, variable message signs, inflated or carved, in an aerial display, free-standing, or projecting from or attached to a building or other structure, vehicle or object. A sign may include advertising by sound so as to be discernible from a public place.

**Small Passenger Vehicle** means the same as the Land Transport Act 1998.

**Small Passenger Vehicle Restricted Parking Area** means the area or areas of road identified as such by resolution of Council from time to time.

**Special Lane** means a lane that is used by certain vehicles such as taxis, or for high occupancy vehicles such as minibuses or cars with one or more passengers.

**Time Restricted Parking** means a parking space, road, part of road, group of roads, zone or areas where there is a limit to the length of time a vehicle or class of vehicles may park.

**Trailer** means

- a) a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, including a caravan and boat trailer; but
- b) does not include—
  - (i) a sidecar attached to a motorcycle; or
  - (ii) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

**Unformed Legal Road** (or paper road) means legally recognised road that is undeveloped or partly formed, but provides public access.

- 4.2 For the purposes of this Bylaw the word “shall” refers to practices that are mandatory for compliance with this Bylaw and not complying will be considered to be a breach of the bylaw, while the word “should” refers to practices which are advised or recommended.
- 4.3 Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Land Transport Management Act 2003 or the Land Transport Act 1998 or Rules made under the Land Transport Act 1998, or any amendments thereof, shall have such meanings as are respectively assigned. This is unless such meanings would be inconsistent with, or the context otherwise requires, or a different definition is given in clause 4.1.
- 4.4 Council may by resolution delegate to any Committee or elected member of Council or an officer any of the functions imposed upon it by any clause of this Bylaw or any amendments thereto.

## PART ONE – GENERAL

### 5. GENERAL

- 5.1 Council may, by a publicly notified resolution, impose such prohibitions, restrictions, controls, or directions concerning the use by transport of any road or other area controlled by the Council, as are permitted by any relevant enactment. However, where the restriction / control / prohibition / direction is already provided for in a relevant enactment, such as the Local Government Act 1974 or Land Transport Rules, a Council resolution is not required unless the acts or rules specifically require this.
- 5.2 Any resolution may:
- a) be made in respect of a specified class, type or mode of transport, and may be revoked or amended by the Council;
  - b) be expressed or limited to apply only on specified days, or between specified times, or in respect of specified event or classes of events, or be limited to specified maximum periods of time;
  - c) also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as Council may reasonably require for any parking space or residents' parking scheme; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces or areas;
  - d) be made in respect of any defined part of a road, including, any defined footpath or lane or other land and building under the control of Council; and
  - e) in respect of any resolution made in terms of this Bylaw, specify a minimum number of occupants in any private motor vehicle.
- 5.3 The Chief Executive shall authorise the marking of roads, buildings or land and erection of signs on any road or public carpark as necessary to give effect to any resolution made pursuant to this Bylaw.
- 5.4 Council may, by a publicly notified resolution rescind, amend or vary any resolution made pursuant to this Bylaw.
- 5.5 Resolutions proposed under this Bylaw will be published for at least four weeks before Council considers it, to enable any interested party to provide comments, and it is at Councils discretion whether requests to be heard by Council will be granted.

## PART TWO - PARKING

### 6. PARKING - GENERAL

- 6.1 Council may by resolution impose such prohibitions, restrictions, controls, or directions concerning parking in areas owned or managed by Council including, but not limited to:
- a) car parks;
  - b) parking buildings;

- c) transport hubs;
- d) roads and road margins;
- e) time restriction zones;
- f) residents and business parking zones,
- g) meter parking zones and spaces; and
- h) coupon parking spaces and zones.

6.2 Pursuant to the resolution at clause 6.1 Council may:

- a) Prohibit or restrict the stopping, standing or parking of vehicles on any road;
- b) Limit the stopping, standing or parking of vehicles on any land including road, part of a road or group of roads, to vehicles of any specified class or description of vehicle;
- c) Limit the period of time that vehicles may park on any land including road, part of a road or group of roads where parking is limited to such vehicles; and
- d) Impose any other conditions Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.

6.3 Any resolution made under clause 6.1 will be given effect to only once appropriate road markings and signs are in place.

6.4 A person shall not park a vehicle in contravention of any prescribed fee, prohibition or restriction made by Council pursuant to this Bylaw, including a resolution made by the Council.

6.5 Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.

## **7. PARKING ON THE ROAD, ROAD MARGIN AND OTHER LAND OWNED OR MANAGED BY COUNCIL**

7.1 No person shall park a motor vehicle on any footpath.

7.2 No person shall park a heavy motor vehicle on any road or road margin without the prior written permission of an Authorised Officer.

7.3 No person shall park a vehicle on any road or road margin, including grass berm, verge, kerb, lawn, garden, or reserves, without due care.

7.4 Clause 7.3 does not apply if that part of the road or road margin is designed and constructed to accommodate a parked vehicle.

7.5 For the purposes of clause 7.3 due care means that any person who parks a motor vehicle on any road or road margin that:

- a) obstructs traffic flow,
- b) presents a safety risk,

- c) causes nuisance to the general public or
- d) could cause damage to the road, road margin or services

is committing an offence and must remove the said motor vehicle at the request of an Authorised Officer.

- 7.6 No person shall park any motor vehicle on any road, road margin or areas under the control of Council in contravention of a restriction imposed by the Council, and evidenced by appropriate signs and/or road markings, except with the prior written permission of an Authorised Officer and in accordance with any condition that may be required.
- 7.7 Except with the written permission of the Council, and in compliance with any conditions subject to which that permission is given, no person shall park or abandon any motorhome, caravan, boat, inoperative or unregistered motor vehicle, or trailer on any road, road margin or other land under Council control for a period exceeding 7 days, or a period of less than 7 days that Council may determine by resolution.
- 7.8 For the purposes of clause 7.7 a motor vehicle shall be deemed to have been continuously parked for the prescribed period, if even if it has been moved within the period for a distance of less than 1km.

## **8. TIME LIMITED PARKING AREAS**

- 8.1 Council may by, a resolution:
  - a) Designate any land, any road, part of a road, road or group of roads under the control of Council as a time limited parking area and specify that the designation shall apply during certain hours of the day and/or certain days of the week, in a certain manner and in accordance with conditions; and/or
  - b) Declare that any time limited parking area shall on certain hours of the day and/or days of the week be set aside as a clearway.
- 8.2 Council shall, in the resolution, specify:
  - a) the number and situation of parking spaces within each time restricted parking zone;
  - b) the maximum duration of time a motor vehicle may be parked within the time limited parking area;
  - c) the class or description of vehicles that may stop, stand or park within a time restricted parking zone;
  - d) any fees or charges that apply; and
  - e) any other conditions that Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.
- 8.3 Any resolution made under clause 8.2 will be given effect to only once appropriate road markings and signs are in place.

- 8.4 A driver of a motor vehicle shall not park or allow such motor vehicle to remain parked in a time limited parking area for a period exceeding that specified on any traffic sign alongside or near or at each end of the time limited parking area.
- 8.5 For the purposes of clause 8.4, a motor vehicle shall be deemed to have been continuously parked in a time limited parking area if the motor vehicle remains within the extremities of the same time limited parking area having been moved or driven from the original place the motor vehicle was parked.

## **9. RESIDENTS AND BUSINESS PARKING SCHEMES AND AREAS**

- 9.1 Council may by, resolution set up residents and business parking schemes.
- 9.2 To give effect to clause 9.1 Council may by resolution:
- a) Designate any land, part of a road, road or group of roads under the control of Council as a residents, business or coupon parking area, and specify that the designation shall apply during certain hours of the day and/or certain days of the week.
- 9.3 Council shall, in the resolution, specify:
- a) the area, road, parts of a road or group of roads to which the restrictions apply;
  - b) the maximum duration of time a motor vehicle may be parked within the time limited parking area;
  - c) that groups to which the permits can be issued e.g. residents, businesses and their visitors (including delivery vehicles);
  - d) the class or description of vehicles that may stop, stand or park within a time restricted parking zone;
  - e) the number of people within a building that can apply for a permit;
  - f) the manner in which the scheme and permits can be applied for (see also part four);
  - g) the evidence required for consideration of a scheme;
  - h) the fees it will charge to cover the reasonable cost to Council in granting a permit to park, setting up, maintaining and policing the scheme, erecting traffic signs and placing road-markings;
  - i) whether any exemptions apply including, but not limited to shift workers and car pools; and
  - j) any other conditions Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.
- 9.4 Any resolution made under clause 9.2 will be given effect to only once appropriate road markings and signs are in place.
- 9.5 No permit is capable of being assigned or transferred to any person or vehicle, unless specifically issued by Council for that purpose.
- 9.6 A driver of a motor vehicle shall not park or allow such motor vehicle to remain parked in residents or business parking scheme area for a period exceeding that specified on any

traffic sign alongside or near or at each end of the residents, business or coupon parking area or on the permit / coupon issued.

## **10. METHOD OF PARKING**

- 10.1 A driver of a motor vehicle shall not park or allow such motor vehicle to remain parked in a parking space across any line marking, or in such a position that the said motor vehicle is not entirely within the parking space.
- 10.2 A driver of a motor vehicle shall not park or allow such motor vehicle to remain parked in a parking space which is already occupied by another motor vehicle.
- 10.3 If a parking space is parallel to the kerb or footpath of any road the driver of any motor vehicle occupying such parking space shall park the motor vehicle with the left side of the motor vehicle as close as practicable to the left side of the road and facing in the same direction as the flow of traffic.
- 10.4 If a parking space is at any angle to the kerb or footpath of any road the driver or person in charge of any motor vehicle occupying such parking space shall park the motor vehicle so that it is entirely within the parking space and parallel to the lines or other indicators marking the limit of the parking space, with the motor vehicle aligned with the direction of traffic and as near as practicable to such kerbs or footpath.

## **11. DISCONTINUED PARKING SPACE**

- 11.1 No person shall park where an Authorised Officer determines that any parking space should be temporarily discontinued as a parking space or, the Authorised Officer may place or erect a sign indicating this such as a “No Stopping” sign at the parking space. The sign should also indicate the reason for the temporary restriction and if known, the time frame that the restriction will be in place.
- 11.2 Under clause 11.1 Council may limit this to a class of vehicle or person.
- 11.3 If a mobility parking space is temporarily discontinued, an alternative mobility parking space shall be established in the nearest suitable place for the length of time of the discontinuance and signed correctly.

## **12. METERED ZONES, PARKING METERS AND PAY AND DISPLAY MACHINES**

- 12.1 Council may by publicly notified resolution:
  - a) declare any road or part of a road to be a metered zone;
  - b) declare any piece of land or building owned or occupied by Council and not being a road or part of a road to be a metered zone;
  - c) fix the time allowed for parking in such metered spaces;
  - d) fix the fees or other charges payable for the parking of vehicles within the metered zone or particular metered space; and



- e) fix the hours during which the payment of a fee for parking meters or pay and display machine is required.
- 12.2 In accordance with any resolution made under clause 12.1 of this Bylaw Council shall:
- a) establish and mark out metered spaces in all metered zones;
  - b) identify the fees or other charges to be paid for parking in any parking space in a metered zone;
  - c) identify the means or manner by which fees or other charges may be paid in respect of each space, including by parking machine or other electronic means; and
  - d) apply any other conditions that Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of metered parking zone or space.
- 12.3 Parking meters or pay and display machines shall be located within the metered zone which they are to control. Any pay and display machine shall issue a card on insertion of the prescribed fee in accordance with the instructions on the machine.
- 12.4 A person shall not park a motor vehicle in a metered space so that any part of that motor vehicle extends beyond any line defining that metered space unless by reason of its size it may be necessary for the motor vehicle to extend onto an adjoining and unoccupied metered space. In such event the driver shall be liable to pay a parking fee for each metered space so occupied.
- 12.5 Any resolution made under clause 12.1 will only be given effect to once appropriate road markings and signs are in place.
- 12.6 Council may, by a publicly notified resolution rescind, amend or vary any resolution made pursuant to Clause 12.1.
- 12.7 Every person commits an offence against this Bylaw who misuses any parking meter or pay and display machine, or who interferes, tampers, or attempts to tamper with the working or operation of any parking meter or pay and display machine or who without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing, or to paint, write upon or disfigure any parking meter or pay and display machine.

### **13. PARKING FEE TO BE PAID**

- 13.1 A person in charge of a motor vehicle shall not park that motor vehicle in a metered space without paying the prescribed fee and operating the parking meter, pay and display machine in accordance with the instructions on the parking meter or pay and display machine, or by any other specified electronic means or method of paying.
- 13.2 A person in charge of a vehicle shall not allow that motor vehicle to occupy a metered space in excess of the maximum period of time allowed by that metered space or within the metered zone.

- 13.3 Where a motor vehicle is parked on a metered space controlled by a pay and display machine, a valid card issued by the pay and display machine shall be placed on the dashboard at the front of the motor vehicle, in a manner which will allow the expiry time to be seen by an Authorised Officer from outside the motor vehicle.
- 13.4 A person shall not deposit in any parking meter or pay and display machine any coins that are not New Zealand currency.

#### **14. MOBILITY PARKING**

- 14.1 Council may by resolution, reserve space on any road or land under the ownership and control of Council for the exclusive use of vehicle carrying a disabled person and where a valid permit is displayed.

### **PART THREE – USE OF THE ROAD AND OTHER SPACES UNDER THE OWNERSHIP OR MANAGEMENT OF COUNCIL**

#### **15. ROAD USE**

- 15.1 Council may, by resolution and where subject to the erection of the prescribed signs, restrict or prescribe movements for vehicles or classes of vehicles on any road including, but not limited to:
- a) left and right turning movements;
  - b) u-turns;
  - c) requiring vehicles to travel in one direction only; and
  - d) prohibiting certain movements at intersections, on road or on cycle paths.
- 15.2 Any resolution made under clause 15.1 may:
- a) specify the hours or days of the week to which the requirements apply; and
  - b) exempt specific road users, such as cyclists from these requirements.
- 15.3 A person shall not proceed to drive a vehicle in a direction or undertake a manoeuvre that has been prohibited by Council.

#### **16. CYCLEWAYS, WALKWAYS, BRIDLEWAYS, FOOTPATHS, CYCLE LANES AND SHARED PATHS**

- 16.1 Council may by resolution enable or prohibit different modes and vehicles of travel from using a cycleway, walkway, bridleway, footpath, cycleway and shared path. This resolution may:
- a) be expressed or limited to apply only on specified days, or between specified times, or in respect of specified event or classes of events, or be limited to specified maximum periods of time; and

- b) identify the speed of different modes and classes of vehicles including but not limited to mobility scooters and e-bikes.
- 16.2 Council by a publicly notified resolution may set aside any public land or any portion of any public land as a cycleway, walkway, bridleway, footpath, cycle lane and shared path, or a combination thereof.
- 16.3 Except for an emergency or with the permission of an Authorised Officer a person shall not park or drive any motor vehicle on any cycleway, walkway, bridleway, footpath, cycle lane and shared path.
- 16.4 Clause 16.3 shall not apply to the driving of a motor vehicle over cycleway, walkway, bridleway, footpath, cycle lane and shared path by means of a vehicle crossing constructed for the purpose of gaining vehicular access to any property from a road.
- 16.5 Clause 16.3 shall not apply to the driving of a mobility device by a person who requires mobility assistance as long as the person complies with the Land Transport (Road Users) Rule 2004.

## **17. TEMPORARY RESTRICTIONS ON THE USE OF ROADS**

- 17.1 In accordance with the Setting of Speed Limits Rule 2003 where an Authorised Officer considers that there is, or is likely to arise on a road or any part of road a risk of:
- a) danger to the public or to road workers; or
  - b) damage to the road.

Council may temporarily restrict the use of, or speed of, or class of vehicles which may use the road or any part of that road. Any such restriction shall be indicated by the display of temporary warning signs.

## **18. ROAD WORKS**

- 18.1 Any vehicle being used for the purpose of maintenance or construction of roading, or of any other utility, may be driven or parked contrary to this Bylaw with permission of an Authorised Officer, provided it is parked or driven with due consideration of other road users and the general public.

## **19. HEAVY MOTOR VEHICLES**

- 19.1 A Council may by resolution
- a) require that Heavy Motor Vehicles of a specified weight, class, size and carrying certain goods shall use a High Productivity Motor Vehicle Route; or

- b) prohibit a Heavy Motor Vehicle from using certain roads, parts of roads or groups of roads because of its size or nature or the nature of the goods carried, makes it unsuitable for these roads.
- 19.2 A Council may by resolution prohibit the parking of Heavy Motor Vehicles of a specified weight, class and size from parking overnight in certain roads, parts of roads or groups of roads.
- 19.3 Any prohibitions under this Bylaw that specifically relate to Heavy Motor Vehicles shall not apply to a network utility operator or its authorised agent, or contractor engaged in the provision of, or maintenance of a network utility operation on a road or part of a road. (The expression “network utility operator” has the same meaning given to it by Section 166 of the Resource Management Act 1991).
- 19.4 Council may also grant exemptions to these resolutions where it is satisfied that:
- a) safety will not be compromised;
  - b) for the purpose of providing emergency access;
  - c) for the purpose of loading / unloading goods where no alternatives exist;
  - d) damage will not occur on roading and infrastructure assets or that this damage will be rectified; and
  - e) approval has been granted by the Road Controlling Authority authorising access.
- 19.5 Any resolutions made under clause 19.1 to 19.4 will be given effect to only once appropriate road markings and signs are in place.
- 19.6 A person shall not act in a manner that contravenes resolutions made pursuant to clauses 19.1 to 19.3 and any conditions relating to the granting of an exemptions under clause 19.4.

## **20. SPECIAL LANES**

- 20.1 Council may by resolution designate lanes for specified classes of vehicles and prohibit other users from entering these lanes, including but not limited to:
- a) buses; and
  - b) high occupancy vehicles.
- 20.2 Any resolution made pursuant to clause 20.1 shall include the type of vehicle for which the lane is designated or prohibited, and the hours of operation.
- 20.3 Any resolutions made under clause 20.1 and 20.2 will be given effect to only once appropriate road markings and signs are in place.

## **21. SELLING AND LEASE OF GOODS AND SERVICES**

- 21.1 A person shall not sell or offer any goods or services of any kind for payment or donation (including the washing and cleaning of windows of any vehicle) or solicit any subscription or collection, on any land within the ownership or control of the Council, unless a resolution of Council is made that permits this or it is approved by an Authorised Officer.
- 21.2 No person shall park or place any motor vehicle, boat, caravan, motorhome, trailer or material for the purpose of sale or lease, within road, road margin, or public reserve, other than areas specified by a resolution of Council.
- 21.3 Council may by resolution identify areas of public land where the selling of goods and services is permitted subject to approvals and conditions.
- 21.4 Council may grant approval pursuant to clause 21.2 or exemptions to clause 21.1 by resolution where it is satisfied that:
- a) safety, including road safety, will not be compromised;
  - b) the integrity of public land can be protected;
  - c) it does not create an undue competitive advantage;
  - d) a permit has been issued;
  - e) the standards in the Kapiti Coast District Council Public Places Bylaw 2017, Trading in Public Places Policy 2017, and District Plan 2021, or their successors, can be met and all other relevant approvals have been acquired; and
  - f) other relevant policies and legislation has been met.
- 21.5 A person shall not act in a manner that contravenes resolutions made pursuant to clauses 21.1 and 21.2 or any conditions required to ensure compliance with a Council resolution made under clause 21.4.

## **22. DAMAGE TO SIGNS**

- 22.1 No person shall interfere with, damage or remove any traffic control sign.

## **23. DAMAGE TO THE ROAD AND ROAD MARGIN AND OTHER SPACES WITHIN THE CONTROL OF COUNCIL**

- 23.1 No person shall interfere with, damage the road or road margin and other spaces within the control of council, or damage or remove machinery, equipment, services, materials, shipping containers, waste disposal bins or other article.

## **24. ACTIVITIES IN THE ROAD AND ROAD MARGIN**

- 24.1 No person shall undertake any works in the road and road margin, including digging and the planting of trees and plants, without the prior written permission of an Authorised Officer, and the relevant approvals in place, including those required by the Code of Practice for Temporary Traffic Management.

- 24.2 No person shall place any stock, signs and advertising signs, machinery, equipment, materials, shipping containers, fences, retaining walls, waste disposal bins or other article, or encroach on any road, road margin or areas under the control of Council except with the prior permission of an Authorised Officer and in accordance with any conditions that may be required.
- 24.3 Any hoardings, posters, notices and sandwich boards placed in the road, road margin or areas under the control of Council shall be in accordance with the Kapiti Coast District Council Public Places Bylaw 2017 and District Plan 2021.

**NOTE:** In some circumstances, resource consent may be required. Please contact the Duty Planner at Kapiti Coast District Council for guidance and information

- 24.4 No person shall carry out repairs or modifications to a vehicle on a road, road margin or land owned or managed by Council.
- 24.5 Repairs that are minor (such as the changing of a tyre), do not impede the flow of traffic, can be undertaken safely, and are necessary to enable the vehicle to be moved are exempt from clause 24.4.
- 24.6 No person shall construct a second vehicle crossing into any property without the approval of an Authorised Officer.

## **25. ENGINE BRAKING**

- 25.1 Council may prohibit or restrict, subject to the erection of the prescribed signs, engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour.

## **26. STOCK, STOCK RACES, STOCK DROVING AND THE TRANSPORTATION OF STOCK**

- 26.1 No person shall drove stock across or along roads classified as urban in the District.
- 26.2 No person allow stock to wander across along roads or other areas owned or managed by Council without the permission of an Authorised Officer.
- 26.3 No person shall drove stock across or along rural roads without the necessary permit issued by an Authorised Officer, and approval requires compliance with any conditions relating to that permit.
- 26.4 No person may construct a stock race, stock crossing, or an underpass on or under any road without the prior written permission of Council.
- 26.5 Council may by resolution restrict or prohibit the transportation of stock on any road, part of a road or network of roads.

26.6 Council may by resolution identify stock routes and appropriate speeds on the routes for the purposes of stock transportation.

## **27. UNFORMED LEGAL ROAD**

27.1 Council may by resolution restrict the use of motor vehicles on unformed legal roads.

## **PART FOUR – ADMINISTRATION**

### **28. PRESCRIBED FORM**

28.1 A person applying for a permit, license or other form of parking management, such as a residents or business parking scheme, shall do so on the prescribed form and provide such evidence as is required by Council.

### **29. SERVICE OF NOTICES**

29.1 Except as otherwise expressly provided for in any Act or Bylaw, where any notice or other document is required to be served on any person for the purposes of a Bylaw service may be effected by:

- a) delivering it personally; or
- b) sending it by courier; or
- c) sending it by registered post to the person's last known place of residence; or business, or in the case of the company to its registered office.

### **30. GRANTING OF LICENCES AND PERMITS**

30.1 An application for a licence or permit shall:

- a) be made in writing on the appropriate form provided by Council (if any);
- b) contain all the required information; and
- c) be lodged with the appropriate application fee (if any).

## **PART FIVE – OFFENCES AND BREACHES**

### **31. OFFENCES, BREACHES AND PENALTIES**

31.1 Every person who breaches this Bylaw or resolutions of Council made under this bylaw commits an offence and is liable upon summary conviction to penalties as set out under the Land Transport Act 1962, Land Transport Act 1998, the Local Government Act 1974 or the Local Government Act 2002; whichever may apply.

31.2 Driving and parking breaches in respect of resolutions of Council made in respect of this Bylaw will incur an infringement fee as set out by any resolution of Council, and identified

in a relevant schedule to the bylaw, or Schedule 1 or 1B of the Land Transport (Offences and Penalties) Regulations 1999 or other relevant acts.

31.3 Subject to any provision to the contrary, any person guilty of an offence, other than a parking or driving offence, against this Bylaw shall be subject to the penalties as set out by any resolution of Council, and identified in a relevant schedule to the, or in section 242 of the Local Government Act 2002, and is liable on conviction to a fine not exceeding \$20,000

31.4 Any offences under this bylaw do not apply to:

- a) a vehicle that is actually engaged in urgent repair work to a public utility service;
- b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
- c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.

## **32. DISPENSING POWER**

32.1 Council may grant a dispensation to any person or business from full compliance with any provision of a Bylaw in any case where Council is of the opinion that full compliance would needlessly and injuriously affect that person or business, without a corresponding benefit to the public or any section of it.

## **PART SIX - BYLAWS**

### **33. KAPITI COAST DISTRICT COUNCIL BYLAWS**

33.1 The provisions of any Bylaw passed in amendment or substitution are implied into and form part of this Bylaw.