



## **Parking Bylaw 2022**

Governing body of the Far North District Council

Resolution in Council 19 May 2022

Bylaw made under section 22AB of the Land Transport Act 1998.

The bylaw is due for review by 19 May 2027.

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## 1 Title

This bylaw is the Parking Bylaw 2022.

## 2 Related information boxes

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

## 3 Commencement

This bylaw comes into force 23 May 2022.

### Related information

This bylaw is due for review by 19 May 2027.

## 4 Application

This bylaw applies to roads within the Far North District that are under the control of the Far North District Council.

### Related information

This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).

## Part 1: Preliminary provisions

## 5 Purpose

The purpose of this bylaw is to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by:

- (a) limiting the period of time that vehicles may park on any part of the road;
- (b) limiting the parking of vehicles on some roads to vehicles of a specified class or description,
- (c) regulating any parking-related matters including (but not limited to) charges for the use of parking places, enhancing or promoting road safety and providing protection for the environment.

## 6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

**approval** means an approval granted under this bylaw and includes all conditions to which the approval is subject.

**approved disabled person’s parking permit** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

### Related information

As at 01 May 2021 the definition is: means a disabled person’s parking permit or mobility parking permit —

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the territorial authority having control of the parking area.

**council** means means the governing body of the Far North District Council, or any person delegated to act on its behalf.

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

**Related information**

As at 01 May 2021 the definition is: means a motor vehicle with motive power wholly or partly derived from an external source of electricity.

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

**Related information**

As at 01 May 2021 the definition is: 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.

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

**Related information**

As at 01 May 2021 the definition is: means a motor vehicle that is —

- (a) designed exclusively or principally for the carriage of goods; or
- (b) used for the collection or delivery of goods in the course of trade.

**motorcycle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 1 April 2021 the definition is:

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by Waka Kotahi; but
- (c) does not include a moped.

**parking warden** means a person appointed by the council as a parking warden under section 128D of the Land Transport Act 1998.

**passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 1 April 2021 the definition is:

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include—
  - (i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
  - (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

The term “passenger service” is also defined in section 2(1) of the Land Transport Act 1998.

**road** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 1 April 2021 the definition is:

Road 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.

**small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 1 April 2021 the definition is: means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

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

**Related information**

As at 01 May 2021 the definition is:

- (a) means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable; 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.

**vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

**Related information**

As at 1 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
  - (i) a perambulator or pushchair:
  - (ii) a shopping or sporting trundler not propelled by mechanical power:
  - (iii) a wheelbarrow or hand-trolley:
  - (v) a pedestrian-controlled lawnmower:
  - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
  - (vii) an article of furniture:
  - (viii) a wheelchair not propelled by mechanical power:
  - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
  - (x) any rail vehicle.

- (2) The Interpretation Act 1999 applies to this bylaw.

**Related information**

This means that words or phrases used in this bylaw that are defined in the Interpretation Act 1999 have the meanings given in that Act. For example, section 29 of that Act defines

"person" as "includes a corporation sole, a body corporate, and an unincorporated body".

## Part 2: Prohibited, restricted or limited parking

### Related information

"Keep clear" areas are not included in this bylaw because they are created under clause 10.6 of the Land Transport Rule: Traffic Control Devices 2004. Clause 10.6 is as follows:

10.6 'Keep Clear' zone at intersections

10.6(1) A road controlling authority may mark the road surface of an intersection, or a place used as a vehicle entrance or exit, to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic.

10.6(2) An area in 10.6(1) must be marked, in compliance with Schedule 2, by means of either:

- (a) yellow reflectorised material in the form of diagonal crosshatched markings; or
- (b) the words 'keep clear' marked between lines that define the area.

## 7 Places where parking is prohibited

- (1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1. These roads or parts of roads will be marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.

### Related information

These places may also have "No parking" signs erected.

- (2) Where Schedule 1 specifies a class or description of vehicle, the restriction in subclause (1) only applies to vehicles of that class or description.
- (3) Where Schedule 1 restricts parking to specified dates or times, the restriction in subclause (1) only applies during those specified dates times.

## 8 Places where parking is restricted to certain types of vehicles

- (1) A person is prohibited from stopping, standing or parking a vehicle, other than a goods vehicle, on the roads, or parts of roads listed in Part A of Schedule 2. These roads or parts of roads will have loading zone signs erected. If Part A of Schedule 2 specifies a time period, a person may only stop, stand, or park a goods vehicle for that specified period.

### Related information

These places may also be marked on the roadway with broken yellow lines. Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that relates to a loading zone applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. Under clause 6.16(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a loading zone —

- (a) if the vehicle is not a goods vehicle; or
- (b) if the driver leaves the vehicle unattended for more than five minutes or any period longer than that specified on the sign; or
- (c) if goods or passengers are not actually being loaded or unloaded from the vehicle.

- (2) A person is prohibited from stopping, standing or parking a vehicle, other than a vehicle displaying an approved disabled person's parking permit, on the roads, or parts of roads listed in Part B of Schedule 2. These roads or parts of roads will have signs erected with the disabled symbol on them. If Part B of Schedule 2 specifies a time period, a person may only stop, stand,

or park the vehicle displaying an approved disabled person's parking permit for that specified period.

**Related information**

Under clause 6.4(1A) of the Land Transport (Road User) Rule 2004 a person must not park a vehicle in a place reserved for vehicles displaying an approved disabled person's parking permit unless the driver or a passenger is disabled and the permit is prominently displayed in the vehicle.

- (3) A person is prohibited from stopping, standing or parking a vehicle, other than a passenger service vehicle, on the roads, or parts of roads listed in Part C of Schedule 2. These roads or parts of roads will have bus stop signs erected. If Part C specifies a time period, a person may only stop, stand, or park a passenger service vehicle for that specified time period.

**Related information**

These places may also be marked on the roadway with broken yellow lines. Under clauses 6.8(2) and (3) and 6.15(3) of the Land Transport (Road User) Rule 2004, a bus may stop or stand within six metres of a bus stop sign, or, if the area in which stopping or standing is marked out is longer or shorter than six metres, the driver or person in charge of the bus must not leave the vehicle unattended on the area. Under clause 6.8(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle other than a bus must not stop, stand, or park the vehicle within 6 metres of a bus stop sign.

- (4) A person is prohibited from stopping, standing or parking a vehicle, other than a small passenger service vehicle, on the roads, or parts of roads listed in Part D of Schedule 2. These roads or parts of roads will have Taxi or Small PSV signs erected. If Part D of Schedule 2 specifies a time period, a person may only stop, stand, or park a small passenger service vehicle for that specified time period.

**Related information**

These places may also be marked on the roadway with broken yellow lines. Ride sharing services are small passenger service vehicles and can park on places with "Taxi" signs.

- (5) A person is prohibited from stopping, standing or parking a vehicle, other than an emergency vehicle, on the roads, or parts of roads listed in Part E of Schedule 2. These roads or parts of roads will have Emergency Vehicles signs erected.

**Related information**

These places may also be marked on the roadway with broken yellow lines.

- (6) A person is prohibited from stopping, standing or parking a vehicle, other than a boat trailer, on the roads, or parts of roads listed in Part F of Schedule 2. These roads or parts of roads will have Boat trailer signs erected. In this subclause "boat trailer" means a vehicle:
- (a) designed and constructed for the carriage of a boat; and
  - (b) without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.

- (7) A person is prohibited from stopping, standing or parking a vehicle, other than an electric vehicle, on the roads, or parts of roads listed in Part G of Schedule 2. These roads or parts of roads will have signs erected with the electric vehicle charging symbol.

**Related information**

There are some places provided for electric vehicle charging on private land that are not listed in the Schedule, all EV charging places can be seen on the map at this link:

<https://charge.net.nz/map/>

- (8) A person is prohibited from stopping, standing or parking a vehicle on the roads, or parts of roads listed in Part H of Schedule 2 unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. These roads or parts of roads will have Authorised Vehicle signs erected. If Part H of Schedule 2 specifies a time period, a person displaying a label from Council showing approval for the vehicle to stop, stand or park there may only stop, stand, or park a vehicle for that specified time period.

### Part 3: Time restricted parking

#### Related information

Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that incorporates the symbol "P" on the top of the sign, or relates to a loading zone, applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. All other signs apply at all hours of the day and night, unless a time period is specified on the sign.

#### 9 Short-stay parking restrictions (P5 – P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

#### 10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

#### 11 Places where parking restricted to certain times of the day or year

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part C of Schedule 3 except on, or during, the days of the year, or the times of the day, specified in Part C for that road, or part.

### Part 4: Parking places

#### 12 Use of parking places

Use of the parking places listed in Schedule 4 is subject to the following conditions:

- (a) A person is prohibited from stopping, standing, or parking a vehicle on places that are marked with broken yellow lines (with or without "no parking" signs), or diagonal yellow crosshatched markings (with or without the words "keep clear" marked or signed):
- (b) A person must not stop, stand or park a vehicle, other than a vehicle displaying an approved disabled person's parking permit, in the parking spaces that have signs erected with the disabled symbol on them. If the sign specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person's parking permit for that specified period:
- (c) A person must not stop, stand or park a vehicle in the parking spaces that have "Authorised Vehicle" signs erected, unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If the sign specifies a time period, a person may only stop, stand, or park a vehicle for that specified time period:

- (d) A person must not stop, stand or park a vehicle in the parking spaces that have signs stating they are reserved for use, either generally or at specified times, only by a specified person, unless that person is such a specified person:
- (e) A person must not stop, stand or park a vehicle in the parking spaces that have a "P" sign erected for more than the time period specified on the sign:
- (f) A person must not stop, stand or park a vehicle, in the parking spaces that have signs stating that only a specified class of vehicle is entitled to use that space, unless they are stopping, standing or parking a vehicle of the class specified on the sign. If the sign specifies a time period, a person may only stop, stand, or park the vehicle for that specified period:
- (g) Where a parking place has signs, delineators or markings indicating the travel path to follow, a person must drive a vehicle in that travel path:
- (h) Where a parking place has signs that specify "no entry" or "no exit", a person must not enter or exit the parking place in contravention of that sign.

## Part 5: Approvals

### 13 Approval to use authorised vehicle parking spaces

- (1) A person who requires an authorised vehicle label to enable them to stop, stand or park a vehicle on a road or part of a road restricted by clause 8(8) or clause 12(c) ("**the applicant**") must apply to the council for an approval and the application must be:
  - (a) in the form required by the council; and
  - (b) accompanied by the applicable fee set in the council's Fees and Charges Policy.
- (2) The council may grant or decline an application for an approval in its absolute discretion. Nothing in this subclause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.
- (3) An applicant may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.
- (4) Approvals are not transferable to another person.
- (5) An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the approval.

### 14 Conditions on approval

- (1) The council may include the following conditions on any approval granted by Council:
  - (a) requiring a label, in the form specified by the council, to be displayed on a vehicle showing the approval:
  - (b) the duration of the approval and how the approval may be renewed, if at all:
  - (c) any other matter the council considers is necessary to enhance or promote road safety or provide protection for the environment.

## 15 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval, including the payment of the applicable fee with any necessary modifications.

## 16 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval in its absolute discretion if:
  - (a) any conditions are not complied with; or
  - (b) the road or part of the road the approval applies to is removed from Part H of Schedule 2 or Schedule 4; or
  - (c) the limits or restrictions on the use of the road or part of the road the approval applies to are changed; or
  - (d) the council considers the suspension or cancellation is necessary to enhance or promote road safety or provide protection for the environment.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that may have contributed to the suspension or cancellation.
- (4) Except where the approval is cancelled under subclause (1)(b) and 1(c), the person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in subclauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

## Part 6: Enforcement, offences and penalties

### 17 Removal of vehicles in breach of bylaw

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1), the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

#### **Related information**

The council can also remove abandoned motor vehicles from a road under section 356 of the Local Government Act 1974.

## 18 Offences under transport legislation

- (1) Any person who fails to comply with any control, restriction, limitation or prohibition prescribed by this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

### **Related information**

The penalties for stationary vehicle offences are prescribed in the Land Transport (Offences and Penalties) Regulations 1999. A person may either be issued with an infringement notice for a fee of up to \$150, or may be prosecuted and, if convicted, fined up to \$1000.

## Part 7: Savings and transitional provisions

### 19 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2001, 2002, 2003, 2007 and 2008 and Schedules 1 and 9 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced, before the date of commencement of this bylaw, to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

### 20 Applications, approvals etc under revoked bylaw

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 19, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except:

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commenced; and
- (b) any approval, permit or authorisation granted under revoked bylaws, cannot be renewed under this bylaw, and must be treated as a new application.

## Schedules

### 21 Roads that have parking restrictions, limits or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where parking is prohibited under clause 7.
- (2) Schedule 2 lists the roads, or parts of roads, where parking is restricted to certain types of vehicles under clause 8. Schedule 2 has 8 parts:
- (a) Part A lists the locations where only goods vehicles may stop, stand, or park:
- (b) Part B lists the locations where only vehicles with approved disabled person's parking permit may stop, stand, or park:
- (c) Part C lists the locations where only passenger service vehicles may stop, stand, or park:
- (d) Part D lists the locations where only small passenger service vehicles may stop, stand, or park:
- (e) Part E lists the locations where only emergency vehicles may stop, stand, or park:

- (f) Part F lists the locations where only boat trailers may stop, stand, or park:
- (g) Part G lists the locations where only electric vehicles may stop, stand, or park:
- (h) Part H lists the locations where only vehicles with an approval may stop, stand, or park:
- (3) Schedule 3 lists the roads, or parts of roads, where the time a vehicle can be parked is restricted under clauses 9 to 11. Schedule 3 has 3 parts:
  - (a) Part A lists the locations where the time period is between 5 minutes and 30 minutes.
  - (b) Part B lists the locations where the time period is more than 30 minutes.
  - (c) Part C lists the locations where the time is restricted to days of the year or the times of the day.
- (4) Schedule 4 lists parking places that clause 12 applies to.
- (5) The co-ordinates in the Schedules are measured at the centreline of the road.
- (6) The Schedules 1 to 4 are organised by the type of parking restriction or prohibition. Schedule 5 groups the restrictions or prohibitions by the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between the Schedules, Schedules 1 to 4 prevail.

## **22 Amendment to Schedules**

- (1) The council may, by resolution, add or remove any road, or part of a road, from Schedules 1, 2 or 3.
- (2) Where a road, or part of a road, is added to a Schedule under subclause (1), the resolution may also specify the class or description of vehicle, or dates or times, that apply on that road, or part of a road and for Schedule 3 the resolution may specify the period of time that applies.
- (3) The council may, by resolution, add or delete any parking place listed in Schedule 4.