



THE OPOTIKI DISTRICT COUNCIL TRAFFIC BYLAW 2008

EXPLANATORY NOTE

The Opotiki District Council Traffic Bylaw 2008 was made in accordance with the Local Government Act 1974, Local Government Act 2002 and Transport Act 1962.

The purpose of the Opotiki District Council Traffic Bylaw 2008 is to set the requirements for parking and control of vehicular or other traffic on any road in the Opotiki District other than the State Highways controlled by Transit New Zealand.

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The Opotiki District Council Traffic Bylaw 2008

This Bylaw is made in accordance with the Local Government Act 2002, the Local Government Act 1974 and Transport Act 1962.

1. Title

This Bylaw shall be known as "The Opotiki District Council Traffic Bylaw 2008."

2. Commencement

This Bylaw shall come into force on the 1st day of July 2008.

3. Repeals

As from the date that this Bylaw comes into force the following Bylaws shall be repealed.

- Opotiki District Council Bylaw 1990 Chapter 5 Licences for Vehicle Stands on Streets.
- Opotiki District Council Parking Bylaw 1998.

4. Interpretations

For the purposes of this Bylaw the following Interpretations shall apply:

Authorised Officer Any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Transport Act 1962, and an Enforcement Officer.

Council means the Opotiki District Council or any officer authorised to exercise the authority of the Council.

Emergency Vehicle has the same meaning as in the Land Transport (Road User) Rule 2004.

Enactment has the same meaning as Section 29 of the Interpretation Act 1999.

Enforcement Officer has the same meaning as in the Land Transport (Road User) Rule 2004.

Freight Container an article of transport equipment that is:

- (a) of a permanent character and strong enough to be suitable for repeated use;
- (b) specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading; and
- (c) designed to be secured and readily handled having fittings for these purposes.

Heavy Motor Vehicle has the same meaning as in the Land Transport (Road User) Rule 2004.

Operation Mobility Parking Space means a parking space set aside under 5.1(b) of this Bylaw for use by people who hold an Operation Mobility Permit.

Operation Mobility Permit means a permit or concession card issued by the New Zealand Crippled Children Society (CCS) Incorporated to persons with physical disabilities for the purpose of its operation mobility programme.

Parking Place has the same meaning as Section 591(6) of the Local Government Act 1974.

Parking Warden means a parking warden appointed under Section 7 of the Transport Act 1962.

Passenger Service Vehicle has the same meaning as Section 2(1) of the Land Transport Act 1998.

Road has the same meaning as in the Land Transport Act 1998 and shall where the context requires include a street but does not include State Highways controlled by Transit NZ.

Roadway That portion of the road used or able to be used for the time being for vehicular traffic in general.

Special Vehicle Land has the same meaning as in the Land Transport (Road User) Rule 2004.

Traffic Control Device has the same meaning as Part 2 of the Land Transport Rule : Traffic Control Devices 2004.

Transport Station has the same meaning as Section 591(6) of the Local Government Act 1974.

Vehicle has the same meaning as in the Land Transport Act 1998.

Zone Parking has the same meaning as in Land Transport Rule : Traffic Control Devices 2004.

5. Introduction

5.1 Under the Local Government Act 1974, the Local Government Act 2002 and the Transport Act 1962 the Opotiki District Council makes this Bylaw to:

- (a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station;
- (b) Set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, as:
 - (i) Stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - (ii) Operation mobility parking spaces;
 - (iii) Parking places and zone parking;
 - (iv) Transport stations;
 - (v) Clearways;
 - (vi) Cycle lanes and cycle paths;
 - (vii) Reserved parking areas;
 - (viii) Special vehicle lanes;
 - (ix) One-way roads.
- (c) Prohibit or restrict:
 - (i) U turns;
 - (ii) Left turns, right turns, or through movements;
 - (iii) Weights of vehicles or loads that may pass over bridges or culverts;
 - (iv) Any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;

- (v) Parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
 - (vi) Use of roads by pedestrians;
 - (vii) Use of roads by cyclists.
- (d) Permit turning movements to be made only by:
- (i) Passenger service vehicles;
 - (ii) Vehicles of other specified classes;
 - (iii) Vehicles carrying specified classes of loads or not less than a specified number of occupants.
- 5.2 Any matter regulated under 5.1 may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.
- 5.3 To give effect to any matter regulated under 5.1 the Council shall mark the roads and install signs in accordance with the Land Transport Rule : Traffic Control Devices 2004.
- 5.4 The Council may amend this Bylaw in accordance with the Local Government Act 2002 to rescind, amend or vary any matter regulated under 5.1.

6. Stopping, Standing and Parking

- 6.1 No person shall stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserved or any other public place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 6.2 Except with the prior written permission of the Council, no person shall park a vehicle on a road or other land under the control or ownership of the Council, for any period exceeding seven days, if that vehicle cannot be easily moved on at the request of the Council.
- 6.3 No person shall park any vehicle in a parking space which is already occupied by another vehicle. However, up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking space at the same time, (and such motorcycles shall park at right angles to the kerb in the space).

7. Unlawful Parking

- 7.1 A person shall not park any vehicle or vehicle combination in a parking space except as permitted by the provisions of this Bylaw.
- 7.2 No person shall park a vehicle or vehicle combination in a parking space so that any part of that vehicle extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking space.

8. Operation Mobility Parking

- 8.1 Where the Council has reserved parking spaces as operation mobility parking spaces, the operation mobility permit shall be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit shall not be displayed if the parking space is not being used for the benefit of the permit holder.

9. One-Way Roads

- 9.1 A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as 'one-way road' in Schedule A of this Bylaw, in the direction specified.
- 9.2 The Council may amend Schedule A of this Bylaw in accordance with the Local Government Act 2002 to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

10. Turning Restrictions

- 1 Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction listed in Schedule B of this Bylaw.
- 10.2 The Council may amend Schedule B of this Bylaw in accordance with the Local Government Act 2002 to prohibit, subject to the erection of the prescribed signs:
- (a) Vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (no "U-turns");
 - (b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.
- 10.3 The Council may amend Schedule B of this Bylaw in accordance with the Local Government Act 2002 to provide that a turning restriction be removed or amended.

11. Heavy Traffic Prohibitions

- 11.1 No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in Schedule C of this Bylaw except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose.
- 11.2 No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in Schedule C of this Bylaw except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.
- 11.3 No stock shall be transported in heavy motor vehicles through urban areas except over the routes specified in Schedule C of this part of the Bylaw.
- 11.4 The prohibitions set out in 11.2 shall not apply to:
- (a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation. (The expression 'network utility operator'

has the same meaning given to it by Section 166 of the Resource Management Act 1991);

- (b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies;
 - (c) Refuse collections carried out by either the local authority or a contractor engaged by the local authority;
 - (d) Any other class of heavy vehicle the Council may exclude from the prohibitions in 11.2 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.
- 11.5 The Council may amend Schedule C of this Bylaw in accordance with the Local Government Act 2002 to prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

12. Special Vehicle Lanes

- 12.1 The roads or parts of roads listed in Schedule D of this Bylaw are 'special vehicle lanes.'
- 12.2 The Council may amend Schedule D of this Bylaw in accordance with the Local Government Act 2002 to provide for a road, or part of a road, to be used as a special vehicle lane either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a special vehicle lane.

13. Turning Movements Permitted by Specified Classes of Vehicles

- 13.1 Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule E of this Bylaw permit turning movements by specified classes of vehicles.
- 13.2 The Council may amend Schedule E of this Bylaw in accordance with the Local Government Act 2002 to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane.

14. Weights of Vehicles or Loads over Bridges or Culverts

- 14.1 The Council may amend Schedule F of this Bylaw in accordance with the Local Government Act 2002 to regulate the weights of vehicles or loads that may pass over bridges or culverts or to provide that any such regulation be removed.

15. Offences and Penalties

- 15.1 Every person commits an offence against this Bylaw and is liable on summary convictions to the penalty set out in the Local Government Act 2002; who
- (a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs, and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw;
 - (b) fails to comply with any condition, duty or obligation imposed by this Bylaw.

15.2 Nothing in 15.1 of this Bylaw applies to any offence of a kind referred to in Section 72(6A) of the Transport Act 1962.

15.3 A person may not be subject to proceedings under 15.1 of this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

16. Defences

16.1 A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

(a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or

(b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

17. Exempted Vehicles

17.1 This Bylaw shall not apply to emergency vehicles being used in an emergency.

17.2 Clauses 6, 7 and 12 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

18. List of Schedules

Schedule A One Way Roads

Schedule B Turning Restrictions

Schedule C Heavy Traffic Prohibitions

Schedule D Special Vehicle Lanes

Schedule E Turning movements permitted by specified classes of vehicles

Schedule F Weight or load restrictions over bridges or culverts

This Bylaw was duly made by the Opotiki District Council by a resolution passed on the 11th day of March 2008 and was confirmed following consideration of community submissions received during a special consultative procedure by a resolution { No 461 } passed on the 17th day of June 2008.

The common Seal of the Opotiki District Council was here to affixed in the presence of

Mayor

John Lee

[Signature]

Chief Executive



SCHEDULE A

One Way Roads

Road	Section / Part	Permitted Direction of Travel
Windsor Street	From Bridge St to Ford St	North from Bridge to Ford

SCHEDULE B

Turning Restrictions

Road	Section / Part	Permitted Direction of Travel
None		

SCHEDULE C

Heavy Traffic Prohibitions

Road	Section / Part	Permitted Direction of Travel
None		

SCHEDULE D

Special Vehicle Lanes

Road	Section / Part	Permitted Direction of Travel
None		

SCHEDULE E

Turning Movements Permitted by Specified Classes of Vehicles

Road	Section / Part	Permitted Direction of Travel
None		

SCHEDULE F

Weight or Load Restrictions over Bridges or Culverts

Road	Name of Bridge or Culvert	Weight Limits	
		Maximum weight on any one axle	Gross weight (maximum sum of axle weights)
Waiotahi Valley Back Road	14	---	10 000 kg
Pakihi Road	30	---	5000 kg
Off Pakihi Road	31	---	5000 kg
Takaputahi Road	35	---	10 000 kg
Stoney Creek Road	37	---	10 000 kg