



Gisborne District Traffic and Parking Bylaw 2011



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1. Title

- 1.1 This Bylaw is the Gisborne District Council Traffic and Parking Bylaw 2011.

2. Commencement and repeals

- 2.1 This Bylaw comes into force on 1 December 2011 and repeals the Gisborne District Council's Traffic and Parking Bylaw 2008.

3. Application

- 3.1 This Bylaw is made pursuant to the relevant provisions of the Local Government Act 1974, the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.
- 3.2 This Bylaw sets the requirements for parking and control of vehicular or other traffic on any road or public place other than State Highways controlled by the New Zealand Transport Agency.
- 3.3 This Bylaw does not apply to land under the care, control or management of the New Zealand Transport Agency, unless the Council and the Agency have entered into an agreement providing that this Bylaw apply.
- 3.4 Nothing in this Bylaw limits the application of any Act, regulation or rules including but not limited to the Local Government Act 2002, the Local Government Act 1974, the Land Transport Act 1998, and rules made pursuant to Sections 152, 153 and 157 of the Land Transport Act 1998.

4. Interpretation

- 4.1 The schedules set out in Appendix 1 are deemed adopted pursuant to section 5.1 of this Bylaw.
- 4.2 For the purposes of this Bylaw the following definitions shall apply:

Cycle Lane	Has the same meaning as in 1.6 of the Land Transport (Road User) Rule 2004.
Emergency Vehicle	Has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.
Enactment	Has the same meaning as in section 29 of the Interpretation Act 1999.
Enforcement Officer	Has the same meaning as in Section 2(1) of the Land Transport Act 1998.
Footpath	Has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.
Freight Container	Has the same meaning as in Part 2 Land Transport Rule: Dangerous Goods 2005.
Freedom Camping	Has the same meaning as in 5(1) and 5(2) of the Freedom Camping Act 2011

Freedom Camping Areas	Means the areas specified by Council resolution as freedom camping areas under clause 7 of the Freedom Camping Bylaw 2008.
Freedom Camping Period	Means the times specified by Council resolution under clause 7 of the Freedom Camping Bylaw 2008 as the times for which Freedom Camping Areas are available for freedom camping.
Freedom Camping Permit	Means a Permit as defined by the Freedom Camping Bylaw 2008.
Heavy Motor Vehicle	Has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.
Metered Area	Means an area indicated by road markings and signs for metered parking space.
Metered Parking Space	Means any part of a road or a space within a Metered Area indicated by, and lying within, markings made by the Council for the accommodation of a vehicle.
Operation Mobility Car Park	Means a carpark set apart under section 5.1(b) of this Bylaw.
Parking Meter	Means a single space parking meter or a pay and display parking meter (including the stand to which the parking meter is attached) installed pursuant to this Bylaw being an instrument designed for the purpose of: (a) Measuring and indicating the period of time paid for or which remains to be used; or (b) Issuing a receipt showing the period of time paid for and accordingly which remains to be used.
Parking Place	Has the same meaning as in section 591(6) of the Local Government Act 1974.
Parking Warden	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
Pay and Display Parking Meter	Means a parking meter designed for the purpose of issuing a receipt indicating the date and time of payment of a fee, amount of fee paid, and the time until which a vehicle may be parked within a Metered Area controlled by a pay and display parking meter.
Pay and Display Parking Metered Area	Means an area indicated by road markings and signs for parking within parks with Pay and Display Parking Meters.
Public Place	Has the same meaning as in section 147 of the Local Government Act 2002.
Road	Has the same meaning as in s.2(1) of the Land Transport Act 1998.
Roadway	Has the same meaning as in 1.6 of the Land Transport (Road User) Rule 2004.
Transport Station	Has the same meaning as in section 591(6) of the Local Government Act 1974.
Urban Traffic Area	Has the same meaning as in Part 2 of the Land Transport Rule: Settings of Speed Limits 2003.
Vehicle	Has the same meaning as in Section 2(1) of the Land Transport Act 1998.

- 4.3
- a) The Interpretation Act 1999 shall apply to this bylaw.
 - b) For the purposes of this Bylaw the word "shall" refers to practices that are mandatory for compliance with the Bylaw, while the word "may" refers to practices which are discretionary.
 - c) Every Schedule to this Bylaw shall be deemed to form part of the Bylaw provided that any such schedule may be altered from time to time by Council resolution.

5. General

- 5.1 The Council may from time to time, by resolution publicly notified in relation to any road or public place:
- a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles.
 - b) Set aside, designate or reserve:
 - i) Stopping places for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
 - ii) Operation of Mobility car parks;
 - iii) Parking places;
 - iv) Transport stations;
 - v) Clearways;
 - vi) Cycle ways;
 - v) One-way streets.
 - c) Prohibit or restrict:
 - i) U turns;
 - ii) Left or right turns;
 - iii) Use of lanes or turning movements to be made by certain classes of vehicles or vehicles carrying specified classes of loads or not less than a specified number of occupants;
 - iv) Restrict use to any class of traffic, or any motor vehicle or class of motor vehicle which by reason of its size, nature, or the nature of the goods carried, is unsuitable for use on the relevant road;
 - v) Restrict parking or driving during specified hours to any class of traffic, motor vehicle or class of motor vehicle.
- 5.2 A resolution under section 5.1 may apply:
- a) to a specified class, type, weight or description of vehicle, or any combination of these; and
 - b) may be expressed or limited to apply only on specified days, between specified times, in respect of specified events or classes of events, or be limited to specified maximum periods of time.

- 5.3 The Council shall mark such roads and/or erect such signs on any road or public place as necessary to give effect to any resolution made pursuant to section 5.1.
- 5.4 A resolution made under section 5.1 shall be listed in the Schedules to this Bylaw in accordance with section 5.1 of this Bylaw.
- 5.5 The Council may by a publicly notified resolution rescind, amend or vary any prior resolution made pursuant to section 4.1 and listed in the Schedules to this Bylaw.

6. Parking

- 6.1 Without the prior written consent of the Council, no person shall stop, stand, or park on any road or public place:
 - a) a vehicle in contravention of a direction or restriction imposed by the Council and evidenced by appropriate signs and/or road marks
 - b) a vehicle for the purposes of camping, whether in the vehicle or otherwise, with the exception of those vehicles displaying a Freedom Camping Permit if within the Freedom Camping Areas and during the Freedom Camping Period
 - c) a vehicle so as to damage that road or public place
 - d) a vehicle parked for the purpose of displaying advertising or sales. This restriction includes vehicles displaying for sale signs, and mobile billboards.
 - e) a vehicle for the purposes of repair except in the case of an accident or breakdown when repair on the site is necessary for removal of the vehicle from the road or public place.
 - g) any machinery, equipment, materials, waste disposal bins or freight containers except for Council domestic refuse or recycling collection on the relevant day for the purposes of collection.

7. Parking of heavy motor vehicles

- 7.1 No person shall stop, stand or park a heavy motor vehicle that has a gross weight exceeding 8,000kg for a period of more than one hour in any public place where there is adjacent residential zoned land on either side of the road. Provided however that it shall not be an offence to stop, stand or park such a vehicle in areas on arterial routes (as defined in the Gisborne District Plan) or in other areas reasonably required for the purpose of loading or unloading that vehicle in the course of trade.

8. Metered areas and parking meter zones

- 8.1 The Council may from time to time, by resolution:
 - a) Declare any road or public place to be a metered area or a pay and display parking metered area;
 - b) Declare the time allowed for parking in such declared metered areas beyond which it shall be unlawful to remain parked;
 - c) Subject to section 150 of the Local Government Act 2002, fix the fees payable for the parking of vehicles within the metered area.

- 8.2 In accordance with the provisions of any such resolution the Council shall establish and mark out metered spaces in all metered areas.

9. Parking fee to be paid

- 9.1 No driver or person in charge of a vehicle shall park in a metered parking space without having paid the appropriate fee and evidenced by the activated parking meter or the displayed receipt in pay and display parking spaces.
- 9.2 No driver or person in charge of a vehicle may remain in a metered parking space:
- a) beyond the expiry of the parking meter or the time authorised by the pay and display receipt or
 - b) beyond the maximum period for parking in that metered area.
- 9.3 Where more than one motorcycle occupies a metered parking space it shall not be necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Bylaw.
- 9.4 Any driver or person in control of a vehicle parked in a metered parking space controlled by a pay and display parking meter shall show a valid receipt issued by the pay and display parking meter on the dashboard at the front of the vehicle, in a manner which will allow the date of issue and expiry time to be seen by an authorised officer.

10. Discontinued parking space

- 10.1 Where an Enforcement Officer or Parking Warden is of the opinion that any metered parking space should be temporarily discontinued as a parking space, the Enforcement Officer or Parking Warden may place or erect (or authorise the placing or erecting) a sign, notice, or meter hood indicating "No Stopping" or "Reserved Parking" at the affected metered parking space or spaces.
- 10.2 It shall be unlawful for any person to park a vehicle at the metered parking space while a sign notice or meter hood is so placed except with the permission of an Enforcement Officer or Parking Warden.

11. Interference with parking meters or pay and display parking meters

- 11.1 Every person commits an offence against this Bylaw who:
- a) misuses any parking meter or pay and display parking meter; or
 - b) interferes, tampers, attempts to tamper with the working or operation of any parking meter or pay and display parking meter; or
 - c) without Council authority affixes or attempts to affix anything, or to paint, write upon or disfigure any parking meter or pay and display parking meter.

12. Payment in New Zealand currency only

- 12.1 No person shall deposit in any parking meter or pay and display parking meter any currency other than New Zealand currency.

13. Unlawful parking

- 13.1 A person shall not park any vehicle in a marked or metered parking space except as permitted by the provisions of this Bylaw.
- 13.2 Subject to 13.3 no person shall park a vehicle in a marked or metered parking space so that any part of that vehicle extends beyond any line defining that space.
- 13.3 If, by reason of its size, it is necessary for a vehicle to extend onto an adjoining and unoccupied metered space, it shall be entitled to do so provided the driver shall be liable to pay a parking fee for each parking space so occupied.

14. Hours applicable to parking meters or pay and display parking meters

- 14.1 The hours during which payment of the fee for parking meters or pay and display parking meters is required shall be as prescribed by resolution of the Council publicly notified and shall be indicated by signs or notices affixed to parking meters and pay and display parking meters.

15. One way roads

- 15.1 A person may only drive a vehicle along the roads listed as a "One Way Road" in the direction specified.

16. Turning restrictions

- 16.1 Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction.

17. Traffic prohibitions and restrictions

- 17.1 No person shall park, drive or permit to be parked or driven any motor vehicle in breach of any Council resolution under 5.1 prohibiting, the motor vehicle from being so parked or driven.
- 17.2 No stock shall be transported in a heavy motor vehicles through urban traffic areas except over the routes specified from time to time by resolution by the Council.
- 17.3 The prohibitions set out in 17.1 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 service vehicles or any other class of motor vehicles that Council may adopt from time to time by resolution.
- c) Medical practitioners who are attending a medical emergency.

18. Skateboards, roller skates, inline skates and wheeled recreational devices

- 18.1 No person shall ride or use a skateboard, roller skates, inline skates or a wheeled recreational device on any footpath in a Prohibited Area, as outlined in Appendix 2.
- 18.2 No person shall ride or use a skateboard, roller skates, inline skates or a wheeled recreational device on any footpath outside the areas defined in Appendix 2, without due care to ensure no damage is caused to any property.
- 18.3 The Council may, from time to time, by resolution publically notified, add or amend the extent of the Prohibited Area.
- 18.4 Nothing in this Bylaw shall serve to restrict or prevent the use of any mobility device, pushchair, pram, trolley, cart or any other similar device constructed and used for the transportation of disabled persons, young children or personal effects, on any such footpath.

19. Vehicle crossings

- 19.1 Any person wishing to construct, repair, remove or widen any vehicle crossing shall first obtain a corridor access approval from the Council.
- 19.2 A permit issued by the Council under section 19.1 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicle crossing, and to ensure safe and convenient use of the road by pedestrians or vehicles.
- 19.3 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.
- 19.4 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land to which the crossing provides access, to repair, reconstruct, renew, or remove such crossing to the satisfaction of Council. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against this Bylaw.

20. Offences and penalties

- 20.1 Every person who breaches any provisions of this Bylaw commits an offence, and is liable to the applicable penalty prescribed in Schedule 1 to this Bylaw.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON _____ (DAY) OF _____ (MONTH) 2011.

----- MAYOR

----- CHIEF EXECUTIVE

Schedule 1

Schedule of Offence Provisions and Penalties

Provision	Brief Description	Maximum penalty on summary conviction \$	Infringement fee \$
6.1	Parking – general	500	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
7.1	Parking of heavy motor vehicles	500	40
9	Parking fees to be paid	500	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
10.2	Parking on a discontinued parking space	500	40
11.1	Interference with parking meter or pay and display parking meter	20,000	
12.1	Uses other than New Zealand currency in a parking meter or pay and display parking meter	20,000	
13	Unlawful parking in a marked or metered parking space	500	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
15	Driving the wrong way on a one way road	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999
16	Driving contrary to a turning restriction	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999	As specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999
17.1	Parking or permitted parking in breach of a restriction imposed under clause 5.1	500	As specified in Part 1 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999
17.2	Unlawfully transported stock through an urban area	20,000	750
18.1	Road skateboard, roller skates, inline skates or a wheeled recreational device on a footpath in a prohibited area	500	55
18.2	Road skateboard, roller skates, inline skates or a wheeled recreational device without due care	500	55
19.3	Crossed footpath or water channel other than upon a properly constructed crossing	20,000	750
19.4	Failed to comply with notice regarding vehicle crossing	20,000	

Appendix 1

List of Schedules of the Gisborne District Traffic and Parking Bylaw 2011

TRAFFIC AND PARKING BYLAW 2007 – LIST OF SCHEDULES		
No.	Description	Sheets
1.	Schedule of Offence Provisions and Penalties	
2.	Schedule of CBD Parking Configuration	ST857/1-9
3.	Schedule of Pay & Display Meters Location	ST857/10
4.	Schedule of City Intersection Controls	ST857/11-13
5.	Schedule of One Way Streets	ST857/14
6.	Schedule of Traffic Signals	ST857/15
7.	Schedule of Bicycle Lanes	ST857/16
8.	Schedule of Intersections where a Right or U Turn is Prohibited	ST857/17
9.	Schedule of Clearway Zones	ST857/18
10.	Schedule of Pay & Display Date & Time Restrictions	ST857/19
11.	Schedule of Parking Meter Data & Time Restrictions	ST857/20
12.	Schedule of No Stopping Areas	ST857/21
13.	Schedule of Time Restricted Parking Zones	ST857/22
14.	Schedule of Vehicle Based Restricted Parking	ST857/23
15.	Schedule of Gisborne District Council Parking Places	ST857/24
16.	Schedule of Vehicles Entitled to Use Parking Places	ST857/25
17.	Schedule of Times when Parking Meter Restrictions Apply	ST857/26
18.	Schedule of Terms and Descriptions	ST857/27
19.	Schedule of State Highway 50km/hr within Gisborne City	ST857/29
20.	Schedule of Traffic Restrictions and Prohibitions	ST857/30
21.	Schedule of Traffic Lanes Restricted to Specific Classes of Vehicles and or Turning Movements	ST857/31

Appendix 3

Arterial Routes as defined in the Gisborne District Plan.

