



GISBORNE
DISTRICT COUNCIL

**Gisborne District Traffic and
Parking Bylaw 2008**

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1. Scope

- 1.1 The purpose of this Bylaw is to set the requirements for parking and control of vehicular or other traffic on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve in the district other than State Highways controlled by Transit New Zealand.
- 1.2 This Bylaw is made pursuant to the Local Government Act 2002, the Local Government Act 1974, the Land Transport Act 1998, the Transport Act 1962, the Land Transport (Road User Rule) 2004 and the Land Transport Rule: Traffic Control Devices 2004.

2. Interpretation

A reference in this Bylaw to a repealed enactment is a reference to an enactment that, with or without modification, replaces, or that corresponds to, the repealed, enactment.

3. List of Schedules Adopted Pursuant to Section 5 of this Bylaw

Bylaw

The following schedules are adopted pursuant to section 5.1 of this Bylaw:

Schedule	Description	Sheets	#
1.	Central Business District Parking Configuration. ST857/1-9		
2.	Pay & Display & Parking Meters Location.	ST857/10	
3.	City Intersection Controls.	ST857/11-13	
4.	One Way Streets.	ST857/14	
5.	Traffic Signals.	ST857/15	
6.	Bicycle Lanes.	ST857/16	
7.	Intersections where a Right or U Turn is prohibited.	ST857/17	
8.	Clearway Zones.	ST857/18	
9.	Pay & Display Data & Time Restrictions.	ST857/19	
10.	Schedule of Parking Meter Data & Time Restrictions.	ST857/20	

11.	No Stopping Areas.	ST857/21
12.	Time Restricted Parking Zones.	ST857/22
13.	Vehicle Based Restricted Parking.	ST857/23
14.	Gisborne District Council Parking Places.	ST857/24
15.	Vehicles Entitled to Use Parking Places.	ST875/25
16.	Times when Parking Meter Restrictions Apply.	ST857/26
17.	Terms and Descriptions.	
18.	Hospital Parking.	ST857/28
19.	State Highway 50 km/hr Within Gisborne City.	ST957/29
21.	Traffic Restrictions and Prohibitions.	ST857/30
22.	Traffic Lanes Restricted to Specific Classes of vehicles and or Turning Movements.	ST857/31

4. Definitions

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

Authorised Officer	Means any person appointed or authorised by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council pursuant to the provisions of the Transport Act 1962, and also includes an Enforcement Officer.
Emergency Vehicle	Has the same meaning as in 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 the Land Transport (Road User) Rule 2004.
Footpath	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Freight Container	means an article of transport equipment that is: <ul style="list-style-type: none"> (a) Of a permanent character and strong enough to be suitable for repeated use; and (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 described in sub-clauses (a) and (b) of this definition.

Heavy Motor Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Metered Area	Means any road or portion of a road or any area of land or any building owned or controlled by the Council which is authorised by resolution of Council to be used as a parking place and at which parking meters or multiple parking meters are installed and maintained.
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 Carpark	Means a carpark set apart under section 5.1(b) of this Bylaw.
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 Concessions	Means concessions granted to disabled persons from time to time with respect to parking places by the Council.
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: <ul style="list-style-type: none"> (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 7 of the Transport Act 1962.
Passenger Service	Has the same meaning as in section 2(1) of the Land Transport Act 1998.
Passenger Service Vehicle	Has the same meaning as in section 2(1) 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 that pay and display parking meter.
Public Place	Has the same meaning as in section 147 of the Local Government Act 2002.
Road	Has the same meaning as in the Local Government Act 1974 and shall where the context requires include a street (but this does not include State Highways controlled by Transit New Zealand).
Reserve	Has the same meaning as in section 2 of the Reserves Act 1977.

Roadway	Means that portion of the road used or reasonably useable for the time being for vehicular traffic in general.
Single Space Parking Meter	Means a parking meter designed for the purpose of measuring and indicating the time for which a vehicle may be parked in a particular parking space.
Special Vehicle Lane	Has the same meaning as in Land Transport (Road User) Rule 2004.
Traffic Control Device	Has the same meaning as in Part 2 of the Land Transport Rule Traffic Control Devices 2004.
Transport Station	Has the same meaning as in section 591(6) of the Local Government Act 1974.
Vehicle	Has the same meaning as in the Land Transport Act 1998.

5. General

5.1 The Council may from time to time, by resolution publicly notified:

- (a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve;
- (b) Set aside, designate or reserve any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve or part thereof 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 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 passenger service vehicles, or vehicles of other specified classes or vehicles carrying specified classes of loads or not less than a specified number of occupants;
- (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 or driving of any specified class of traffic, or any specified motor vehicle or class of motor vehicle, on any specified road during such hours or exceeding such period as may be specified.

5.2 A resolution in respect of any matter in section 5.1(a), 5.1(b) or 5.1(c) 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 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, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve, as necessary to give effect to any resolution made pursuant to section 5.1.

5.4 a) A resolution in respect of any matter in section 5.1(a), 5.1(b) or 5.1(c) shall be listed in the Schedules to this Bylaw in accordance with section 3 of this Bylaw.

b) The Council may by resolution publicly notified rescind, amend or vary any resolution made pursuant to section 5.1 and listed in the Schedules to this Bylaw.

6. Parking

- 6.1 No person shall stop, stand, or park a vehicle on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road marks. Notwithstanding the provisions of this sub-section, an authorised officer may, subject to such conditions as are appropriate in the circumstances, authorise the stopping, standing or parking of specified vehicles.
- 6.2 No person shall drive, stop, stand or park a vehicle on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve so as to damage that road, public place, reserve or on piece of land.
- 6.3 No person shall, without the prior written permission of the Council, park a vehicle or trailer displaying advertising or sales material on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 6.4 Except with the prior written permission of an authorised officer, no person shall park a vehicle on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve for any period exceeding 7 days, if that vehicle cannot be easily moved on at the request of an authorised officer, or if it cannot be safely driven.
- 6.5 No person shall repair any motor vehicle on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve except in the case of the occurrence of accident or breakdown when repair on the site is necessary.
- 6.6 No person shall park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve except with the permission of an authorised officer and then only in accordance with any conditions that may be required. This section does not apply to those containers that are used solely for the purpose of domestic refuse or recycling as authorised by Council provided that such containers are not left on any road or public place for a period exceeding 48 hours.

7. Metered Areas and Parking Meter Zones

- 7.1 The Council may from time to time, by resolution:
- (a) Declare any road, public place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve to be a metered area;
 - (b) Declare the time allowed for parking in such 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.
- 7.2 In accordance with the provisions of any such resolution the Council shall establish and mark out metered spaces in all metered areas.
- 7.3 Parking meters or pay and display parking meters shall be located within the metered area that they are to control. Any pay and display parking meters shall issue a receipt on insertion of the prescribed fee in accordance with the instructions on the meter.
- 7.4 The extremities of metered parking spaces shall be indicated by white lines painted on the road. The extremities of pay and display zones shall be indicated by signs.

8. Parking Fee to be Paid

- 8.1 No driver or person in charge of a vehicle shall park in a metered parking space without having paid the appropriate fee and where required correctly activated the parking meter controlling the space, or in compliance with the instructions on the pay and display parking meter controlling the space.
- 8.2 The driver or person in charge of a vehicle may occupy the metered parking space, provided that the appropriate fee has been paid and the maximum period for parking in that metered area is not exceeded.

8.3 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.

8.4 While a vehicle is parked on a metered parking space controlled by a pay and display parking meter, a valid receipt issued by the pay and display parking meter shall be placed on the dashboard at the front of the vehicle, in a manner which will allow the expiry time to be seen by an authorised officer from outside the vehicle.

9. Discontinued Parking Space

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

10. Interference with Parking Meters or Pay and Display Parking Meters

Every person commits an offence against this Bylaw who misuses any parking meter or pay and display parking meter, or who interferes, tampers, or attempts to tamper with the working or operation of any parking meter or pay and display parking meter or who 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.

11. Coins of New Zealand Currency Only

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

12. Unlawful Parking

12.1 A person shall not park any vehicle in a metered or pay and display metered parking space except as permitted by the provisions of this Bylaw.

- 12.2 No person shall park a vehicle in a metered 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 metered space. In such event the driver shall be liable to pay a parking fee for each space so occupied.

13. Hours Applicable to Parking Meters or Pay and Display Parking Meters

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 from time to time and listed in Schedules 2, 9, 10 and 16 to this Bylaw and shall be indicated by signs or notices affixed to parking meters and pay and display parking meters.

14. One Way Roads

- 14.1 A person may only drive a vehicle or cycle along the roads listed as a "One Way Road" in the direction specified.
- 14.2 The Council may from time to time by resolution publicly notified, provide for a road, or part thereof, to be a One Way Road, or to provide that a road should cease to be used as a One Way Road.

15. Turning Restrictions

- 15.1 Subject to the erection of the prescribed signs, no person shall drive contrary to any turning restriction.
- 15.2 The Council may from time to time by resolution prohibit, subject to the erection of the prescribed signs:
- (a) Vehicles on a roadway turning from facing or traveling in one direction to facing or traveling 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.

16. Traffic Prohibitions and Restrictions

- 16.1 No person shall drive or permit to be driven any specified class of traffic, or any specified motor vehicle or class of motor vehicle, except a passenger service vehicle on or along those roads, or parts thereof that the Council may from time to time by resolution prohibit, 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.
- 16.2 No person shall drive or permit to be driven or park any specified class of traffic, or any specified motor vehicle or class of motor vehicle during such hours or exceeding such period as may be specified for the roads or public places that the Council may from time to time by resolution prohibit, 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.
- 16.3 No stock shall be transported in heavy motor vehicles through urban areas except over the routes specified from time to time by resolution by the Council.
- 16.4 The prohibitions set out in 16.1 and 16.2 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 or any other class of motor vehicles that Council may adopt from time to time by resolution.
 - (c) Medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

17. Traffic Lanes Restricted to Specific Classes of Vehicles and/or Turning Movements

The Council may from time to time by resolution restrict traffic lanes to specific classes of vehicles and/or turning movements, or to provide that a traffic lane should cease to be used as a traffic lane for specific classes of vehicles and/or turning movements.

18. Selling of Goods and Services at Intersections

No person shall wash or clean the windows of any vehicles for payment or donation, solicit any subscription, collection or donation at any road intersection or within 100 metres of an intersection on any of its approaches, or use an intersection for the purposes of selling or offering goods or services of any kind without the written permission of an authorised officer.

19. Vehicle Crossings

- 19.1 Any person wishing to construct, repair, remove or widen any vehicle crossing shall first obtain a permit 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 which the crossing provides access to, to repair, reconstruct or renew 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 commits an offence against this Bylaw, and is liable on summary conviction 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 place, reserve or on any piece of land owned or controlled by the Council and not being a road, public place or reserve pursuant to any of the provisions of this Bylaw or any resolution made under this Bylaw;

- (b) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw or by any resolution made under this Bylaw.

20.2 Nothing in section 20.1 of this Bylaw applies to any offence of a kind referred to in section 72(6A) of the Transport Act 1962.

20.3 A person may not be subject to proceedings under section 20.1 of this Bylaw, if that person is, with respect to the same facts, being proceeded against for a breach of the Land Transport Act 1998.

21. Defences

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) In the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of that person's duty.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS
HERE TO AFFIXED PURSUANT TO RESOLUTION PASSED AT A
MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON
_____ (DAY) OF _____ (MONTH) 2008.

----- MAYOR

----- CHIEF EXECUTIVE

LIST OF SCHEDULES OF THE GISBORNE DISTRICT TRAFFIC AND PARKING BYLAW 2007

TRAFFIC AND PARKING BYLAW 2007 - LIST OF SCHEDULES		
No.	Description	Sheets
1	Schedule of CBD Parking Configuration	ST857/1-9
2	Schedule of Pay & Display Meters Location	ST857/10
3	Schedule of City Intersection Controls	ST857/11-13
4	Schedule of One Way Streets	ST857/14
5	Schedule of Traffic Signals	ST857/15
6	Schedule of Bicycle Lanes	ST857/16
7	Schedule of Intersections where a Right or U Turn is Prohibited	ST857/17
8	Schedule of Clearway Zones	ST857/18
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12	Schedule of Time Restricted Parking Zones	ST857/22
13	Schedule of Vehicle Based Restricted Parking	ST857/23
14	Schedule of Gisborne District Council Parking Places	ST857/24
15	Schedule of Vehicles Entitled to Use Parking Places	ST857/25
16	Schedule of Times when Parking Meter Restrictions Apply	ST857/26
17	Schedule of Terms and Descriptions	ST857/27
18	Schedule of Hospital Parking	ST857/28
19	Schedule of State Highway 50km/hr within Gisborne City	ST857/29
21	Schedule of Traffic Restrictions and Prohibitions	ST857/30
22	Schedule of Traffic Lanes Restricted to Specific Classes of Vehicles and or Turning Movements	ST857/31