

TRANSPORT BYLAW

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Part 1 Preliminary Provisions

General

This Bylaw is made in accordance with section 22AB of the Land Transport Act 1998.

Council has specific bylaw making powers under section 22AB of the Land Transport Act 1998. In addition, transport issues are also regulated by other policies, Acts and Regulations, including the Land Transport (Road User) Rule 2004. In addition, Council has general bylaw making powers under the Local Government Act 2002.

Purpose

The purpose of this bylaw is to control vehicular or other traffic on any road in Porirua City, excluding state highways controlled by Waka Kotahi New Zealand Transport Agency (Waka Kotahi) and to set the requirements for parking activities which may have an adverse effect on other users of public places.

NOTE: The above section is for explanation purposes only and does not form part of this bylaw.

1. Title

This Bylaw shall be known as the Porirua City Council - Transport Bylaw 2021.

2. Commencement and Application

The Transport Bylaw 2021 (the Bylaw), of the Porirua City Council shall come into force on **16 December 2021** and applies to all areas bounded within the Porirua City Council boundary limits.

3. Revocation

This Bylaw repeals and replaces Part 16: Traffic of the Porirua City Council General Bylaw 1991.

4. Scope

- 4.1 The Bylaw does not apply to State Highways controlled by the Waka Kotahi except for the determination and management of parking on the State Highway where delegated by Waka Kotahi to the Porirua City Council.
- 4.2 The Bylaw applies only to land owned by the Porirua City Council.
- 4.3 This Bylaw applies to public car parks, reserves, any public place owned by Porirua City Council and all roads vested in or under the care, control, and management of Porirua City Council.

- 4.4 Nothing in this Bylaw detracts from any provision of, or the necessity for compliance with:
- i. the Land Transport Act 1998 or any Act passed in amendment or substitution thereafter,
 - ii. the Local Government Act 1974 and the Local Government Act 2002 or any Act passed in amendment or substitution thereafter,
 - iii. the Land Transport (Road User) Rule 2004 or any Rules passed in amendment or substitution thereafter,
 - iv. any other applicable Acts, regulations, or rules, and
 - v. any other Council bylaws or District Plan requirements.

5. Definitions and Interpretation

- 5.1 Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 or any amendments thereof, shall have the meanings as are respectively assigned in those Acts or Rules, unless those meanings would be inconsistent with, the context otherwise requires, or a different definition is given in clause 5.2.

- 5.2 In this Bylaw, unless the context otherwise requires:

APPROVED DISABLED PERSON'S DISABILITY PARKING PERMIT has the same meaning as the Land Transport (Road User) Rule 2004.

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under section 128D of the Land Transport Act 1998 or Police Officer.

BERM means a plot of grass, dirt, or garden located beside the roadway and includes on a raised kerb but may also be beside a roadway without a kerb.

BOAT includes skis and other water borne vessels.

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

BUS LANE has the same meaning as clause 1.6 of the Land Transport (Road User) Rule 2004.

CAR SHARE VEHICLE means a vehicle operated by an organisation approved by the Council to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly or daily basis.

CARGO BIKE means a bicycle designed to carry larger and heavier loads than a regular bicycle, generally with an in-built container. Sometimes these may involve electric motors.

CLASS OF VEHICLE means groupings of vehicles defined by reference to any common feature and includes but not limited to -

- a) vehicles by type, description, weight, size, or dimension,
- b) vehicles carrying specified classes of load by the mass, size or nature of such loads,
- c) vehicles carrying no fewer or less than a specified number of occupants;
- d) vehicles used for specified purposes;
- e) vehicles driven by specified classes of persons;
- f) carpool and shared vehicle; and
- g) vehicles displaying a permit authorised by the Council

CRUISING has the same meaning as in section 2(1) of the Land Transport Act 1988.

COUNCIL means the Porirua City Council.

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

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

DISABLED PARKING SPACE means any reserved parking for the use of disabled persons as defined by the mobility parking permit application criteria issued by CCS Disability Action or Sommerville Disability Support Services.

DRIVER has the same meaning as in section 2(1) of the Land Transport Act 1988.

E-SCOOTERS (ELECTRIC SCOOTER) is designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor. In order to meet

the requirements for a low-powered vehicle, the wheels must not exceed 355mm and the motor must have a maximum power output not exceeding 300W.

ELECTRONIC COMMUNICATIONS shall have the same meaning as the Electronic Transactions Act 2002.

ELECTRONIC PARKING MONITOR means a form of technology used to monitor whether a vehicle is occupying a parking space.

ENFORCEMENT OFFICER means an officer appointed by the Porirua City Council for the enforcement and control of traffic and parking in accordance with this Bylaw, and the Land Transport Act 1998.

ENGINE BRAKE means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.

ENGINE BRAKING supplementary braking on heavy vehicles to assist the normal service brakes in maintaining safe speeds when travelling down hills.

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

GOODS SERVICE LOADING ZONE means any road, public place, or other area (or portion of) authorised as a place where goods service vehicles may park for a limited time as indicated.

GOODS VEHICLE has the same meaning as in the Land Transport (Road User) Rule 2004.

HEAVY MOTOR VEHICLE has the same meaning as in the Land Transport Act 1998.

LICENSED COUNCIL ENCROACHMENT (Parking) occurs when a parking structure is built on, over or under the public land between a property's front boundary and the road or footpath and the Council has permitted this by issuing an encroachment licence.

LIMITED PARKING ZONE means any road, public place, or other area (or portion of) under the control of the Council authorised as a place where vehicles may park for a limited time.

LOADING ZONE has the same meaning as the Land Transport (Road User) Rule 2004.

METERED PARKING AREA means a road, area of land or building owned or controlled by Council which is authorised by resolution of Council to be used as a parking place, either at all times or at particular times, and at which parking meters are installed and maintained and where parking is subject to payment, of a prescribed fee, by way of using a parking meter, or any other method of payment for parking as determined by the Council.

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

MOTORHOME means a self-propelled motor vehicle equipped for living in. Includes a house-bus, horse box with sleeping area and camper van.

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

OVERSIZE VEHICLE means a single vehicle or combination of vehicles and trailers that will not fit into a standard sized parking space. This includes, for example, motorhomes, trucks, and vehicles towing trailers or other vehicles.

PAID PARKING EXEMPTION PERMIT means a permit issued by Council to permit the parking of a vehicle in a Paid Parking Area.

PARKING means,-

- (a) in relation to a portion of a road where parking is for the time being governed by the location of parking machines placed under the authority of a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.

PARKING AREA means an area specified by the Council which is authorised by resolution of Council, to be used as a parking space, in which parking is subject to a parking fee.

PARKING MACHINE means an electronic or mechanical device, in relation to the time for which a vehicle may be parked in a parking space or in accordance with this Bylaw, designed to either -

- (a) measure and indicate the period of time paid for and which remains to be used,
- (b) issue a receipt, by print or electronic communications, showing the period of time paid for and accordingly which remains to be used,

- (c) for the purpose of controlling or monitoring the parking of any vehicle in a parking place; and
- (d) includes single, multiple and pay and display parking meters and any other device (for example, electronic application) that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

PARKING PLACE has the same meaning as in section 591(6) of the Local Government Act 1974.

PARKING SPACE means a space or section of a road or public place or other area, under the control of the Council, defined by road marking for the accommodation of a stationary vehicle.

PERMIT means a permit to park a vehicle on a road or parking space supplied by the Council, under this bylaw. It may be electronic or a paper/card permit.

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 space.

PUBLIC PLACE includes any road, street, public highway, footpath, court, alley, lane, access way or thoroughfare open to or used by the public as of right and includes a reserve within the meaning of section 2 of the Reserves Act 1977.

RESERVE has the same meaning as in the Reserves Act 1977.

ROAD means a road as defined in section 315 of the Local Government Act 1974, and includes the meaning assigned to it by section 2(1) of the Land Transport Act 1998 including:

- 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);
- f. All sites at which vehicles may be weighed for the purposes of this bylaw or any other enactment:

RULES mean rules made under the Land Transport Act 1998.

SHARED PATH means an area of road, separated from a roadway, that may be used by some or all of the following persons at the same time:

pedestrians, cyclists, riders of mobility devices and riders of wheeled recreational devices.

SHARED USE ZONE a length of roadway intended to be used by pedestrians and vehicles, including motor vehicles, and where the parking areas may be designated for different users at different times.

SMALL PASSENGER VEHICLE means the same as in section 2(1) of 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 VEHICLE LANE has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

TAXI has the same meaning as Small Passenger Service Vehicle in section 2(1) of the Land Transport Act 1998.

TAXI RESTRICTED PARKING AREA means the area or areas of road identified as such by resolution of the Council from time to time.

TIME RESTRICTED PARKING SPACE means a parking space, road, part of road or group of roads where there is a limit to the length of time a vehicle or class of vehicles may park.

TRAILER means a vehicle without motor power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include:

- (a) a side car attached to a motorcycle; or
- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

TRANSPORT STATION has the same meaning as in section 591(6) of the Local Government Act 1974.

UNFORMED LEGAL ROAD is any land that forms part of the road but is not used as a carriageway or footpath, also known as 'paper roads'.

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

- 5.3 Nothing in this Bylaw shall limit the application of any other Act or any rules or regulations made under that other Act, for example, and without limitation:

- (i) The Land Transport Act 1998, the Local Government Act 1974 and the Local Government Act 2002 or any Act passed in amendment of or substitution of those Acts.
- (ii) Any regulations made under the Land Transport Act 1998 or any regulations made in amendment of or substitution for those regulations.

Part 2 Functions of the Council

6 Resolutions made under this Part of the Bylaw

6.1 The Council may by resolution publicly notified impose such prohibitions, exemptions, restrictions, controls or directions concerning the use by traffic or otherwise of any road or other area or building controlled by the Council unless the restriction, control, prohibition, or direction is already provided for in a relevant enactment, such as the Local Government Act 1974, the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 (in which case a Council resolution is not required).

6.2 All resolutions relating to the "One Way Roads", "Give Way Signs", "Stop Signs" and signage and designation of roads relating to "No Stopping", "Time Restricted Parking Spaces", "Bus Stops", "Taxi Stands", and "Operation Mobility" parking made by Council under Part 16 - Traffic, of the Porirua City Council General Bylaw 1991, and which were in force immediately prior to the coming into force of this Bylaw:

- (a) shall have effect under this Bylaw in all respect as if such resolutions had been made by the Council under this bylaw; and
- (b) may accordingly be amended, varied or replaced.

7. Public Notification of Council Resolutions

7.1 Any resolution made by Council under this bylaw (including any resolution revoking or amending a resolution) shall be publicly notified at least 14 days before it takes effect.

7.2 If an objection in writing made by any person adversely affected by a resolution, is received by the Council before that resolution takes effect, then the Council shall consider that objection and may confirm, amend or revoke the resolution, as it thinks fit.

7.3 Until Council has considered the objection and made a decision on it, the resolution that is the subject of the objection shall not take effect.

7.4 Clause 7 does not apply to any resolution which consolidates resolutions previously made under Part 16 -Traffic of the Porirua City Council General Bylaw 1991 or has the same effect as a resolution made under a bylaw revoked by this bylaw.

8. Parking Restrictions and Prohibitions

8.1 The Council may by resolution and subject to the erection of any signs required by the provisions of the Land Transport Rule Traffic Control Devices 2004 and the Land Transport Act 1998 or any regulations made thereunder -

- (a) Prohibit or restrict the stopping or standing on any Road or any specified part or parts of any Road of Vehicles either generally or as to certain classes thereof or on certain days of the week, and may by resolution specify the hours of the day during which such restriction or prohibition will apply on any Road or portion thereof;
- (b) permit, restrict, or prohibit the parking of Vehicles or any type or class of Vehicles or Roads or portions of Roads or areas set aside by Council as public car parks:
 - (i) absolutely,
 - (ii) on certain days of the week,
 - (iii) for limited periods of time between certain hours of any day or days of the week, or
 - (iv) at any angle to the kerb-line or otherwise.
- (c) Prohibit the turning of Vehicles in any Road or portion of Road and impose any related conditions.
- (d) Cause any Road traffic directions or signs to be placed, marked, or erected.
- (e) Charge for the use of areas set aside by Council as public car parks as may be prescribed by resolution of the Council from time to time.
- (f) Reserve any Parking Space for the exclusive use of vehicles driven by or carrying disabled Persons. No person must park in that Parking Space without clearly displaying a current Operation Mobility Card.
- (g) Grant exemption from the provisions of this bylaw relating to parking infringements by drivers of vehicles which are being used to provide transport for a disabled or aged person whether or not that person is the driver or passenger in that Vehicle.

8.2 Driving or Parking on Council Property:

- 8.2.1 No person other than a person authorised by the Council or its authorised agent shall drive a vehicle onto or allow any vehicle to stand or remain on any property of or under the control of the Council, except roads or any area authorised by the Council as a parking space.

The owner or driver of any vehicle driven on to or allowed to stand or remain on any such property in contravention of this clause shall on demand by any Police Officer, Enforcement Officer, or Authorised Officer remove such vehicle from such property immediately.

- 8.2.2 The Council may revoke, amend, vary, cancel, or remove any directions or signs or vary any resolution, prohibition or restriction.

Part 3 Parking

9 Stopping, Standing and Parking of Vehicles

- 9.1 No person must place, stand, stop, park, leave, or keep any powered device such as an e-scooter, or a cycle (except in an approved cycle stand) in such a manner as to cause obstruction to other traffic:

- (a) On any footpath
- (b) On any parking place or transport station
- (c) On any area prohibited under clause 8.1
- (d) Against any other cycle placed, standing, stopped, parked, left, or kept on any part of any Road
- (e) On any Time Restricted Parking Space situated on any land other than a Road, or
- (f) On any Time Restricted Parking Space situated in a road unless that cycle is placed, stood, stopped, parked, left or kept against, and parallel with, the kerb of that Road.

- 9.2 Except pursuant to this bylaw or to the directions of a Police Officer, Enforcement Officer, traffic control signal, or traffic sign, or except pursuant to exigencies of traffic, no person must stop or stand any Vehicle, or permit any Vehicle to remain stopped or standing, on any Road or part thereof in breach of any prohibition or restriction

provided in any resolution of the Council made pursuant to clause 8.1.

- 9.3 No person must stop a Vehicle so that any part of that vehicle or the load thereon remains upon or over any footpath or vehicle crossing or part thereof, unless the stopping in such manner or in such place is necessary for the loading or unloading of that vehicle.
- 9.4 No person must park or unload a vehicle in such a manner as to cause or be likely to cause damage to the footpath or any part thereof.
- 9.5 No person being the driver of any vehicle must turn that vehicle in any road or portion of road contrary to any prohibition, or otherwise than in compliance with any traffic requirement, traffic sign or direction.
- 9.6 No person being the driver or in charge of any vehicle shall stop, stand or park such vehicle on any prepared grass berm so as to cause, or to be likely to cause damage to ornamental grass plots, shrubs, or flower beds laid or planted on the road.
- 9.7 No person must operate or park any vehicle on a road if that vehicle is in such a condition that an undue quantity of oil, grease, or fuel drops from that Vehicle.
- 9.8 **Vehicles on Beaches**
- 9.8.1 The Council may by resolution specify any beach or part of a beach and the times and days during which vehicles are prohibited from being used on that beach or part of that beach.
- 9.8.2 The Council may by resolution, subsequently revoke, amend, vary, cancel, or remove any directions or signs or vary any resolution, prohibition or restriction made under clause 9.8.1.
- 9.8.3 No person may in relation to any part of a beach described in a resolution made under clause 9.8.1 drive or park a vehicle on that beach unless:
- a) Designated boat launching site for individuals parking a trailer; or
 - b) The person has the permission of the Council; or
 - c) when any of the following circumstances apply:
 - i. an emergency or law enforcement situation
 - ii. an authorised officer/enforcement officer undertaking monitoring and compliance; or

- iii. Council, groups recognised by Council, Greater Wellington Regional Council or Department of Conservation Staff (or their delegated contractors) carrying out restoration or beach maintenance work.
- iv. Surf lifesaving operations

10 Broken-down Vehicles

- 10.1 No person must permit or allow to remain on any street, any vehicle which in the opinion of any Authorised Officer is not complete and in working order, unless that Person is able to satisfy the Authorised Officer, that that vehicle can be made complete and in working order within a period of 24 hours and proceeds to make it complete and in working order to the satisfaction of any Authorised Officer within 24 hours.
- 10.2 If any vehicle is not made complete and in working order to the satisfaction of an Authorised Officer within the period prescribed in 12.1, the vehicle may be removed and impounded.
- 10.3 If any vehicle so removed under 10.2 is not claimed and the expenses of removal and/or of storage thereof is not paid by the owner or some other person having an interest therein within two months after the date of removal, the Council may give 14 days' notice by public notice of its intention to sell the vehicle, and at any time thereafter the vehicle may be sold and disposed of to any person, and that person will become the lawful owner.
- 10.4 No person shall leave on a road for a period exceeding seven days, any vehicle:
 - a) which has no effective motive power in or attached to it; or
 - b) which is in such a state that it cannot be driven safely or is so disabled or damaged that it cannot be driven.
- 10.5 If clause 10.4 applies, an enforcement officer may seize and impound the vehicle in accordance with Section 164 of the Local Government Act 2002 and Sections 167 and 168 of that Act apply accordingly.

11 Service Lanes

- 11.1 No person must impede access within service lanes other than for the temporary legitimate loading and unloading of goods to premises adjoining the service lane.

- 11.2 No Occupier of Premises adjoining a service lane or any other person must allow objects or matter of any nature, whether used or intended to be used in connection with that premises or otherwise, to be left or to remain upon any service lane, other than waste generated at that premises.
- 11.3 The Council may impose such other conditions or revoke or modify the above conditions by resolution from time to time.

12 Method of Parking

- 12.1 No person must park a vehicle in any road or portion thereof, or in any area set aside by Council as a public car park:
- (a) in a prohibited area, or
 - (b) for a time longer than is permitted, or
 - (c) during prohibited hours, or
 - (d) on prohibited days, or
 - (e) otherwise than at the specified angle, or
 - (f) otherwise in breach of any resolution specifying parking conditions.
- 12.2 No driver or person in charge of any vehicle must cause or permit that vehicle to be in any Time Restricted Parking Space after the expiration of the Maximum Authorised period for that space.
- 12.3 No driver or person in charge of a vehicle must park that vehicle in a Time Restricted Parking Space across any line marking the Time Restricted Parking Space or in such a position that the said Vehicle is not entirely within the area designated as a Time Restricted Parking Space.
- 12.4 No driver or person in charge of a vehicle will park that vehicle in a Time Restricted Parking Space which is already occupied by another Vehicle:

Provided however, that it will be lawful for any number of motor cycles (including motor cycles with side cars attached thereto) but no other Vehicle, to occupy any Time Restricted Parking Space at the same time, provided always that if the Time Restricted Parking Space is parallel to the kerb or footpath no Vehicle will be parked in such a manner that any part thereof lies closer than a distance of

1.25 metres from the line on the road marking the rear extremity of a Time Restricted Parking Space; and

- 12.5 If the Time Restricted Parking Space is parallel to the kerb or footpath, the driver or Person in charge of any vehicle occupying that parking space must park the vehicle so that it is headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked. The vehicle must be as close as practicable to the line on the road marking that extremity of the Time Restricted Parking Space which is in the direction in which the vehicle is headed and so that the vehicle is parked entirely within the Time Restricted Parking Space and as close as practicable to the kerb.
- 12.6 If the Time Restricted Parking Space is at an angle to the kerb or footpath, the driver or person in charge of any vehicle occupying that parking space must park the vehicle in such a manner that it is headed substantially in the general direction of the movement of the traffic on the side of the road on which that vehicle is parked, and so that the vehicle is parked entirely within the Time Restricted Parking Space, parallel to the lines marking the limits thereof, and as close as practicable to the kerb.

13 Private Parking Zones

- 13.1 The Council may by resolution:
- (a) Declare any land belonging to the Council or under control of the Council, or any part thereof, or any Road or part of a Road to be a private parking zone.
 - (b) Declare the number and situation of parking spaces within a private parking zone.
 - (c) Declare the days of the week and the times on those days that the areas are available for private parking.
 - (d) Declare the private parking zone to be a "Tow Away" area.
 - (e) Set the fee payable for the lease of any parking space within any private parking zone.
- 13.2 Any resolution may from time to time be amended or rescinded by a further resolution of Council.
- 13.3 No driver or person in charge of any vehicle must cause or permit the vehicle to be in any private leased parking area during the restricted

hours, unless the Vehicle is registered with Council as holding a lease on a parking space.

13.4 Every person commits a parking offence who parks a vehicle contrary to 13.3 and any vehicle may be towed away where 13.1(d) applies.

13.5 The driver or person in charge of any vehicle committing the offence in 13.4 is liable to pay the prescribed infringement fee and towage fee.

14 Loading zone and goods service loading zone

14.1 The Council may by resolution and subject to the erection of any signs required by the Land Transport (Road User) Rule 2004, or any regulations made under it:

- (a) Determine that any part of a road which shall be defined in such resolution shall be a "Loading Zone" or "Goods Service Loading Zone" for the purposes of this Part of this Bylaw.
- (b) Prohibit, limit, or restrict the stopping, standing, or parking of vehicles other than those required for the loading or unloading of goods or passengers in any Loading Zone.
- (c) Prohibit the parking of any vehicles in any Loading Zone in excess of a period fixed by such resolution.

14.2 No vehicle, other than a Goods Service Vehicle, shall stand or park, whether attended or unattended, in any Goods Service Loading Zone.

14.3 No person or driver in charge of any vehicle shall stop, stand, or park such vehicle, whether attended or unattended, in any Loading Zone except in conformity with the terms of the Loading Zone or Goods Service Loading Zone.

15 Parking Areas or Parking Meter Areas

15.1 The Council may specify:

- (a) any geographic area as a parking area or a parking meter area, which may be comprised of any road, or part of a road, or group of roads, or any combination of these, area of land or building owned or controlled by Council which is authorised by resolution of council and attached as "Schedule J to this Bylaw", to be used as a parking place, either at all times or at particular times,
- (b) the days and times for which fees apply to each parking area or parking meter area,

- (c) the length of time, if any, for which a vehicle may be parked in a parking space in a pay parking area or a parking meter area without an exemption permit or payment of the prescribed fee,
 - (d) the date and time at which a decision made under this clause 15.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the pay parking area or parking meter area.
- 15.2 The Council may amend or revoke a decision made under clause 15.1 of this Bylaw at any time.
- 15.3 The Council may by publicly notified resolution prescribe fees for a parking meter area or pay parking area.
- 15.4 Parking in a pay parking area or a parking meter area may be subject to any other restrictions as may be imposed by the Council under any enactment.
- 15.5 Restriction on parking in pay parking areas**
- 15.5.1 No person may park in a parking space in a pay parking area on the days and during the times specified by the Council under clause 15.1(b) of this Bylaw, and for longer than any period of time specified by the Council under clause 15.1(c) of this Bylaw, unless the person validly displays:
- (a) an exemption permit.
- 15.5.2 For the purposes of clause 15.5.1 of this Bylaw, a parking exemption permit is validly displayed only if:
- (a) the person parks the vehicle in accordance with any conditions imposed by the Council on the use of a parking exemption permit; and
 - (b) the parking exemption permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle.
- 15.5.3 A person may apply to the Council for an exemption permit, using a Council approved form.
- 15.5.4 The Council may issue an exemption permit on such conditions as the Council considers appropriate.

15.5.5 An Authorised Officer may require the driver or person in charge of a vehicle parked in a pay parking area to produce a parking exemption permit for inspection.

15.5.6 A exemption permit may not be construed to mean that:

(a) A driver is assured of a parking space by the Council; or

(b) That the Council is liable for any loss of, or damage to, a vehicle or its contents merely because it is parked pursuant to that permit.

15.6 Restriction on parking in parking meter areas

15.6.1 No person may stop, stand, or park a vehicle in a pay parking space in a parking meter area on the days and during the times specified by the Council under clause 15.1(b) of this Bylaw without paying the prescribed fee for that parking space.

15.6.2 Where more than one motorcycle occupies a parking space only one parking fee for any authorised period shall be required. However, no motorcycle shall remain parked in the parking space while the parking meter placed at that parking space shows the authorised period has expired.

Part 4 Traffic

16 Vehicle and Road Use

16.1 The Council may under the provisions in this bylaw impose any controls relating to vehicles in a public place to give effect to the proper use and enjoyment of the place.

16.2 If instructed to do so by an authorised officer, any person must move a vehicle in or from any public place where that vehicle may be impacting upon the safety, convenience and enjoyment of the public using that place.

16.3 Any vehicle, whether attended or not, in breach of this bylaw may be removed by the Council in accordance with the vehicle removal provisions.

16.4 No person shall cause or allow to be erected or maintained on any building, motor vehicle or public place in the vicinity of any intersection or any pedestrian crossing, any notices, lights or signs, whether illuminated or not, or signals which may confuse traffic, interfere with

traffic control, or safety unless consent has been granted under this Bylaw or any other Bylaw, or pursuant to the District Plan under the Resource Management Act 1991.

16.5 No person shall drive a vehicle on any road in such a manner as to interfere with or obstruct any funeral, civic or state procession authorised by the Council or any Statute or Regulation.

16.6 No person shall drive any vehicle:

(a) Over any hose in use for the time being in connection with an outbreak or alarm of fire unless hose bridges are provided or if the driver is directed so to drive by a Traffic Officer, Police Officer or any member of the Fire Service.

(b) In a manner as to hinder or obstruct any member of the Fire Service engaged in connection with any outbreak of fire.

16.7 The Council may by resolution and subject to the erection of any signs required by the provisions of the Land Transport (Road User) Rule 2004 thereunder:

(a) Prohibit the riding or driving of vehicles or animals on any road or portion thereof except in one direction as specified in such resolution.

(b) Revoke, amend or vary any such prohibition.

16.8 No person shall ride or drive a vehicle or animal on any road or portion of a road, which from time to time by any such resolution shall be reserved for traffic in any one direction, otherwise than in that one direction.

16.9 The Council may from time to time by resolution and subject to the erection of any signs required by the provisions of the Land Transport (Road User) Rule 2004, and any relevant regulations, prohibit the turning of vehicles on any road or portion of road, impose any conditions in relation to turning, and revoke, amend, or vary any such resolution.

16.10 No person being the rider or driver of any vehicle shall turn such vehicle on any road or portion of road contrary to any such prohibition, or otherwise than in compliance with any such conditions unless such rider or driver was acting in accordance with directions given by a Police Officer.

16.11 The Council may from time to time by resolution:

- (a) Cause to be placed or marked on or erected on any road or parking space, traffic directions or signs.
- (b) Revoke, amend or vary any such directions or signs and cause such directions or signs to be cancelled or removed.

16.12 No person shall use or place or leave upon any road, private road, or public place any container such that, in the opinion of an Authorised Officer of Council, an obstruction or traffic safety hazard is caused or likely to be caused.

16.13 No person shall drive any motor vehicle or cart or ride any motorcycle, power cycle or any other motorised powered machine or bicycle or horse or other animal in any reserve, without due care and attention or without reasonable consideration for other persons using, or driving in, the reserve.

16.14 No person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) within any reserve in such a manner as to cause damage to the surface of any land.

16.15 No person shall cause or permit any motor vehicle to remain stationary on or in any road, or part of a road, for the purpose of sale.

17 Footpaths

17.1 Subject to clauses 17.2, 17.3 and 17.4 no person shall park or drive any vehicle on any footpath or any part thereof.

17.2 A vehicle may be driven over a footpath by means of a vehicle crossing constructed on the road for gaining vehicular access to or from any property on that road.

17.3 No person may stop a vehicle so that any part of the vehicle or its load remains upon or over a footpath or any part of the footpath other than when gaining access to a property.

17.4 No person may unload a vehicle in such a manner as to cause or be likely to cause damage to the footpath or any part of it.

17.5 Nothing in this clause prohibits:

- a) The use of mobility scooters; or
 - b) A powered device like an E-Scooter, or
 - c) The use of skateboards which are controlled by the Public Places Bylaw, or
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- d) The use of bicycles, tricycles, unicycles, or similar non-motorised devices on the Porirua City Walkways; or
- e) The use of bicycles, tricycles, or unicycles on any access way set aside for the purposes of cycling; or
- f) The use of bicycles for the purpose of delivering newspapers, mail or printed material to letterboxes.

18 Shared Paths and Cycle Paths

18.1 The Council may by resolution determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.

18.2 A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council.

19 Shared Use Parking Zones

19.1 The Council may by resolution specify any road or part of a road to be a shared use zone.

Any resolution made under this clause may specify:

- (a) whether the shared use zone may be used by specified classes of vehicles,
- (b) the days and hours of operation of the shared use zone (if they differ from 24 hours per day, 7 days per week); and
- (c) any other restrictions on how the shared use zone is to be used by the public, including how traffic and pedestrians will interact.

19.2 Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared use zone.

19.3 A person must not use a shared use zone in a manner contrary to any restriction made by the Council under this clause.

20 Give Way and Stop Signs

20.1 The Council may from time to time by resolution:

- (a) authorise the erection of a GIVE WAY or STOP sign at or in the vicinity of any road intersection or part of a road intersection in the District,
 - (b) abolish, amend, or vary, any such authorisation from time to time.
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20.2 The GIVE WAY and STOP signs which are erected at intersections within the District as at the date on which this Bylaw comes into force, are hereby deemed to be authorised under clause 22.1

21 Transport Stations, Bus Stops and Bus Lanes, and Small Passenger Service Vehicle Stands

21.1 The Council may by resolution publicly notified:

- (a) Appoint any place or any road or any specified part of any place or road as a transport station, bus stop and bus lane, or taxi stand, for the exclusive use of Passenger Service Vehicles or any specified class or classes of Passenger Service Vehicles,
- (b) Abolish the appointment of any place or road or enlarge or diminish the limits of the same,
- (b) Impose conditions and charges in respect of the use of any transport station, bus stop, bus lane, or taxi stand, so appointed,
- (d) Add to, abolish, amend, or vary, such conditions or charges.

21.2 All resolutions of the Council made under bylaw Part 16 - Traffic, of the Porirua City Council General Bylaw 1991, and which are in force immediately prior to the coming into force of this Bylaw:

- (a) shall remain in force notwithstanding the revocation / amendment of such bylaws, and
- (b) shall have effect under this Bylaw in all respects as if such resolutions had been made by the Council under clause 21.1, and
- (c) may accordingly be abolished, amended, or varied under clause 21.1.

21.3 Except as directed by a police officer, enforcement officer or parking warden or except in the case of a traffic emergency, no person shall on any transport station, bus stop, bus lane, or taxi stand, for the time being appointed by resolution under clause 21.1:

- (a) stop, stand, or park any vehicle; or
- (b) permit any vehicle to remain stopped, standing, or stationary;

unless the vehicle is of the class of passenger service vehicle for the exclusive use of which the transport station, bus stop, bus lane, or taxi

stand, has been appointed or deemed to have been appointed under clause 21.1.

22 Prohibited Times on Roads (motor vehicles weighing less than 3,500 kilograms)

22.1 The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road or part of that road or roads.

22.2 The purpose of this clause is to restrict the racing of motor vehicles and any associated activities.

22.3 The Council may by resolution subsequently amend or revoke any resolution made under clause 22.1.

22.4 No person may use a motor vehicle weighing less than 3,500 kilograms on any part of a road described in a resolution made under clause 22.1 during the times and on the days specified in the resolution, unless:

- (a) the vehicle is conveying the owner or occupier of any land having a frontage to the road described in a resolution made under clause 22.1 or the owner's or occupier's bona fide visitors, or
- (b) the vehicle is an emergency vehicle being used in the execution of duty, or
- (c) the vehicle is a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the road, or
- (d) the vehicle is operated by the Council and being used in the execution of duty, or
- (e) the vehicle is operated by a security service and being used in the execution of duty, or
- (f) it is a vehicle operated by the New Zealand Police acting in the execution of duty.

22.5 The Council must erect signs on any road described in a resolution made under clause 22.1 advising:

- (a) the times and days of the prohibition under clause 22.1, and

- (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.

22.6 The Council must review the roads specified in every resolution made under this clause within 5 years of the commencement of this Bylaw.

23 Heavy Motor Vehicles

23.1 The Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified motor vehicles or class of vehicle due to the size or nature, or the nature of the goods carried.

23.2 The Council by way of resolution prohibit or restrict parking (being the stopping or standing of a Vehicle for a period in excess of that specified in this Bylaw) on specified roads or part of roads in residential areas by specified classes of Vehicles, either generally or at specified times, where in the Council's opinion the parking is likely to cause nuisance or danger.

23.3 A person must not use a road contrary to a prohibition or restriction made by the Council under this clause.

23.4 The prohibitions set out in clause 23 shall not apply to:

- (a) loading or unloading goods or passengers at any property whose access is by way of the road, or
 - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available, or
 - (c) Vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies,
 - (d) Refuse collections carried out by either the local authority or a contractor engaged by the local authority
 - (e) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available, or
 - (f) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available, or
 - (g) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available.
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24. Engine Braking

- 24.1 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.
- 24.2 A person must not act in a manner that contravenes resolutions made pursuant to clause 24.1.

25. Unformed Legal Roads

- 25.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, or the road and adjoining land, or the safety of road users.
- 25.2 A person must not use a motor vehicle on an unformed road contrary to a resolution made by the Council under this clause.

[The following note is explanatory and is not part of the Bylaw: All resolutions made under this clause will be recorded as part of "SCHEDULE K" to this bylaw which is accessible on the Council's website or available from the Council's Offices.]

Part 5 Offences and Penalties

26 Vehicle Removal

- 26.1 A Council enforcement officer or their appointed agents may remove or cause to be removed any vehicle or other thing from any road, or other area controlled by the Council, which contravenes this Bylaw, or any resolution made under this Bylaw, and the Council may recover from the person committing the breach of this Bylaw all expenses incurred in connection with the removal of the offending vehicle or thing.
 - 26.1.2 The powers that may be exercised under this clause are in addition to those provided in section 128E of the Land Transport Act 1998, the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 and section 356 and 356A of the Local Government Act 1974.
- 26.2 Vehicles may also be removed by the Council or their appointed agents from a parking space, building, transport station or road where these facilities require resealing or any other type of repair or maintenance. The removal of vehicles will be undertaken where the vehicle obstructs such activity or by its position, prevents the activity from taking place.
- 26.3 If Council is to remove vehicles under clause 26.2, they must give notice to this effect after having at least 48 hours prior to the resealing, repair or

maintenance indicating Council's intention to undertake the activity. Notice of the activity may be provided either through residential post boxes or on vehicles parked in the street in which the activity is to take place or through notices in a local newspaper or any combination of these. The notices will request that vehicles be removed from the road, parking space, building or transport station to allow the resealing, repair or maintenance activity to occur. After issuing a notice, the Council will not be obliged to make any further contact with the owners of the vehicles prior to their removal.

27 PENALTIES

Land Transport

27.1 Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Offences and Penalties) Regulations 2009 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the (Offences and Penalties) Regulations 2009.

Penalties for Traffic Movement Offences

27.2 Every person who breaches this this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 as set out in the Land Transport Act 1998, unless a different penalty is specified in another clause in this Bylaw.

27.3 A person who fails to comply with any control, restriction, limitation or prohibition in, or made pursuant to this Bylaw, commits an offence under the Land Transport Act 1998 and is liable to the penalties set out in the Act and regulations made under it.

[The following note is explanatory and is not part of the Bylaw but is intended to explain its general effect: Any moving vehicle violation is liable to any action taken by the New Zealand Police.]

28 Offences

28.1 Every Person commits an offence against this bylaw who:

- (a) Does any of the following to any Traffic Signs situated within the Porirua City Council limits:
 - (i) Misuses, damages, paints, writes upon or disfigures it;
 - (ii) Interferes, tampers, or attempts to interfere or tamper with the working or the operation of it;
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- (iii) Without due authority affixes, or attempts to affix any placard, advertisement, notice, list, document, board or thing to it.
- (b) Displays in or on any Vehicle any card, sticker, or certificate purporting to provide for an exemption from the provisions of this bylaw, unless the card, sticker or certificate has been duly authorised and/or bears the signature of the Authorised Officer within Council with delegated authority.
- (c) Causes or permits any Vehicle to be parked in any Time Restricted Parking Zone, except as permitted by the provisions of this bylaw.
- (d) Causes or permits any Vehicle to be parked in any Parking Space, except as permitted by the provisions of this bylaw.

28.2 Any Person who fails to comply with any traffic direction or sign commits an offence against this bylaw.

29 DEFENCES

29.1 It may be a defence to any Person being the rider or driver of a Vehicle, animal or animals, who is charged with an offence of proceeding in the wrong direction along any part of a Road in which traffic is required to proceed in one direction only, if that rider or driver proves:

- (a) That the Vehicle was at the time of the act or omission actually engaged on a public work on the said Road, and
- (b) That the Vehicle was being used on the said Road with due consideration for other traffic using the Road, and
- (c) That the act of proceeding contrary to the direction of traffic prescribed was reasonably necessary for the purposes of that work, and
- (d) That all reasonable care was taken to prevent the occurrence of any mishap, accident, collision or damage, or any injury to or interference with any Persons, animals or property arising by reason of that act, or
- (e) That the rider or driver was acting in accordance with directions given by a Parking Warden or Police Officer, and
- (f) That the rider or driver was acting with due care for all other road users.

- 30.2 It may be a defence to any person who is the driver or is in charge of any Vehicle and who is charged with a breach of this bylaw relating to Time Restricted 'Parking Spaces', if that person proves that the act complained of was done:
- (a) Because of a traffic emergency,
 - (b) During the loading or unloading of the Vehicle while in the course of trade and that the Vehicle was being used on the Road with due consideration for the safety and convenience of other Road users, or
 - (c) To avoid other traffic, or
 - (d) In compliance with the directions of a Police Officer, Parking Officer, traffic control signal, or traffic sign, or
 - (e) While the Vehicle was engaged on public works and was being used with due consideration to other Road users.

31 EXEMPTIONS

- 31.1 The driver or Person in charge of any of the following vehicles will be exempt from the provisions of this bylaw relating to 'Time Restricted Parking Spaces':
- (a) A vehicle used as an ambulance and being used on urgent ambulance service.
 - (b) A vehicle used by Fire and Emergency New Zealand on urgent Fire and Emergency New Zealand business.
 - (c) Such other vehicles or classes of vehicles as the Council may by resolution from time to time exempt (subject to such limitations as the Council may prescribe by the said resolution) ONLY when the vehicle has attached thereto in a place satisfactory to the Enforcement Officer or Parking Warden an identification card, sticker, or certificate signed by an Authorised Officer of Council providing for such exemption.
 - (d) In the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.