

Wellington City Consolidated Bylaw 2008 Part 5: Public Places

14. Traffic

- 14.1 The Council may under the provisions in this bylaw or under ~~Part 7 18~~-(Traffic) impose any controls relating to vehicles in a public place to give effect to the proper use and enjoyment of the place.
- 14.2 If a member of the police or an authorised Council officer believes it to be in the interest of safety or for the convenience or in the interest of the public or for the use and enjoyment, protection and preservation of the public place, he or she may direct the driver or person in charge of any vehicle in or on any public place to:
- remove the vehicle from any specified place, or
 - cease parking it in any specified or general place, or
 - drive it in any area.
- 14.3 No person shall drive, stop, stand or park any vehicle in any public place other than on any roadway or in any car park provided for the purpose, and then only in accordance with any controls or restrictions imposed by the Council.
- 14.4 No person shall drive, stop, stand, park or leave any vehicle, **bulk bin, container or other object** in a public place in such a manner as to obstruct the normal or safe entry to, or exit from, or movement of other vehicles, or pedestrians within a public place.
- 14.5 Any vehicle, whether attended or not, in breach of this bylaw or controls made under this bylaw may be removed by the Council in accordance with the Vehicle Removal provisions in Part 7: Traffic of the Consolidated Bylaw

Part 7: Traffic

Purpose

The purpose of this Part of the Bylaw is to set the requirements for parking and control of vehicle traffic on any road in Wellington City, excluding State Highways controlled by the New Zealand Transport Agency.

This Part of the Bylaw is made pursuant to ~~sections 591A and 684 (13) (20) of the Local Government Act 1974, and section 72 of the Transport Act 1962~~ **22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Acts and Regulations, including the Land Transport (Road User) Rule 2004, which should be referred to in conjunction with this Bylaw.**

1. Definitions and Interpretation

1.1 In this Part of the Bylaw, unless the context otherwise requires:

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under ~~section 7 of the Transport Act 1972~~ **128D of the Land Transport Act 1998** or Police Officer.

Coupon Parking Space means a space in a coupon parking area which is suitable for the accommodation of a motor vehicle.

Coupon Parking Area is a "zone parking" control" under the **Land Transport Rule: Traffic Control Devices 2004** ~~Traffic Regulations 1976~~ and means any area of land or building belonging to or under the control of the Council which is authorised by resolution of the Council pursuant to clause 11 of this Bylaw as a place where vehicles may be parked using parking coupons.

Parking Coupon or Coupon means a coupon issued by or on behalf of the Council to any person authorising the parking of a vehicle in a coupon parking space in accordance with these Bylaws.

Driver of a vehicle includes any person in charge of the vehicle.

Footway or 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.

Metered Area means a road, area of land or building owned or controlled by the Council which is authorised by resolution of the Council to be used as a parking place and at which parking meters or multiple parking meters are installed and maintained, but does not include any Multiple Parking Meter area as defined herein.

Multiple Parking Meter means a parking meter which functions in respect of more than one parking space and includes pay and display parking meters.

~~**Operation Mobility Permit** means a permit issued by the Crippled Children Society (CCS) to persons with physical disabilities for the purpose of its Operation Mobility Programme.~~

[This terminology is out of date, and mobility parking is now covered in the Road User Rule 2004.]

Parking means:

- a. in relation to any road where parking is governed by the location of parking meters or multiple parking meters placed pursuant to this Bylaw, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes; and
- b. in relation to any other road, the stopping or standing of a vehicle on a portion of the road.

Parking Meter means a 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; or
- b. issue a receipt showing the period of time paid for and accordingly which remains to be used;

and includes single, multiple and pay and display parking meters **and any other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.**

[This terminology will provide flexibility for new technology]

Parking Meter 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 and at which parking meters are installed and maintained.

Parking Space means a space or section in a parking meter area indicated by and lying within markings made by the Council for the accommodation of a vehicle, and "metered space" and "metered parking space" have a corresponding meaning.

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 time until which

a vehicle may be parked within a parking meter area controlled by that pay and display parking meter.

Permit means a permit to park a vehicle on a road supplied by the Council, under this Bylaw.

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 at a parking meter area.

Reserve shall have the same meaning as in the Reserves Act 1977.

Resident, in respect of a particular road the subject of a Residents Parking Scheme Resolution under this Bylaw, means a person whose only or principal residential accommodation is a dwelling or other building which has its only or principal legal access from that particular road, or which has such access in the vicinity of that road.

Residents' Parking Scheme means the provision by the Council of parking places for residents pursuant to a Resolution passed under this Bylaw which may be in conjunction with any ancillary parking or loading resolutions for all vehicles used by non-residents.

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and shall where the context requires include a street (excluding State Highways) and any place the public has access to, whether as of right or not.

Single 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.

1.2 Notwithstanding anything in Part 1 of this Bylaw, but subject to clause 1.1, any words, phrases or expressions used in this Part of this Bylaw which have meanings assigned to them by the ~~Transport Act 1962, the Traffic Regulations 1976, Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 and the Transport Services Licensing Act 1989~~ or any amendments thereof, shall have the meanings as are respectively assigned in those Acts/**Rules**, unless those meanings would be repugnant to, or inconsistent with, the context in which such words, phrases or expressions, occur.

2. Creation of Parking Meter Areas

2.1 The Council may from time to time pass a resolution to:

- a. Declare that any road or land controlled by the Council is a parking meter area.
- b. Declare the times and for how long vehicles may park in parking spaces.
- c. Fix the fees that must be paid for the parking of vehicles within parking spaces.
- d. Provide for and regulate the operation, maintenance, control, protection, use or discontinuance of parking spaces and parking meters.

2.2 In accordance with any resolution under clause 2.1:

- a. The Council shall mark out parking spaces in parking meter areas.
- b. Single parking meters (except multiple parking meters) shall be placed on and firmly fastened to the kerb or footway adjoining each parking space and each parking meter shall clearly display the period of time for which a vehicle may be parked in that parking space and the prescribed fee required to activate the meter.
- c. Multiple parking meters shall be located within the parking meter area which they are to control. A multiple parking meter shall be erected in a position where it is clearly visible. Details of the period of time for which a vehicle may park within the area and the prescribed fee required to activate the meter shall be clearly indicated on the meter.

- d. The limits of parking meter areas controlled by single parking meters shall be indicated by white markings painted on the street or area by the Council. The limits of parking meter areas controlled by multiple parking meters shall be indicated by signs.

3. When Parking by Meter Applies

- 3.1 A parking meter shall apply during the hours set by resolution of the Council and shown on the meter.
- 3.2 Subject to any parking time limits and restrictions, any metered parking space may be occupied without charge on any days, hours, or in any locations where there are specific exceptions made by resolution of the Council.
- 3.3 If any conflict arises between a resolution regarding the application of any parking meter (as it may be shown on the meter) and any other resolution regarding traffic control (as may be shown on any sign erected pursuant to Part XII of the Traffic Regulations 1976 or any amendment thereof), then the provisions of the latter resolution shown on such signs shall apply.

4. Parking at Parking Meters

- 4.1 In respect of areas controlled by parking meters:

- a. No driver of a vehicle shall park:
 - i. a vehicle on or over any marking indicating the limits of the parking space, or
 - ii. so that the vehicle is not entirely within the markings which indicate the limits of the parking space.

However, where a vehicle has a trailer attached, the driver of it may park the vehicle and trailer in two adjacent parking spaces which are in the same alignment, paying the fees as are required for both spaces.

- b. In an angle park, the front or the rear of the vehicle (as the case may be) shall be as near as is practical to the kerb.
- c. No driver of a vehicle shall park it in a parking space which is already occupied by another vehicle, provided that more than one motor cycle may be parked in a parking space.
- d. 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, **or for a time in excess of the maximum authorised period.**

[This clarifies that the maximum time period still applies]

- e. Subject to paragraph (f) of this clause, if the parking space is parallel to the kerb or footpath, the driver of any vehicle (except a motorcycle) shall park the vehicle so that it is headed in the general direction of the movement of the traffic on the side of the street on which it is parked.
- f. A motorcycle may be parked otherwise than parallel to the kerb or footpath provided that during the hours of darkness it shall be sufficiently illuminated so as to be visible from at least 50 metres.

5. Payment of Fees

- 5.1 When any vehicle is parked in a parking space the driver of that vehicle shall immediately:

- a. insert in the parking meter installed at that space, the prescribed fee so that the meter mechanism is activated, or
- b. activate a prepaid parking or other payment device approved by Council.

Any vehicle may be lawfully parked in a parking space during the period which has been paid for.

- 5.2** It shall be lawful for the driver of a vehicle during, or when the period which has been paid for expires, to insert another prescribed fee in the parking meter and set the parking meter in operation for a further period. However, where a maximum authorised period has been declared by resolution of the Council and is indicated on the parking meter, it is an offence for the driver of the vehicle to occupy the parking space in that area for a time in excess of the maximum authorised period.

6. Parking at Multiple Parking Meters

- 6.1** No driver of a vehicle shall park that vehicle in a parking meter area controlled by a multiple parking meter without complying with the directions and requirements indicated by any multiple parking meter and relevant notices installed at the area. Compliance will include paying the prescribed fee to cover the period of parking, receiving and displaying a ticket from the multiple parking meter in respect of that payment, or activating a prepaid parking or other payment device approved by Council as the case may be.

- 6.2** The driver of a vehicle shall:

- a. park that vehicle so that it is contained wholly within a parking space.
- b. place the ticket authorising the vehicle to be parked at the multiple parking meter, on the inside of the vehicle's windscreen closest to the kerb, so that the information is visible to inspection from outside the vehicle, **or in the case of other payment devices approved by the Council, as directed in that approval.**

[This provides flexibility for new technology]

- c. not display an obsolete ~~sticker~~ **ticket**.

- 6.3** In a parking meter area controlled by a multiple parking meter, an Authorised Officer may exercise all of the powers conferred under section 68BA of the Transport Act 1962 and any of the relevant powers under section 113 and section 139 of the Land Transport Act 1998.
- 6.4** No person shall park any vehicle in any aisle, entry or exit lane of any parking meter area controlled by a multiple parking meter.
- 6.5** No person shall park a motorcycle in any parking meter area controlled by a multiple parking meter, other than in any part specifically set aside for motorcycles
- 6.6** The Council may from time to time set aside any parking space in a parking meter area controlled by a multiple parking meter for reserved parking upon payment of a fee. This fee shall be set by resolution of the Council and is payable as specified in that resolution.

7. Residents' Parking Schemes

- 7.1** Every resolution under clause 11 setting aside an area for a Residents Parking Scheme may specify:

- a. The roads, or parts of road, subject to the scheme.
- b. A form of vehicle ~~windscreen~~-sticker to identify the vehicles of residents holding a permit to park in terms of the scheme and where the sticker shall be fixed to the windscreen.

- c. The hours and days of the week during which the scheme shall operate (which may be expressed to differ on different parts of a road, and which may apply all the time).
- d. The fees it will charge to cover the reasonable cost to the Council of the service involved in granting a permit to park, instituting and maintaining and policing the scheme, erecting traffic signs and placing road-markings, and otherwise in relation to the reserving of the parking places.
- e. The form or declaration to be used by residents applying for a permit, together with the evidence required to support the application.
- f. That parking on a road is limited only to the vehicles of residents. All other vehicles, or specified classes or types of vehicles, shall be subject to the parking or loading restrictions, in respect of that road.
- g. The number of residents in any one building, or in specified sizes or types of buildings, that may be entitled to a permit.
- h. Any other matters that the Council considers relevant.

7.2 Residents permits act as an exemption permit to the coupon parking charges within the areas to which they apply and holders are able to park in:

- a. Residents parking areas; and
- b. Coupon parking areas.

7.3 No permit is capable of being assigned or transferred to any person or vehicle, unless specifically issued by the Council for that purpose.

7.4 A permit holder shall immediately destroy the permit on ceasing to own the subject vehicle, or on ceasing to be a resident.

7.5 If a resident obtains a different vehicle from the subject of a current permit, he or she upon making a new application, shall be supplied with a new permit for that different vehicle for the balance of the permit period without paying a further fee.

7.6 A permit shall not be construed to mean that:

- a. A resident is assured of a parking place by the Council; or
- b. 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.

7.7 Property owners not residing on the property and requiring unrestricted access ~~who~~ may apply for an annual residents parking permit which also gives them the right to use a residents parking space for the maintenance of property and related activities.

[This clause has been moved from 8.12]

7.8 Exemptions from residents parking may be granted by Council as follows:

- a. The Council may issue, on application, a permit exempting a vehicle from the requirements of the Residents Parking Scheme.
- b. The fee for the residents parking exemption permit will be set by resolution under clause 11. The fee will be calculated taking into account the cost of processing an application, issuing the exemption and the cost of policing the scheme.
- c. Exemptions to residents parking can be made in the case of Tradespeople/Service Authorities carrying out work, and needing to park in one of these areas to undertake the work. The owner of the vehicle must apply for a Trade Coupon from the Council and pay any fee set by the Council by resolution. The Trade Coupon must be displayed on the vehicle in a location readily visible from the kerbside when the vehicle is parked in a residents parking area.

[This clause provides for exemptions from residents parking areas on the same basis as exemptions from the coupon parking area]

8. Coupon Parking

8.1 The Council may by resolution specify:

- a. The roads, or parts of road, designated as a coupon parking area.
- b. A form of coupon to identify that a vehicle is parking lawfully in the coupon parking area.
- c. Where the coupon shall be displayed on the vehicle.
- d. Fees payable for parking vehicles in any coupon parking area.
- e. The operation, maintenance, control, protection, use or discontinuance of coupon parking areas.
- f. A form of vehicle windscreen sticker to identify the vehicles of residents holding a permit to park pursuant to a parking scheme and which will exempt vehicles from coupon parking.
- g. The hours and days of the week during which coupon parking shall operate (which may be expressed to differ on different parts of a road, and which may apply at all times).
- h. The free period a vehicle may park or remain parked without displaying a coupon or a valid permit.
- i. When and how coupons may be used in parking meter areas.
- j. Any other matters that Council considers relevant.

8.2 ~~In accordance with any resolution under clause 18.11, the Council shall mark each coupon parking area in the following manner:~~

- ~~a On the boundary of the coupon parking area, signs shall be installed to indicate the entrance into or exit from the area.~~
- ~~b Signs indicating a coupon parking area, but not necessarily defining the extent of the area, shall be repeated at intervals not greater than 100 metres.~~
- ~~c By any other means that the Council considers appropriate.~~

[Signage requirements are now set out in the Transport Rule]

8.3 Where a coupon parking space is also a metered space, the driver or person in charge of any vehicle may park that vehicle in that space in accordance with the provisions of this Bylaw if, pursuant to a Council resolution under clause 11, the meter is marked indicating that coupons are acceptable.

8.4 The provisions of this clause shall apply to any coupon parking area, except during the hours which the Council has resolved, under clause 8.1(g) of this Bylaw, to be the hours during which parking by coupon applies in that coupon parking area.

- a. When a vehicle is parked in a coupon parking area, the driver of that vehicle shall also comply with any other restriction identified as applying to that area.
- b. When a vehicle is parked in a coupon parking area, the driver of that vehicle shall ~~immediately~~ display on that vehicle a valid parking coupon, **if the vehicle is to be parked for more than the duration of the free parking period approved by the Council in accordance with clause 8.1(h)**. The coupon is to be displayed on that vehicle at all times the vehicle remains parked in the coupon parking area and in accordance with the instructions printed on the coupon or on the booklet from which the coupon has been detached.

[This amendment clarifies that there is no requirement for vehicles to display a coupon during the free period]

c. A parking coupon shall only be valid if:

- i. The coupon is not torn, defaced or mutilated to such extent that any indicator, figure or other particular is not legible; and
- ii. The coupon has no alteration, erasure or other irregularity; and
- iii. The coupon has been activated in accordance with clause 78.6 of this Bylaw; and
- iv. The coupon is not for any other reason invalid.

8.5 Subject to clause 8.3 no driver of any vehicle shall cause, allow, permit or suffer such vehicle to be parked or remain parked in a coupon parking area without a valid parking coupon being displayed on that vehicle in accordance with the provisions of this Bylaw.

8.6 A parking coupon, shall be activated by indicating on the coupon, in accordance with the instructions printed on the coupon or the booklet in which the coupon is attached, the date of the commencement of parking the vehicle on which the coupon is to be displayed in the parking coupon area.

8.7 The Council, or any Authorised Officer, may issue parking coupons on payment of the appropriate fees which shall from time to time be fixed by the Council in accordance with clause 8.1(d).

8.8 All parking coupons shall be issued with printed instructions as to the display and activation of such coupons.

8.9 No refund shall be allowed for any unused coupons, except in such circumstances as the Council may allow and only then if the coupons are not defaced, mutilated or in any other manner rendered invalid.

8.10 Any Authorised Officer may, for the purposes of this Bylaw, require the driver of any motor vehicle parked in any coupon parking area, to produce for his inspection any parking coupon displayed on such motor vehicle and that Authorised Officer may retain any such parking coupon.

8.11 A coupon 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 coupon.

8.12 Exemptions from coupon parking may be granted by Council as follows:

- a. The Council may issue, on application, a permit exempting a vehicle from the requirements of the coupon parking. The coupon exemption allows a person living in a coupon parking area to be exempt from displaying a coupon.
- b. The coupon exemption permit must be displayed on the windscreen of the vehicle when the vehicle is parked in a coupon parking area.
- c. The fee for the coupon parking exemption permit will be set by resolution under clause 11. The fee will be calculated taking into account the cost of processing an application, issuing the exemption and the cost of policing the scheme.
- d. A coupon parking exemption does not allow the permit holder to park in a residents parking area.
- e. Exemptions to coupon parking can be made in the case of:

- i. Businesses with no off-street parking located outside the metered Central District time restricted area. One free exemption permit may be granted on application.
- ii. Schools with no off-street parking which require vehicles to overcome any proven operational difficulties enabling the school to function free from coupon parking. Five free exemption permits may be granted on application.
- iii. Registered Community Service Groups with no off-street parking which can demonstrate a need for a vehicle to carry out community work. One free exemption permit may be granted on application.
- iv. Tradespeople/Service Authorities carrying out work, **and needing to park in one of these areas to undertake the work.** The owner of the vehicle must apply for a Trade coupon **from the Council and pay any fee set by the Council by resolution.** ~~The vehicle concerned must display the~~ Trade coupon **must be displayed on the vehicle in a location readily visible from the kerbside** when ~~the vehicle is~~ parked in a coupon parking area.
- ~~v. Property owners not residing on the property and requiring unrestricted access who may apply for an annual residents parking permit which also gives them the right to use a residents parking space for the maintenance of property and related activities.~~

[This clause has been moved to 7.7]

- f. The Council may withhold exemptions in the case of those persons or organisations with possible alternative options open to them, as in the case of shift workers. Such options would include:
 - i. Car pooling one way and public transport the other way.
 - ii. Workers or employees are able to purchase a common coupon, making it available on a rotation basis.

9. Vehicle Removal

9.1 Any vehicle, which is parked in a parking space, building, transport station, on a road or on a footpath in any manner not in conformity with this Bylaw or resolutions passed under this Bylaw, may be removed at the request of an Authorised Officer. Such a removal will be to a nearby lawful place for vehicle parking, or to any Council vehicle pound, or to any yard in the city occupied by any company engaged by the Council to remove such vehicles, as he or she thinks fit. **All charges relating to the removal of the vehicle or bulk bin or container or other object shall be met by the owner.**

[This text was moved from clause 9.9]

9.2 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.

9.3 If Council is to remove vehicles under clause 9.2, 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.

- 9.4** Any vehicle may be detained at the place to which it has been removed by the Council or its appointed agents, until the reasonable costs of the removal and of any subsequent daily storage are paid by any person requesting the possession of that vehicle.
- 9.5** The Council may authorise the removal of any cycle left in a parking space, or any motor-cycle or power-cycle left leaning against a parking meter, in contravention of this clause. The owner of the motor-cycle, power-cycle or cycle may be required to pay to the Council any cost of removal.
- 9.6** Owners of vehicles removed or impounded in terms of clause 9.1 may obtain access to storage premises for the purposes of recovering their vehicles once the costs of removal and storage of the vehicles have been met.
- 9.7** The minimum hours during which the owners of impounded vehicles, or their appointed agents, have access to storage premises to recover their vehicle are those set out in Regulation 7(b) of the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999.
- 9.8** Access to storage premises may also be obtained outside of these times provided any such arrangement is mutually agreed between the parties concerned. The tow company / storage provider is entitled to charge for allowing access to vehicles after these hours. The tow company / storage provider involved must make known their access hours as well any additional charges for access after the hours for access by owners to vehicles.
- 9.9** Any vehicle, or bulk bin or container, which is on a road or private road, in breach of **this bylaw clause 13.1(l)** may be removed in accordance with clause 9.1. ~~All charges relating to the removal of the vehicle or bulk bin or container shall be met by the owner.~~
- [Reference to vehicles has been removed as it is dealt with in 9.1. Clause 13.1(l) deals with items not on roads, so it is not relevant here.]*
- 9.10** Council may declare by resolution any private road to be a no parking area. ~~All powers set out in clause 9.4 apply.~~ In order that a no parking area may be declared, Council must:
- a. Obtain written consent of all adjoining landowners of the area concerned; and
 - b. Erect signage at each end of the private road notifying the fact that it is a no park area as required under the **Land Transport Rules-Regulations**
- 9.11** The powers that may be exercised under this clause are in addition to those provided in section ~~68B of the Transport Act 1962~~ **128E of the Land Transport Act 1998** and sections 348 and 356 of the Local Government Act 1974.

10. Temporary Discontinuance of a Parking Place

- 10.1** If an Authorised Officer is of the opinion that any parking place should be temporarily discontinued as a parking space the Authorised Officer may cause a sign / signs or meter-hoods to be placed or erected which indicate "No Stopping". It shall be unlawful for any person to stop or park a vehicle at the parking space affected while any sign/signs or meter-hoods are placed or erected.
- 10.2** If the Authorised Officer is of the opinion that any parking place should be temporarily discontinued, except for the use of a trade vehicle (as defined by the Council from time to time by resolution) or other specified vehicle, the Authorised Officer may place or erect or cause to be placed or erected a sign or signs, temporary barricades, or meter-hoods sufficiently indicating "Reserved Parking" for a specific trade or other specified vehicle and it shall be unlawful for any person other than a person specifically authorised by the Authorised Officer to stop or park a vehicle at the parking space affected while any sign / signs or meter-hoods are placed or erected or to remove any sign or signs, temporary barricades or meter-hoods so placed or erected.

10.3 The Council may from time to time by resolution fix fees payable for users or classes of users authorised by an Authorised Officer to parking spaces reserved in the manner prescribed by clause 10.2 hereof.

11. Provision for Resolutions

11.1 The Council may by resolution impose such prohibitions, 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 or Land Transport Rule (in which case a Council resolution is not required).**

11.2 Any resolution may:

- a. Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.
- b. 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.
- c. Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, building, transport station, or residents coupon parking scheme; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces buildings or areas.
- d. In respect of any resolution made in terms of this Bylaw, specify a minimum number of occupants in any private motor vehicle.
- e. Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.

12. Public Notification

12.1 **Any resolution proposed under this Part shall be placed on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at Council's sole discretion whether to allow that request.**

[Subcommittee recommendation; amended from SOP proposal]

~~Any resolution made by Council under this Part (including any resolution revoking or amending a resolution) shall be publicly notified at least 14 days before it takes effect. 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. Until Council has considered the objection and made a decision on it, the resolution that is the subject of objection shall not take effect.~~

~~**12.2** This clause shall not apply to any resolution which consolidates resolutions previously made under this Bylaw or has the same effect as a resolution made under a Bylaw revoked by this Bylaw.~~

[This amendment would mean that the normal consultation policy applies, with Council to judge requirements for consultation based on the significance of the issue, as required under the Local Government Act]

13. Offences

13.1 The provisions of Part 1 of this Bylaw notwithstanding, every person commits an offence against this Bylaw who:

- a. Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, domes, areas, markings, parking meters, multiple parking meters, traffic signs, or other signs and notices, laid down, placed, or made, or erected, in or on any road, building, or other area controlled by the Council, pursuant to any provision of this Bylaw, or of any resolutions made thereunder.
- b. Fails to comply with any resolution made under this Bylaw or fails to comply with any duty, obligation, or condition imposed by this Bylaw.
- c. Drives a vehicle on any street in a manner which interferes with or obstructs any funeral or civic or State or authorised procession.
- d. Drives any vehicle over any hose in use in connection with an outbreak or alarm of fire provided that it shall not be an offence under this clause so to drive if hose bridges are provided or the driver is directed by a traffic officer, police officer or New Zealand Fire Service officer.
- e. Drives or parks a vehicle so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties.
- ~~f. Drives or parks a vehicle in a parking space set aside for the use of vehicles carrying disabled persons where the vehicle:
is not engaged in the pick up or set down of disabled persons, or
does not display an operation mobility permit.~~

[This offence is now covered by national provisions in the Traffic Control Rule]

- ~~g. Drives or parks a taxi or other vehicle used to transport fare-paying passengers, in any parking meter area or parking space, without paying the prescribed fee, where the vehicle is not engaged in the pick up or set down of passengers or the loading or unloading of luggage.~~
- ~~h. Leaves a taxi unattended while parked on a taxi stand.~~
- ~~i. Parks a taxi within 20 metres of a taxi stand, where the taxi is available for hire.~~

[These offences are unenforceable in their current form]

- j. Drives or parks any vehicle on a street where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle.
- k. Unloads any vehicle so as to cause or, be likely to cause, damage to the pavement or any footpath.
- l. Drives any motor vehicle onto any property of the Council other than a road or permits the vehicle to stand or remain standing on any such property, without the consent of the Council.
- m. Drives or parks a vehicle on any grassed or cultivated area under the control of Council.
- n. Leaves in or on any road or private road within the City for a period exceeding 7 days, any vehicle having no effective motive power in or attached to it, or in such a state that it cannot be safely driven, or so disabled or damaged that it cannot be driven.
It shall not be a defence to a charge under this paragraph that the vehicle is under repair, if that repair exceeds 7 days.
For the purposes of this paragraph "vehicle" also includes caravans, trailers, boats, and the shell or hulk of a vehicle.
- o. Parks in a road in front of any property in the Residential Area under the Council's District Plan, where the size of the vehicle parked, or the continual nature of the parking,

unreasonably prevents occupants from parking outside their property, excluding commercial vehicles parked on the road temporarily for business purposes.

- p. In relation to residents parking:
- i. Makes a false application or supplies false details in an application;
 - ii. Places a permit on a vehicle for which it was not issued;
 - iii. Places or maintains a permit, or allows a permit to be placed or maintained, on a vehicle which is no longer being used by a resident;
 - iv. Parks a vehicle in a place that is the subject of a Residents Parking Scheme without a current windscreen sticker for the Residents Parking Scheme being displayed on the vehicle; or
 - v. Parks a vehicle in a place that is subject to the Residents Parking Scheme, ~~unless without displaying a current exemption permit on the vehicle. the parking of the vehicle is within an exception allowed for in the resolution constituting the residents parking scheme~~
- q. In relation to coupon parking:
- i. Parks within the coupon parking area for longer than the free period without displaying a clearly validated coupon on the vehicle; **or**
 - ii. Displays a coupon on the vehicle for a date other than the date indicated; or
 - iii. Parks in excess of any other time restriction or contrary to any other parking restriction in place within the coupon parking area; **or**
 - iv. Parks within the coupon parking area, without displaying a current exemption permit on the vehicle.**
- r. Fails to produce a coupon on demand pursuant to clause 8.10.
- s. Causes, allows or permits any vehicle to be parked in any parking space except in accordance with, or pursuant to, the provision of this Bylaw and of any resolutions.
- t. Causes, allows or permits any vehicle to remain parked in a parking space for more than 24 hours where no other maximum authorised period is specified in a Council resolution or on a parking meter or signs in its vicinity.
- u. Causes to be inserted in any parking meter anything other than the prescribed coin or coins or does not comply with any other card or token system prescribed by resolution of the Council as a method of making payment of the parking fee.
- v. Fails to activate an approved parking device while parked in a parking space, adjusts the tariff to make it different from that required at that space, or displays the tariff incorrectly so that it cannot be read for enforcement purposes.
- w. Places or leans a motor-cycle or power-cycle on or against a parking meter.
- x. Places or leaves a cycle on any parking space.
- y. Misuses any parking meter.
- z. Interferes or tampers with the working or operation of any parking meter or pay and display machine.
- aa. Without due authority from the Council affixes any placard, advertisement, notice, list, document, board or thing on, or paint, or writes upon any parking meter.
- bb. Wilfully damages any traffic control sign or parking meter.
- cc. Parks a motor-cycle or power-cycle between parking spaces.
- dd. Operates or attempts to operate any parking meter by any means other than as prescribed by this Bylaw.

14. Parking Defences

14.1 It shall be a defence to any person who is the driver, or is in charge of any vehicle and who is charged under this Bylaw with a breach of any condition imposed by this part of this Bylaw relating to any parking space if such person proves that the act complained of was done:

- a. in compliance with the directions of a police officer or traffic officer, or that the vehicle was engaged on a public work and was being used on the road with due consideration for other road users; or
- b. with a vehicle used by an Ambulance Service or the Fire Service, Police or other emergency service in the urgent carrying out of their respective duties.