

## **Franklin District Council Traffic Control Bylaw 2006**

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### **1. Title and Commencement**

This Bylaw may be cited as the Franklin District Council Traffic Control Bylaw 2006 and shall come into force on 1 March 2006.

### **2. Traffic Control Bylaw Validation**

- (1) The Franklin District Council Traffic Control Bylaw 2006 revokes the remaining provisions of the Pukekohe Borough Council General Bylaw 1978 (Parts covering Chapter 5: Licences for Vehicle Stands on Streets, the Specification for Operation of Transport Terminal and the Specification for Traffic Control), the Tuakau Borough Council General Bylaw 1985 (Parts covering Chapter 5: Licences for Vehicle Stands on Streets and the Specification for Traffic Control) and the Waiuku Borough Council Bylaw 1983 (Parts covering Parking Restrictions and Chapter 5: Licences for Vehicle Stands on Streets).
- (2) The Franklin District Council Traffic Control Bylaw 2006 was duly made at a meeting of the Franklin District Council held on 23 February 2006 after completion of the Special Consultative Procedure under section 86 of the Local Government Act 2002.
- (3) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 28 February 2006 in the presence of:

.....  
Mark Ball  
**Mayor**

.....  
Phillippa Wilson  
**Chief Executive**

.....  
**Date**

### 3. Objective

- (1) The purpose of this Bylaw is to set the requirements for parking and control of vehicular and other traffic on any road in the Franklin District other than State Highways controlled by Transit New Zealand.
- (2) This Bylaw is made pursuant to section 72 of the Transport Act 1962, sections 591A and 684 of the Local Government Act 1974, and section 145 of the Local Government Act 2002.
- (3) Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with:
  - (a) The Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
  - (b) Any regulations or rules made under the Land Transport (Road User) Rule 2004 or the Land Transport Act 1998 or any regulations or rules made in amendment or substitution thereof.

### 4. Definitions and Interpretation

- (1) For the purposes of this Bylaw, the following definitions shall apply:

**Authorised Officer** means any person appointed as an enforcement officer by the Council under section 177 of the Local Government Act 2002, any person appointed as an enforcement officer under section 208 of the Land Transport Act 1998, or any Police Officer.

**Berm** and **Grass Verge** mean any grassed area on a road separated from the carriageway by channelling or kerbing, but does not include a grassed area immediately adjoining the carriageway.

**Council** means the Franklin District Council.

**District** means the Franklin District.

**Engine Brake** means, for the purposes of this Bylaw, any device that changes the timing of an engine's exhaust valves resulting in retardation of the engine's revolutions.

**Heavy Motor Vehicle** means a motor vehicle the gross laden weight of which exceeds 3,500 kilograms.

**Mobility Carpark** means a carpark set apart under clause 5(1)(b) of this Bylaw.

**Mobility Card** means a permit issued by the New Zealand Crippled Children Society (CCS) Incorporated to persons with physical disabilities for the purpose of its Operation Mobility programme, or any other authorised provider.

**Reserve** has the same meaning as in section 2(1) of the Reserves Act 1977.

**Road** has the same meaning as in section 315(1) of the Local Government Act 1974 and shall, where the context requires, include a street (but does not include State Highways as controlled by Transit New Zealand).

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

- (2) Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Land Transport Act 1998 or the Land Transport (Road User) Rule 2004, or any amendments thereof, shall have such meanings as are respectively assigned thereby, unless such meanings are inconsistent with the context in which such words, phrases or expressions occur in this Bylaw.

## **5. General**

- (1) The Council may, from time to time, by resolution publicly notified:
  - (a) Prohibit the stopping, standing or parking of vehicles on any road, public carpark, reserve or any other public place;
  - (b) Set aside portions of any road as bus stops, bus stands, mobile library stops, taxi stands, Mobility Carparks, motorcycle parks, cycle ways, dual pathways, public stands, clear ways, no stopping areas and traffic lanes for buses, taxis or vehicles of other specified classes;
  - (c) Set aside roads or any portion of a road for parallel or angle parking;
  - (d) Nominate intersections where "give way" signs or "stop" signs shall be erected;
  - (e) Prohibit U-turns or the turning of any vehicle across the centre line, except to turn into a side street or entranceway;
  - (f) Prohibit the driving of vehicles or riding of any horses or bicycles along any road except in one specified direction only;
  - (g) Prohibit the use of certain roads or any portion of a road by Heavy Motor Vehicles;
  - (h) Appoint places to be loading zones and direct the purposes for which such loading zones may be used, together with any prohibitions, limitations or restrictions pertaining to such zones;
  - (i) Amend Schedule One of this Bylaw in the event of any amendment to the infringement fees for parking offences as set by Schedule 4 of the Land Transport Act 1998.
- (2) A resolution in respect of any matter in sub-clauses (1)(a), (b) or (c) above may be in respect of a specified class, type, weight or description of vehicle, and may be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.
- (3) The Council shall mark any road and/or erect such signs on any road, public car park, reserve or other public place as necessary to give effect to any resolution made pursuant to sub-clause (1) above.
- (4) The Council may, by resolution publicly notified, rescind, amend or vary any resolution made pursuant to sub-clause (1) above.
- (5) The existing restrictions imposed by Council within the District as set out in Schedules Two to Twelve of this Bylaw are deemed to be authorised under this Bylaw.

## **6. Parking**

- (1) No person shall stop, stand, or park a vehicle on any road, public car park, reserve or any other public place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road marks. Notwithstanding the provisions of this sub-clause, any Council officer acting under delegation may, subject to such conditions as are appropriate in the circumstances, authorise the stopping, standing or parking of specified vehicles.
- (2) No person shall stop, stand or park a vehicle on any grass verge or berm, flower bed or shrubbery laid out on any road or on a median strip or traffic island.

- (3) Except with the prior written permission of any authorised officer, no person shall park a vehicle on a road under the control or ownership of the Council if that vehicle does not have effective motive power or is so disabled, or in such a state, that it cannot be safely driven.
- (4) No person shall park any machinery, equipment, materials or waste disposal bins (excluding domestic refuse and recycling bins as collected on a regular basis) on any road or public place except with the permission of an authorised officer and in accordance with any conditions that may be imposed.
- (5) No driver of a vehicle carrying passengers for hire shall be deemed to commit an offence in clause 6(1) above if the vehicle has stopped temporarily only and solely for the purposes of picking up or setting down passengers.

#### **7. Disabled Persons**

- (1) Despite any of the provisions of this Bylaw, a vehicle conveying a disabled person and displaying a current Mobility Card:
  - (a) may park on a loading zone or the rear of a bus stop to allow the disabled person to embark or disembark;
  - (b) may over-park in any time-restricted area, except an area where parking is restricted to a maximum of fifteen minutes, by up to 60 minutes; or
  - (c) may park on a Mobility Carpark for an unlimited time.
- (2) No driver of any vehicle which is not conveying a disabled person and displaying a current Mobility Card shall park in a carpark which is identified as a Mobility Carpark.

#### **8. Obstruction of Traffic**

- (1) The owner or person in charge of any vehicle which may be standing on any road or public place, whether attended or unattended, shall upon the request of any authorised officer move such vehicle for the purpose of facilitating traffic flow or preventing any hindrance or obstruction on any road or public place.
- (2) Where the owner or person in charge of any vehicle referred to in sub-clause (1) above cannot be located or refuses the request, the authorised officer may take such steps as are considered appropriate to physically remove the vehicle from the road or public place.

#### **9. Use of Engine Brakes**

The driver of a vehicle shall not use or operate an engine brake or similar device at any time on any road with a signposted speed limit of up to and including 70 kilometres/hour.

#### **10. Offences and Penalties**

- (1) Every person commits an offence against this Bylaw who:
  - (a) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public carpark, reserve or other places controlled by the Council pursuant to any of the provisions of this Bylaw or any resolution made under clause 5(1) of this Bylaw.
  - (b) fails to comply with any condition, duty or obligation imposed by this Bylaw or by any resolution made under clause 5(1) of this Bylaw.

- (2) The infringement fees for parking offences are set by Schedule 4 of the Land Transport Act 1998 and are reproduced in Schedule One of this Bylaw.
- (3) Every person guilty of a breach of any of the provisions of this Bylaw (other than those covered by the Schedule 4 of the Land Transport Act 1998) shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

**11. Exemptions**

The provisions of this Bylaw shall not apply to:

- (a) Any vehicle parked, stopped or diverted by the direction of any authorised officer, Police Officer or traffic control sign;
- (b) Any vehicle being used as an ambulance and at the time being engaged on urgent ambulance business; or
- (c) Any fire fighting or other rescue vehicle or appliance whilst being used in an emergency.

## SCHEDULE ONE

### INFRINGEMENT FEES FOR PARKING OFFENCES

Parking Offence	Infringement Fee
(1) Any parking offence involving parking on a road or other public place in breach of this Bylaw, in excess of the period of time fixed pursuant to this Bylaw, where the excess time is:	
Not more than 30 min	\$12.00
More than 30 min but not more than 1 hour	\$15.00
More than 1 hour but not more than 2 hours	\$21.00
More than 2 hours but not more than 4 hours	\$30.00
More than 4 hours, but not more than 6 hours	\$42.00
More than 6 hours	\$57.00
(2) (a) Parked on or within 6 m of an intersection	\$60.00
(b) Parked on or near a pedestrian crossing	\$60.00
(c) Parked on broken yellow lines	\$60.00
(d) Double parking	\$60.00
(e) Inconsiderate parking	\$60.00
(f) Parked on a clearway	\$60.00
(g) Parked on a bus only lane	\$60.00
(3) Any other parking offence	\$40.00

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#### Towage Fees

Where expenses are incurred by the Council in respect of the movement of any vehicle involved in an offence (whether or not the vehicle is in fact moved), the infringement fee is the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any goods and services tax payable in respect of the towage fee).