

# Bylaw (Consultation draft)

## TRANSPORTATION AND PARKING

<b>TITLE:</b>	Ashburton District Council Transportation and Parking Bylaw 2017
<b>TEAM(S):</b>	Roading & Environmental Monitoring
<b>RESPONSIBILITY:</b>	Roading Manager & Environmental Monitoring Manager
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## 1. Title and commencement

The title of this Bylaw is the Ashburton District Council Transportation and Parking Bylaw 2017.  
This Bylaw was amended in 2023.

## 2. Purpose

### General purpose

- 2.1 The general purpose of this bylaw is to set controls for parking, all types of traffic and the use of the transportation network within the District, other than State Highways controlled by the New Zealand Transport Agency. The controls are to ensure health and safety, to protect the public from nuisance and to protect transportation infrastructure from damage.

### Specific purposes

- 2.2. Without limiting clause 2.1, Council makes this bylaw to:
- (a) Prohibit or otherwise restrict the stopping, standing, or parking of vehicles on any road or part of a road, or on any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station;
  - (b) Set aside, designate or reserve any road, part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, as:
    - (i) Stopping places or stands for a specified class, classes or types of vehicle, including bus stops, taxi stands and loading zones;
    - (ii) Mobility permit parking spaces;
    - (ii) Parking places and zone parking;
    - (iv) Transport stations;
    - (v) Clearways;
    - (vi) Cycle lanes and cycle paths;
    - (vii) Reserved parking areas;
    - (viii) Residents' parking;
    - (ix) Special vehicle lanes;
    - (x) One-way roads.
  - (c) Prohibit or restrict:
    - (i) U turns;

- (ii) Left turns, right turns, or through movements;
- (iii) Weights and/or speeds of vehicles or loads that may pass over bridges or culverts;
- (iv) Any specified class of traffic, or any specified motor vehicle or class of motor vehicle which, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads;
- (v) Parking of heavy motor vehicles or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified;
- (vi) Use of roads by pedestrians;
- (vii) Use of roads by cyclists.
- (viii) Damage being caused to Transportation Infrastructure.
- (d) Permit turning movements to be made only by:
  - (i) Passenger service vehicles;
  - (ii) Vehicles of other specified classes;
  - (iii) Vehicles carrying specified classes of loads or not less than a specified number of occupants.

### 3. Related documents

- Ashburton District Council Explanatory Bylaw 2016
- Ashburton District Parking Strategy 2021
- Ashburton Town Centre Parking Management Plan 2021
- Ashburton District Cattle and Stock Crossing Code of Practise
- Land Transport Act 1998
- Land Transport (Road Users) Rule 2004
- Land Transport Rule: Heavy Vehicles 2004
- Land Transport Rule: Traffic Control Devices 2004
- Legislation Act 2019
- Local Government Act 1974
- Local Government Act 2002
- Mobility Parking Policy
- Over 80's Parking Policy
- Temporary Closure of Parking Spaces Policy

### 4. Application

- 4.1 Any matter regulated under this bylaw may apply to a specified class, type, weight or description of vehicle, or any combination of these, and may be expressed or limited to apply only on specified days, or between specified times, or for any specified events or classes of events, or be limited to specified maximum periods of time.
- 4.2 To give effect to any matter regulated under this bylaw the Council will mark the roads and install signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 4.3 Council may, from time to time by publicly notified resolution, make additions to or deletions from the *Register of Resolutions*. Council will make a copy of the Register of Resolutions publicly available. The Register of Resolutions will include the date and text of all resolutions to make additions or deletions.

## Exempted vehicles

- 4.4 This bylaw does not apply to emergency vehicles being used in an emergency.
- 4.5 Clauses 7, 12.6, 14.3, and 14.5 of this bylaw will not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

## 5. Definitions

- 5.1 For the purposes of this bylaw the following definitions will apply:

**Authorised officer** means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Land Transport Act 1998, and an Enforcement Officer.

**Corridor access request** has the same meaning as in the [National Code of Practice for Utility Operators' Access to Transport Corridors 2011](#)

**Council** means the Ashburton District Council, or any officer authorised to exercise the authority of the Council.

**Emergency vehicle** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#).

**Enforcement officer** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#).

**Footpath** has the same meaning as in Part 2 of the [Land Transport Rule: Traffic Control Devices 2004](#).

**Freight container** means an article of transport equipment that is:

- (a) specifically designed to facilitate the transport of goods, by one or more modes of transport, without intermediate loading;
- (b) of a permanent character and strong enough to be suitable for repeated use; and
- (c) designed to be secured and readily handled having fittings for these purposes.

**Heavy motor vehicle** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#).

**Metered area** means any road or portion of a road or any area of land or any building owned or controlled by the Council which is authorised by resolution of Council to be used as a parking place and at which parking meters or multiple space parking meters are installed and maintained.

**Metered parking space** means any part of a road or a space within a metered area or multiple space parking meter area indicated by and lying within markings made by the Council for parking of vehicles.

**Multiple space parking meter** means a parking meter which functions for more than one parking place.

**Mobility parking space** means a parking place set aside under Clause 10.1 of this bylaw for use by people who hold a Mobility parking permit

**Mobility parking permit** means a permit or concession card issued by CCS Disability Action to persons with physical disabilities for the purpose of its mobility parking programme.

**Network utility operator** has the same meaning as [section 166 of the Resource Management Act 1991](#)

**Nuisance** means a person, animal, thing or circumstance obstructing, disturbing or harming any other person whether or not that person is in a public place.

**Parking fee** means a sum of money paid in exchange for the opportunity to park a vehicle for a specified maximum period of time.

**Parking meter** means a single space parking meter or a multiple space parking meter or a pay and display parking meter (including the stand to which the parking meter is attached) installed under this bylaw being an instrument designed for the purpose of:

- (a) measuring and showing the period of time paid for or which remains to be used; or
- (b) issuing a receipt showing the period of time paid for and accordingly which remains to be used.

**Parking place** has the same meaning as section [591\(6\) of the Local Government Act 1974](#).

**Parking warden** means a parking warden appointed under section 7 [128D of the Land Transport Act 1998](#).

**Passenger service vehicle** has the same meaning as [section 2\(1\) of the Land Transport Act 1998](#).

**Pay and display parking meter** means a parking meter designed for the purpose of issuing a receipt showing the date and time of payment of a fee, amount of fee paid, and the time until which a vehicle may be parked within a metered area controlled by that pay and display parking meter.

**Public Place** means any place or space that is owned or controlled by Council and which is open to the public, and any road whether or not it is controlled by the Council, but excludes reserves which are regulated by the Ashburton District Council Open Spaces Bylaw.

**Register of Resolutions** means the *Register of Resolutions made under the Ashburton District Transportation and Parking Bylaw*.

**Resident** for any particular road subject to a Residents' Parking Scheme under this bylaw means a person who resides in a dwelling, apartment or other building which has its only or principal access to that particular road or which has such access in the vicinity of that road.

**Residents' exemption permit** means a permit granted by the Council to eligible residents exempting the permit holder from any time restrictions imposed on any place or area subject to parking restrictions.

**Residents' only permit** means a permit granted by the Council to eligible residents authorising the permit holder to park in designated Residents' Only parking places specified in the permit.

**Residents' parking scheme** means the provision by the Council of parking places for residents under clause 10 of this bylaw which may be used in conjunction with any other parking or loading restrictions that apply outside the hours of operation of the Residents' Parking Scheme.

**Road** has the same meaning as in section 2(1) of the [Land Transport Act 1998](#) and will where the context requires include a street but does not include State Highways controlled by the New Zealand Transport Agency.

**Roadway** means that portion of the road used or able to be used for vehicular traffic in general.

**Single space parking meter** means a parking meter designed for the purpose of measuring and showing the time for which a vehicle may be parked in a particular parking place.

**Special vehicle lane** has the same meaning as in the [Land Transport \(Road User\) Rule 2004](#).

**Traffic control device** has the same meaning as in Part 2 of the [Land Transport Rule: Traffic Control Devices 2004](#).

**Transportation infrastructure** means any asset owned or utilised by Council to facilitate safe passage around the districts transport network including but not limited to roads, bridges, culverts, footpaths, swales, berms, kerbs, channels, fencing, streetlights, road markings, signs, drains, sumps and any other item required or constructed to ensure the integrity of the transport network.

**Transport station** has the same meaning as section [591\(6\) of the Local Government Act 1974](#).

**Urban area** means an area within a permanent speed limit of less than or equal to 70 kilometres per hour

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

**Vehicle crossing** means that part of a road from the kerb to the boundary of the land or premises adjoining the road which is used for the purpose of giving entry or access for vehicles of any description.

**Zone parking** has the same meaning as in [Land Transport Rule: Traffic Control Devices 2004](#).

## **6. Stopping, standing and parking**

- 6.1 No person will stop, stand, or park a vehicle or vehicle combination on any road, public car park, reserve or any other public place in contravention of a restriction imposed by the Council as evidenced by appropriate signs and/or road markings.
- 6.2 The prohibitions set out in clause 6.1 do not apply where
  - (a) Council has authorised the stopping, standing or parking of specified vehicles subject to conditions appropriate to the circumstances and payment of the prescribed fee; and
  - (b) the person complies with the conditions imposed by Council including the payment of the prescribed fee.
- 6.3 Except with the prior written permission of the Council, no person may park a vehicle on a road or other land under the control or ownership of the Council, for any period exceeding seven days, if that vehicle cannot be easily moved on at the request of the Council.
- 6.4 No person may park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the permission of the Council and in

accordance with any conditions that may be required. This clause does not apply to those containers that are used solely for the purpose of domestic refuse or recycling and placed off the roadway, provided that such containers are not left on any road or public place for a period exceeding 48 hours.

- 6.5 No person may park any vehicle in a parking place which is already occupied by another vehicle. However up to six motorcycles (including motorcycles with sidecars attached) but no other vehicle, may occupy any parking place at the same time, (and such motorcycles must park at right angles to the kerb in the metered space).
- 6.6 No person may repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 6.7 No person may stop, stand or park a vehicle or vehicle combination on any lawn, garden, berm or other cultivation adjacent to, or forming part of, a road.

## **7. Unlawful parking**

- 7.1 A person may not park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this bylaw.
- 7.2 No person may park a vehicle or vehicle combination in a parking place so that any part of that vehicle including a towbar or bicycle rack extends beyond any line defining that space unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking spaces the driver will be liable to pay a parking fee for each space so occupied.

### **EXPLANATORY NOTE**

When this Bylaw was amended in 2023, Council's parking control arrangements consisted of time-restricted on-street parking and a time-restricted pay-and-display off-street parking zone in Cass Street, Ashburton. While Council has previously operated single space parking meters in the Ashburton central business district, this ceased with the rebuild of the CBD in 2021.

Council has retained the provisions for metered parking in this Bylaw in case any future Council wishes to restore or expand metered on-street parking.

## **8. Metered and time-restricted parking areas and parking meter zones**

- 8.1 The Council may from time to time amend this bylaw by publicly notified resolution to:
  - (a) Declare any road or part of a road to be a metered area or zone parking;
  - (b) Declare any piece of land owned or controlled by the Council that is not a road or part of a road, including any parking place or transport station to be a metered area or zone parking;
  - (c) Declare the time allowed for parking in such metered areas and areas of zone parking beyond which it will be unlawful to remain parked;
  - (d) Subject to section 150 of the Local Government Act 2002, fix the fees payable for the parking of vehicles within the metered area and areas of zone parking.



- (e) Direct the classes of vehicles that are ~~be~~ permitted to be parked in any such parking places.
  - (f) Declare the means by which fees may be paid in respect of each parking area including, but not limited to the use of parking meters, parking coupons, attendant issued tickets, and pay and display machines..
- 8.2 Parking meters or pay and display parking meters will be located within the metered area and areas of zone parking that they are to control. Any parking meter or pay and display parking meter may issue a receipt on insertion of the prescribed fee in accordance with the instructions on the meter.
- 8.3 The receipt issued by a parking meter or pay and display meter must be displayed on a motor vehicle parked in the parking area so as to be legible through the front window (where fitted) or visible on the vehicle (where no front window is fitted).
- 8.4 Metered parking spaces must be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004. Pay and display zones and areas of zone parking must be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 8.5 No driver or person in charge of any vehicle may permit the vehicle to be parked in any such parking place except as permitted by resolution of Council.

## **9. Metered Areas, Parking meter zones, and zone parking**

- 9.1 No driver or person in charge of a vehicle may park in a metered parking space or area of zone parking without having paid the appropriate fee and where required correctly activated the parking meter controlling the space or complied with the instructions on the pay and display parking meter controlling the space.
- 9.2 The driver or person in charge of a vehicle may occupy the metered parking space, provided that the appropriate fee has been paid and the maximum period for parking in that metered area is not exceeded.
- 9.3 Where more than one motorcycle occupies a metered parking place it is not necessary for more than one parking fee to be paid. However, each motorcycle that remains parked in the metered space after the time has expired will be in breach of this bylaw.

### **Discontinued parking place**

- 9.4 Where the Council is of the opinion that any metered parking place should be temporarily discontinued as a parking place, the Council may place or erect (or authorise the placing or erecting of) a sign, cones, or notice showing, 'No Stopping' at the affected metered parking space or spaces. It will be unlawful for any person to park a vehicle in a metered parking space when a sign, cone, or notice indicates that it is a reserved parking space, except with the permission of the Council.

## **Interference with parking meters or pay and display parking meters**

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

## **Operation of parking meters or pay and display parking meters**

- 9.6 No person may operate or attempt to operate any parking meter or pay and display parking meter by any means other than as prescribed by this bylaw.

## **Hours applicable to parking meters or pay and display parking meters**

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

# **10. Mobility parking and residents' parking**

## **Mobility parking**

- 10.1 Where the Council has reserved parking places as mobility parking spaces, the mobility parking permit must be displayed so that it is legible through the front windscreen where fitted, or on the vehicle if no windscreen is fitted. The permit must not be displayed if the mobility parking space is not being used for the benefit of the permit holder.

## **Residents' parking**

- 10.2 The roads and parts of roads listed in Schedule A1 of the *Register of Resolutions* are reserved for the exclusive parking of specified motor vehicles owned by residents of the surrounding area and displaying a residents' only permit issued for any such vehicles. Such part of a road (referred to as a 'residents' only parking area') will be indicated by appropriate signs. The roads and parts of roads listed in Schedule A2 of the *Register of Resolutions* are able to be used for parking by specified vehicles owned by eligible residents of the surrounding area and displaying a valid residents' exemption permit issued for such a vehicle. Such a road or part of a road (referred to as a 'residents' exemption parking area') will be marked out or shown by appropriate signs.
- 10.3 The Council may by publicly notified resolution:
- (a) Impose conditions, and prescribe fees or charges, for use of residents' only parking areas and/or residents' exemption parking areas;
  - (b) Require a valid permit to be held for the use of residents' only parking areas and/or residents' exemption parking areas;
  - (c) Record in the *Register of Resolutions*, the date and text of all resolutions to provide for a road, or part of a road, to be a residents' only parking area, or to provide that a road should cease to be a residents' only parking area;

- (d) Record in the *Register of Resolutions*, the date and text of all resolutions to provide for a road, or part of a road, to be a residents' exemption parking area, or to provide that a road, or part of a road, should cease to be a residents' exemption parking area.
- 10.4 Where a permit is required to be held for the use of a residents' only parking area or residents' exemption parking area
- (a) The parking permit must be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, on a motor vehicle stopped, standing, or parked in the parking area;
  - (b) The permit must identify the motor vehicle for which it has been issued. The permit applies only to the motor vehicle described in the permit;
  - (c) The permit must be returned to the Council immediately after the resident ceases to be entitled to the permit;
  - (d) The permit is valid and effective only during the time specified on the permit and in the road or area specified on the permit.
- 10.5 No person may park, stop or stand a motor vehicle in a residents' only parking area or residents' exemption parking area without displaying a valid permit except for:
- (a) Vehicles operated by the Council or for the Council if necessary for the provision or maintenance of facilities within the road reserve;
  - (b) Vehicles operated by network utility operators if necessary for the provision of, or maintenance of, a network utility operation;
  - (c) Vehicles driven by authorised officers (e.g. dog control officers, building inspectors)
  - (d) Vehicles being used to pick up or deliver goods to, or in connection with emergency maintenance of, the property of a resident holding a residents' only or residents' exemption permit;
  - (e) Medical practitioners such as doctors, district nurses and midwives who are attending a patient.

## **11. One-way roads and turning restrictions**

- 11.1 A person may only drive a vehicle or ride any horse or bicycle along the roads or parts of roads listed as a 'one-way road' in Schedule B1 the *Register of Resolutions*. in the direction specified.
- 11.2 The Council may amend Schedule B1 of the *Register of Resolutions*. by publicly notified resolution to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.
- 11.3 Subject to the erection of the prescribed signs, no person may drive contrary to any turning restriction listed in Schedule C of the *Register of Resolutions*.
- 11.4 The Council may amend Schedule C of the *Register of Resolutions*. by publicly notified resolution to prohibit, subject to the erection of the prescribed signs:
- (a) Vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns');
  - (b) Vehicles or specified classes of vehicles from turning to the right or to the left or from proceeding in any other direction.
- 11.5 The Council may amend Schedule C of the *Register of Resolutions*. by publicly notified resolution to provide that a turning restriction be removed or amended.

## 12. Heavy and overdimension motor vehicles

### Prohibitions

- 12.1 No person may drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along any urban roads, or parts of such roads with the exception of those roads listed in Schedule D1 of the *Register of Resolutions*. Further exception is made for the purpose of picking up, or delivering goods to an address in the urban area when alternative access is not available for this purpose.
- 12.2 No person may drive, permit to be driven or park any heavy motor vehicle after 8 pm and before 6 am Monday to Friday (excluding public holidays) and all hours of Saturdays, Sundays and public holidays or such periods as may be specified for roads in urban areas or public places, except the roads listed in Schedule D2 of the *Register of Resolutions*. Further exception is made for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.
- 12.3 No stock may be transported in heavy motor vehicles through urban areas except over the routes specified in Schedule D3 of the *Register of Resolutions*.
- 12.4 The prohibitions set out in Clauses 12.1, 12.2 and 12.3 of this Bylaw do not apply to:
- (a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation
  - (b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans
  - (c) Refuse and recycling collections carried out by either the local authority or a contractor engaged by the local authority;
  - (d) Any other class of heavy vehicle the Council may exclude from the prohibitions by publicly notified resolution
  - (e) Vehicles operated by the Council or a council contractor or network utility operator if necessary for the provision or maintenance of services or facilities within the road reserve;
  - (f) Events approved by Council.
- 12.5 The Council may amend Schedule D of the *Register of Resolutions* by publicly notified resolution to prohibit any heavy motor vehicle on any road or roads within the District or to remove a heavy motor vehicle prohibition.

### Special vehicle lanes

- 12.6 The roads or parts of roads listed in Schedule E of the *Register of Resolutions* are 'special vehicle lanes'.
- 12.7 The Council may amend Schedule E of the *Register of Resolutions* by publicly notified resolution to provide for a road, or part of a road, to be used as a special vehicle lane either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a special vehicle lane.

## Turning movements permitted by specified classes of vehicles

- 12.8 Subject to the erection of the prescribed signs, the traffic lanes listed in Schedule F of the *Register of Resolutions* permit turning movements by specified classes of vehicles.
- 12.9 The Council may amend Schedule F of the *Register of Resolutions* by publicly notified resolution to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane.

## Weights of vehicles or loads over bridges or culverts

- 12.10 The Council may amend Schedule G of the *Register of Resolutions* by publicly notified resolution to regulate the weights of vehicles or loads that may pass over bridges or culverts or to provide that any such regulation be removed.

## Overdimension heavy traffic bypass routes

- 12.11 Over dimension heavy vehicles may not travel through the urban areas of Ashburton, Tinwald or Methven other than for the purpose of picking up and delivery of goods, except over the Routes set out in Schedule H of the *Register of Resolutions* and in accordance with any conditions specified there.

### EXPLANATORY NOTE

**Anyone planning to carry out any work or activity that affects the normal operation of the road, footpath or berm must apply for a Corridor Access Request (CAR).**

**A CAR is a permit that helps to ensure that all road worksites meet national regulations, and that they are as safe as possible for workers, motorists, pedestrians and cyclists. Some examples of activities requiring a CAR are:**

- **Placing a skip bin or container on the berm.**
- **Using or parking machinery such as cranes, cherry pickers and water blasters on the road corridor.**
- **Digging, drilling, resurfacing, or doing any other activity that will alter, or cause to be altered, the surface of the road corridor.**
- **Placing any pipe, duct, pole, cabinet or other structure below, on or above the road corridor.**
- **Installing a new stormwater drain that leads into the road corridor.**
- **Near or opening manhole access covers.**
- **Events**

**Council can approve a CAR subject to conditions. It is common for conditions to include a traffic management plan to ensure the safety of workers and road users.**

**The National Code of Practice for Utility Operators' Access to Transport Corridors defines the set of standards for working in the road and the Corridor Access Request (CAR) processes. The Code is mandatory under the Utilities Access Act 2010 and applies to all works carried**

**out in the road corridor, whether the work is for or by a utility, local government, commercial organisation or private individual(s).**

## **13. Safe movement in public places**

### **Acts or games to annoyance of persons**

- 13.1 No person may propel, push, pull or ride any trolley or other similar contrivance, fly a kite, ride any e-scooter, mobility scooter or skateboard, use any roller blades or skates, cast, throw or thrust any projectile or play any game in or on any road in a manner that could cause damage, annoyance, danger or nuisance to any person or property.
- 13.2 In addition to the provisions of Clause 13.1 of this Bylaw, the Council may declare by resolution areas in which these activities will be prohibited.

## **14. Safe movement on roads, footpaths and cycle tracks**

### **Disturbing surface of road**

- 14.1 No person may open any drain or sewer on, or disturb or remove the surface of, any road or public place, or make any cellar door or other opening from a public place without the permission of Council, and in accordance with any conditions that are imposed.

### **Precautions against injury**

- 14.2 When opening up any road, any person must take all precautions for guarding against injury to passers-by as necessary or as directed by Council or its authorised officer.

### **Protection of footpath or berm**

- 14.3 No person may drive or take any motor vehicle over any footpath or berm other than at a specifically designed vehicle crossing.

### **Pedestrians to move on**

- 14.4 Pedestrians when found congregated on any road or footpath in the District must move on when requested so to do by a Police Officer or authorised Council Officer.

### **Obstructing footpaths or cycle tracks**

- 14.5 No person may carry or convey any load to the danger or obstruction of persons using any footpath or cycle track, or ride, or drive or lead any stock, or drive any motor vehicle or motorcycle along any such footpath or cycle track.

## Bicycles

- 14.6 No person may erect a bicycle stand on any footpath or roadway in the District without first obtaining the written approval of Council.
- 14.7 No person may place or leave any bicycle on any road, footpath, or public place where it likely to be an obstruction, inconvenience, danger or a nuisance to traffic or pedestrians.
- 14.8 No person may place, stop, stand, leave or keep any bicycle on the kerb or on any portion of a road set apart by the Council as a restricted parking area or mobility parking space or taxi and passenger service vehicle stands or stopping places.
- 14.9 The separate carriageways mounted on the northwest side and the southeast side of Ashburton River Bridge, State Highway One are designated for joint use by pedestrians and cyclists.

## 15. Median divided roads

- 15.1 Those roads named in Schedule B2 of the *Register of Resolutions* and any future roads legally established along the middle portion of which or part of which are laid median strips dividing the said roads or parts of the same into two parts for the purposes of regulation and conduct of traffic, will be deemed to be one-way roads on each side of the median strip.

Provided however that when the median strip is 6.0 metres or more in width between the kerbs each gap or roadway in such median strip by which traffic can cross over and pass from one side to the other of those one-way roads will be deemed to be a road connecting the said one way roads.

## Use of median divided roads

- 15.2 No person may drive any vehicle along or over those roads referred to in clause 15.1 and named in Schedule B2 of the *Register of Resolutions* except in the direction required to keep the vehicle moving forward with the right-hand side of the vehicle being nearest to the median strip.
- 15.3 No person may drive any vehicle or stop, stand or park any vehicle on or adjacent to the median or the median strips on those roads, unless permitted by publicly notified resolution of Council.

## 16. Traction engines

- 16.1 No person may operate any traction engine not fitted with rubber tyres on any road within the District without first obtaining consent in writing from the Council and complying with all conditions the Council sees fit to impose.
- 16.3 Every person who commits an offence in accordance with section 22 of this Bylaw in addition to being liable for payment of a fine upon conviction for such offence will also be liable for and pay compensation to the Council for repairs to any damage which may be caused or be done by a traction engine or trailer to any road sign or pole, road, bridge or culvert or any drain pipe, water pipe or gas pipe or underground cable or any connection thereto. In the case of

dispute as the amount of compensation payable the same will be ascertained and determined by a Court or Tribunal of competent jurisdiction and may be recovered therein by the Council.

- 16.4 The operator of any traction engine must stop at the request or signal of any police officer or authorised Council Officer and if requested must advise their name and address. If they are not the owner of the traction engine, they must also give the name and address of the owner.

## **17. Licensed vehicle stands and stands for animal drawn vehicles**

- 17.1 No person may keep or operate within any urban area any vehicle drawn or propelled by animal power available for the carriage of goods or persons for hire, reward or otherwise, without first obtaining written permission so to do from the Council.
- 17.2 Every application for permission to operate within an urban area a vehicle drawn or propelled by animal power must be in such form as the Council may prescribe and the applicant must supply to the Council any further information that it may require.
- 17.3 The fee payable for an application under this clause of the bylaw will from time to time be fixed by the Council.
- 17.4 The holder of such permission must comply with all conditions subject to which the permission is issued. Failure to observe such conditions or the provisions of this bylaw will be an offence against this bylaw and the permission may at the discretion of the Council be suspended or revoked.

### **Power to appoint stands**

- 17.5 The Council may appoint portions of any roads as stopping places or traffic stands under such conditions as appropriate and may revoke, cancel or alter any such appointment or conditions.
- 17.6 In all cases where no stopping places or stands are appointed by the Council a Police Officer will have power in case of necessity to appoint a temporary stopping place or stand and the driver of any vehicle must use it in accordance with the instructions of the Police Officer.

### **Authorised use of stands**

- 17.7 No person in charge of any animal or vehicle may permit the animal or vehicle to remain stationary upon any stand for a longer period than is reasonably necessary for the loading or unloading of goods or the taking up or setting down of passengers.

## **18. Damage to infrastructure**

- 18.1 No person may cause damage to any Council owned road, footpath, berm, swale or public place including associated transportation infrastructure.



- 18.2 No person may cause or permit to be caused any material or debris or water to be deposited or discharged on a road, footpath, berm, swale or public place except where otherwise provided for in this Bylaw or authorised by other approvals.
- 18.3 Where the actions of a person in breach of clauses 18.1 or 18.2 of this Bylaw have resulted in an immediate danger to public safety or the efficiency or longevity of the Transportation Infrastructure, the Council will require any person to desist from this practice immediately and remove the danger or make the affected area safe without delay.
- 18.4 The cost of repairs to damage caused to any road, footpath, berm, swale, public place or Transportation Infrastructure will be borne by any person who commits or allows this offence to be committed and will if necessary be recoverable from any such person by Council.

## **19. Entranceways and crossings**

### **Entranceways to rural property**

- 19.1 On rural roads where property entranceways are frequently used by heavy vehicles or where vehicles require manoeuvring room the Council may at its discretion require entranceways to be designed and constructed in accordance with requirements as set out by the Council. All costs incurred in constructing accesses to the required standard must be borne by the property owner.

### **Vehicle crossings**

- 19.2 No vehicle may be taken on to any urban property in the Ashburton District other than over a properly formed vehicle crossing.
- 19.3 No person may construct any vehicle crossing across any footpath, berm or water channel without first obtaining a vehicle crossing permit from the Council.
- 19.4 The Council will, subject to the payment of any required application fee, permit the applicant to construct the vehicle crossing (for which the permit has been obtained) in compliance with all such conditions and standards the Council may require.
- 19.5 The Council may refuse to grant a permit if in the opinion of an authorised officer the construction of the vehicle crossing causes, or may be likely to cause, any danger, or obstruction in any public place.
- 19.6 Any person who:
- (a) takes or permits a vehicle to be taken on to any urban property in the Ashburton District across any footpath, berm or water channel other than by way of a properly formed vehicle crossing; or
  - (b) commences work upon the construction of a vehicle crossing without first obtaining the required permit; or
  - (c) having obtained such permit fails to comply in all respects with the conditions attaching to that permit or set out in this bylaw; or

- (d) who upon the expiry of the time specified in the permit fails to leave the vehicle crossing construction site or any part thereof in a good and tidy condition in accordance with the requirements of the vehicle crossing permit;  
commits an offence against this bylaw.

## **Temporary crossings**

- 19.7 No person may take or drive a motor vehicle or permit the same to be taken or driven across any footpath or water channel in the course of construction or other work on the adjoining property or to transport building or other materials used in connection unless complying with any conditions the Council may impose, including the provision of a temporary crossing over the footpath or water channel.

## **Reinforcing of footpaths, channel or crossing**

- 19.8 Where any land or premises is occupied or used and any materials, goods, merchandise, articles, or other items are dropped, deposited upon or conveyed across any footpath, water channel or crossing in a manner likely to damage such footpath, water channel or crossing, Council may, by notice in writing require the owner or occupier of such land or premises to provide adequate reinforcement to such footpath, channel or crossing.
- 19.9 Any such owner or occupier who fails to comply with such notice within the period specified commits an offence against this bylaw.

## **20. Road names, numbering and letterboxes**

### **Naming of roads**

- 20.1 No person may give any name to or affix, set up, or paint any name on any road, private road, or public place without the prior permission in writing of Council.

### **Property numbering**

- 20.2 The Council may allocate property numbers for the purpose of identifying individual properties. The owner or occupier of every property must mark such building (subject to Clause 20.1 above) with such allocated numbers, being no less than 50mm in height, as Council will direct or approve, and must renew the numbers if they are obliterated or defaced. Kerb numbering in an approved form will be an acceptable alternative.
- 20.3 The owner or occupier of any building has one month notice from Council to mark such building with such number as Council may direct or approve, or to renew the number as described in clause 20.2. Any owner or occupier who fails to comply with such notice commits an offence against this bylaw.
- 20.4 Council may at any time to alter the number of any property where in Council's opinion it is necessary or advisable to do so.

- 20.5 Each such number allocated by the Council must be placed on property in such a position as to be readily visible from any road fronted by such property; or, if no such position is available, must be placed upon a post, fence, or gate, adjacent to the access point of the property where it is readily visible from, such road. The Council may set fees for the supply and erection of 'RAPID' rural property identification numbers.

### **Defacing names and numbers**

- 20.6 Any person who wilfully or maliciously destroys, pulls down, obliterates, or defaces the name of any road the number of any property, or paints, affixes, or establishes the name of any road, or number to any property, contrary to the provisions of this bylaw, commits an offence against this Bylaw.

### **Position of urban letterboxes**

- 20.7 No person in the urban area may construct or place a letterbox on the road reserve without prior permission of the Council. Council may approve the design and location of letter boxes on the road reserve in certain circumstances.

## **21. Horses, stock and dairy cattle**

### **Control of horses**

- 21.1 No person may ride, lead or drive horses along any footpath or cycle track.
- 21.2 No person may lead a horse or permit a horse to be led from or by a motor vehicle on any public place except on a public road verge. In such case up to four horses (but only two abreast) may be led from a properly constructed frame attached to a motor vehicle.
- 21.3 No person may lead or permit more than one horse to be led from or by any other vehicle on any public place for any purpose whatsoever.

### **Driving stock**

- 21.4 Except as provided for under Clauses 21.5 and 21.6 of this Bylaw, no person may drive any stock without a harness or yoke on any public place, except with the prior permission in writing of Council and then only in accordance with all conditions which may be imposed. "Driving" for the purposes of this section of the bylaw means moving stock on the hoof.
- 21.5 Except for the provisions of Clauses 21.2 and 21.7 of this Bylaw, stock in rural areas may be driven during the period after sunrise and before sunset on District Roads without Council's written permission provided the following conditions are complied with:-
- (a) The number of animals in any one mob may not exceed 600 head of cattle or 3000 head of sheep and drovers in charge of mobs must be at the ratio of one competent drover to every 200 cattle, or 1000 sheep.
  - (b) The drover must keep the animals moving at all times so as to make progress towards the destination at a reasonable rate.
  - (c) Suitable signs must be displayed, and crossings must be sited to permit effective and safe stopping distances for road users. Signs must all be to a standard determined by the Council and Waka Kotahi and all signage must be provided by the stockowner. Signs are to

be put out only on the day of movement and are to be removed within one hour of the stock being removed from the road.

(d) All stock on District roads must be removed from the roadway during the period half an hour after sunset until half an hour before sunrise the following day.

- 21.6 No stock may be driven at any time on any road within any urban area. However, Council may by resolution publicly notify and declare certain roads to be stock routes and prohibit or restrict the use of any other roads for the driving of stock. Any such declaration, prohibition or restriction may in like manner be altered or revoked.

### **Driving stock at night**

- 21.7 No person may drive animals on any road during the period between half an hour after sunset and half an hour before sunrise unless it is considered that doing so does not affect road user safety and is in the best interests of all road users. Prior approval to drive stock during these hours is required from Council which will apply conditions that it deems suitable, including that sufficient warning devices are provided and maintained by such person(s) responsible for driving the stock. These must include use of flashing lights, signs and other effective devices or means to ensure that persons using the road will have adequate notice of the presence of such animals on the road.

### **Movement of dairy cattle on roads for milking**

- 21.8 The provisions of clauses 21.4 to 21.7 of this bylaw do not apply to the movement of dairy cattle on roads for milking.
- 21.9 No person may permit dairy cattle to be driven across or along any road unless an alternative route is not reasonably available. Fenced stock races for the passage of dairy cows along rural roads must not be formed on the road reserve without prior approval from Council.
- 21.10 Any person having control of dairy cattle on any road must ensure that the cattle are driven in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the surface or surrounding area of the road and must cross the road by the most direct means as practicable.
- 21.11 Any person having control of dairy cattle on any road must ensure that the cattle are not driven carelessly or without reasonable consideration for other persons using the road.
- 21.12 Any person having control of dairy cattle being driven or allowed to cross on any road on a regular basis must ensure that excrement, urine or other matter deposited upon the road from such stock is removed as far as is practicable from the carriageway of the road without delay.
- 21.13 Dairy cattle crossings used on a regular basis must have suitable signs and warning lights displayed, and crossings must be sited to permit effective and safe stopping distances for road users. Signs and warning lights must be to a standard determined by the Council and provided by the landowner. All regular crossing of dairy cattle across district roads must be managed by the dairy herd owner in compliance with the Council's Cattle/Stock Crossing Code of Practice. The Council may amend this code of practice from time to time.

## 22. Offences and penalties

- 22.1 Every person commits an offence against this bylaw, and is liable on summary conviction to the penalty set out in the Local Government Act 2002, who:
- (a) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this bylaw;
  - (b) Fails to comply with any condition, duty, or obligation, imposed by this bylaw.
- 22.2 Every person who breaches any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or breach of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done under the provision of this bylaw commits an offence against these bylaws and on summary conviction will be liable for penalties in accordance with Clause 14.1 of the Ashburton District Council Explanatory Bylaws 2016.
- 22.3 A person may not be subject to proceedings under Clause 22.2 of this bylaw, if that person is also, on the same facts, being proceeded against for a breach of the Land Transport Act 1998.
- 22.4 A person is not in breach of this bylaw if that person proves that the act or omission complained of:
- (a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
  - (b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.