

Traffic and Parking Bylaw 2021

August 2021





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Traffic and Parking Bylaw

1. Preamble

The title of this Bylaw is the “Wellington City Council Traffic and Parking Bylaw 2021”. This Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Policies, Acts and Regulations. This includes the Wellington City Council Parking Policy 2020, the Land Transport (Road User) Rule 2004 and the Local Government Act 1974, which should be referred to in conjunction with this Bylaw.

2. Commencement

This Bylaw comes into force on 27 August 2021. Except for clauses 28.4 and 28.5 which come into force the day following the making of a traffic resolution for that purpose.

3. Revocation

This Bylaw repeals and replaces Part 7: Traffic of the Wellington City Council Consolidated Bylaw 2008.

4. Application

This Bylaw applies to all roads under the care, control, or management of Wellington City Council for which it has bylaw-making powers, this includes beaches and unformed legal roads. It excludes State Highways controlled by the Waka Kotahi NZ Transport Agency except for those covered by the Instrument of Delegation relating to *Stationary Vehicle Offences on State Highways* and the Instrument of Delegation relating to *Special Vehicle Lane Offences, Stock Control, Roadside Selling and Planned Road Closures on State Highways*.

Part 1: Preliminary Provisions

5. Purpose

The purpose of this Bylaw is to set the requirements for parking and control of vehicles, other traffic (including pedestrian traffic), objects and other things on any road or parking area under the care, control, or management of Wellington City Council.

6. Interpretation

6.1. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 or any amendments thereof, shall have the meanings as are respectively assigned in those Acts/Rules, unless those meanings would be inconsistent with, the context otherwise requires, or a different definition is given in clause 6.2.

6.2. In this 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 128D of the Land Transport Act 1998 or Police Officer.

Berm means a grass area between the roadway, and the footpath or property boundary

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

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

Class of vehicle means groupings of vehicles defined by reference to any common feature and includes but is not limited to -

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;

- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by the Council.

Coupon parking area is a “zone parking control” under the Land Transport Rule: Traffic Control Devices 2004 and means any area of land or building belonging to or under the control of the Council. It is authorised by resolution of the Council pursuant to clause 21 of this Bylaw in which parking is subject to the valid purchase of an online parking coupon or display of a parking coupon.

Council means the Wellington City Council.

Cycle lane has the same meaning as the Land Transport (Road User) Rule 2004.

Cycle path has the same meaning as the Land Transport (Road User) Rule 2004.

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

Electric scooter is designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle and an electric auxiliary propulsion motor. In order to meet the requirements for a low-powered vehicle, the wheels must not exceed 355mm and the motor must have a maximum power output not exceeding 300W.

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 area in accordance with this Bylaw.

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.

Institution is an organisation founded for a religious, educational, professional or social purpose.

Metered parking 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 is subject to payment by way of a parking meter, a Pay and Display machine, In-Car Meter, or any other method of payment for parking as determined by the Council.

Micro-mobility device means transportation using lightweight vehicles such as bicycles, skateboards or scooters, especially electric ones that may be used as part of a self-service scheme in which people hire vehicles for short-term use within a town or city.

Mobile trading means temporary trading activity from a location which is vacated the end of the day when trading is finished, trading activity is from stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops

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

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

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

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

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

Parking space means a place (including a building) where vehicles, or any class of vehicles, may stop, stand or park.

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

Prescribed fee means New Zealand coin, token, card, prepaid parking device, or other system of payment prescribed by resolution of the Council pursuant to this Bylaw as the fee payable for parking in a parking space.

Residents only parking area is a road, part of a road or group of roads where only vehicles of residents residing on those roads within the residents only area may park on the street with the relevant permit.

Residents exemption parking area is a road, part of a road or group of roads where a parking restriction is in place and vehicles of residents residing on those roads within the residents exemption area, with the relevant permit, are exempt from the parking restrictions.

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and includes motorways or state highways covered by the Instrument of Delegation. The meaning also includes beaches and unformed legal roads.

S9Shared use zone means a length of roadway intended to be used by pedestrians and vehicles, including motor vehicles, and where the parking areas may be designated for different users at different times.

Taxi has the same meaning as Small Passenger Service Vehicle under the Land Transport Act 1998.

Taxi restricted parking area means the area or areas of road identified as such by Council resolution from time to time.

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

Transport station means a place where a train, bus or other mass transit vehicle has a dedicated facility where passengers can join or alight.

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

- 6.3. The Interpretation Act 1999 applies to the interpretation of this Bylaw.

Part 2: Functions of the Council

7. Resolutions made under this part of the Bylaw

- 7.1. The Council may by resolution impose such prohibitions, exemptions, restrictions, controls or directions concerning the use by traffic or otherwise of any road or other area or building controlled by the Council unless the restriction / control / prohibition / direction is already provided for in a relevant enactment, such as the Local Government Act 1974 or Land Transport Rule (in which case a Council resolution is not required).
- 7.2. When making resolutions, the Parking Policy 2020 is a relevant consideration.
- 7.3. Any resolution may -
- (e) Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.
 - (f) 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.
 - (g) Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, parking area, building, transport station, or restricted parking area; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces, buildings or areas.
 - (h) Specify a minimum number of occupants in any private motor vehicle.
 - (i) Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.
- 7.4. Council may, by resolution, rescind, amend, replace or vary any resolution made under clause 7.1 at any time.
- 7.5. Any resolution proposed under this Bylaw 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 the Council's sole discretion whether to allow that request.
- 7.6. Amendments by resolution to this Bylaw shall be recorded in attachments placed on the Council's website.
- 7.7. This resolution-making power is additional to the Council's powers under the Local Government Act 1974 to make resolutions and does not restrict that further power.

Part 3: Vehicle and Road Use

8. One-way roads

- 8.1. The Council may by resolution require vehicles on roads or part of a road to travel in one specified direction only.
- 8.2. Every driver of a vehicle must travel only in the direction specified on a one-way road.
- 8.3. The Council may specify by resolution that cycles may travel in the opposite direction on a one-way road.

9. Left or right turns and U-turns

- 9.1. The Council may by resolution prohibit or restrict -
 - (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction; and
 - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- 9.2. Any resolution made under this clause may specify the hours or days of the week that a restricted turning movement may be made (if any).
- 9.3. A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where the Council has prohibited or restricted such movements.

10. Routes and manoeuvres on roads

- 10.1. The Council may by resolution prescribe for traffic or specified classes of vehicles routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- 10.2. A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by the Council.

11. Special vehicle lanes

- 11.1. The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane.
- 11.2. Any resolution made under this clause must specify, as the case may be -
 - (a) the type of special vehicle lane; and
 - (b) the hours of operation of the special vehicle lane (if any) when it is restricted to specific classes of vehicles.
- 11.3. A person must not use a special vehicle lane contrary to any restriction made by the Council under this clause.

12. Traffic control by size, nature or goods (including heavy vehicles)

- 12.1. The Council may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified motor vehicles or class of vehicle due to their size or nature, or the nature of the goods carried.
- 12.2. A person must not use a road contrary to a prohibition or restriction made by the Council under this clause.
- 12.3. If in the opinion of the Council it is safe to do so, the Council may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of -
 - (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
 - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
 - (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
 - (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available; or

- (e) undertaking maintenance of public transport infrastructure on or near a road from which it has been prohibited and for which alternative access is not available

13. Shared paths and cycle paths

- 13.1. The Council may by resolution determine the priority for users of a shared path, cycle path and/or cycle lane created under the Local Government Act 1974.
- 13.2. A person must not use a shared path or a cycle path or a cycle lane in a manner contrary to any restriction made by the Council.

14. Shared use zones

- 14.1. The Council may by resolution specify any road or part of a road to be a shared use zone.
- 14.2. Any resolution made under this clause may specify -
 - (a) whether the shared use zone may be used by specified classes of vehicles;
 - (b) the days and hours of operation of the shared use zone (if they differ from 24 hours per day, 7 days per week); and
 - (c) any other restrictions on how the shared use zone is to be used by the public, including how traffic and pedestrians will interact.
- 14.3. Except where the Council has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared use zone.
- 14.4. A person must not use a shared use zone in a manner contrary to any restriction made by the Council under this clause.

15. Construction of anything on, over, or under a road or cycle path

- 15.1. The Council may prescribe the use of roads and cycle path, and the construction of anything on, over, or under a road or cycle path.

16. Cruising

- 16.1. The Council may by resolution -
 - (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.
- 16.2. A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by the Council under this clause.

17. Light motor vehicle restrictions

- 17.1. The Council may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.
- 17.2. A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by the Council under this clause unless -
 - (a) that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
 - (b) that motor vehicle is being used for the time being as a passenger service vehicle; or
 - (c) prior written permission from the Council has been obtained.

18. Engine braking

- 18.1. The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- 18.2. A person must not use engine braking on any road in contravention of a prohibition or restriction made by the Council under this clause.

19. Unformed legal roads

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

20. Beaches

- 20.1. No person may drive, ride or park a motor vehicle on a beach unless -
- (a) it is necessary to do so in order to launch or land a boat at a boat launching area designated by the Council resolution; or
 - (b) the person has the prior written permission of the Council to do so and complies with any conditions imposed by the Council on its written permission.
- 20.2. The Council may give permission under clause 20.1 (b) to a person or give a general permission in respect of an event without identifying particular persons.

Part 4: Parking

21. Stopping, standing and parking

- 21.1. The Council may by resolution -
- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
 - (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.
- 21.2. A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by the Council.

22. Temporary discontinuance of a parking place

- 22.1. An Authorised Officer may temporarily restrict parking in any parking space or area by placing signage that states, “No Stopping”. It shall be unlawful for any person to stop or park a vehicle at the parking space or area affected while any sign/signs or meter-hoods are placed or erected.
- 22.2. Parking restricted under 22.1 may be limited to a class of vehicle or person.
- 22.3. If a disabled parking space is temporarily discontinued, an alternative mobility parking space must be established in the nearest suitable place for the length of time of the discontinuance and signed correctly.
- 22.4. The Council may from time to time by resolution fix fees, at the same rate as the parking space or area discontinued, payable for users or classes of users authorised by an Authorised Officer to parking spaces or areas reserved in the manner prescribed by clause 22.2 hereof.

23. Time restricted parking

- 23.1. Without limiting anything in clauses 7.1 - 7.6, the Council may by resolution specify any road, or part of a road, or piece of land owned or controlled by the Council to be a time restricted parking space or zone.

- 23.2. The Council may impose the following conditions by resolution in respect of any time restricted parking space or zone -
- (a) the time or times during which parking restrictions have effect;
 - (b) the number and situation of parking spaces within each time restricted parking zone;
 - (c) the maximum time allowed for parking in any space within any time restricted parking zone, this includes vehicles that move between parking spaces within any time restricted parking zone within the maximum time allowed;
 - (d) the fees or other charges to be paid for parking in any parking space or the fees or other charges to be paid for parking within any time restricted parking zone;
 - (e) the class or description of vehicles that may stop, stand or park within a time restricted parking zone;
 - (f) the means or manner by which fees or other charges may be paid in respect of each time restricted parking zone, including by parking machine; and
 - (g) any other condition the Council sees fit, including as it may consider necessary or desirable for the efficient management and control of all or any part of a time restricted parking zone.
- 23.3. Any restrictions that apply to a time restricted parking zone do not apply in locations within that area where other specific stopping, standing or parking restrictions apply.
- 23.4. A person must not stop, stand or park a vehicle in a time restricted parking zone in contravention of any prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.
- 23.5. The Council may amend by resolution or revoke a decision made under this clause 23 at any time.

24. Parking places, parking buildings, transport stations and zone parking

- 24.1. Without limiting anything in clauses 7.1-7.6 the Council may by resolution:
- (a) reserve any area of land or any road or any part of a road, or group of roads, or any zone or any building or any part of a building owned or under the care, management or control of the Council to be a parking place, or a coupon parking area, or metered parking area, or a transport station, or any combination of these;
 - (b) specify the vehicles or classes of vehicle that may or must not use a parking place, or a coupon parking area, or metered parking area, or transport station;
 - (c) prescribe the days and times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place, within a coupon parking area, or within metered parking area, or a transport station;
 - (d) the length of time, if any, for which a vehicle may be parked in a parking space, or within a coupon parking area, or within a metered parking area, or a transport station, without validly displaying a parking coupon or paying the prescribed fee;
 - (e) the date and time at which a decision made under this clause comes into effect, which must not be before all appropriate road markings and signs are in place in the coupon parking area, or metered parking area, or transport station;
 - (f) prescribe -
 - (i) any charges to be paid for the use of a parking place, or a coupon parking area, or metered parking area, or a transport station; and
 - (ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner.
 - (g) make provision for the efficient management and control of a parking place, or a coupon parking area, or metered parking area, or transport station.
- 24.2. Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
- 24.3. A person must not park a vehicle in a parking place, within a coupon parking area, within a metered parking area, or transport station in contravention of any prescribed fee, prohibition or restriction made by the Council pursuant to this Bylaw, including a resolution made by the Council.
- 24.4. The Council may amend by resolution or revoke a decision made under this clause at any time.

25. Residents' parking

- 25.1. The Council may by resolution specify any road, or part of a road, or group of roads, or any combination of these as -
- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity; or
 - (b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- 25.2. The Council may by resolution prescribe -
- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place;
 - (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity;
 - (c) the days and times that the parking spaces referred to in clause 25.1 are residents' only parking or residents' exemption parking spaces; and
 - (d) the date and time at which a decision made under this clause 25.1 comes into effect, which must not be before all appropriate road markings and signs are in place in the residents' only or residents' exemption parking area.

- 25.3. The Council may by resolution prescribe points 25.2 (a) to (d) for any business or institution who operate out of a building located within the area specified in clause 25.1.
- 25.4. The Council may by resolution amend or revoke a decision made under clause 25.1 of this Bylaw at any time.
- 25.5. No person may park in a residents' parking space in a residents' only parking or residents' exemption area unless -
- the person holds a valid residents' parking permit from the Council for that residents' parking area;
 - the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
 - if a paper permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

26. Disability parking

- 26.1. The Council may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.
- 26.2. A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.
- 26.3. A person must not park a vehicle which is displaying an approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

27. Other permits

- 27.1. The Council may by resolution specify the vehicle or classes of vehicles that may or must not use a parking place, or parking area, or transport station, such classes including but not limited to -
- motorcycles;
 - cycles, including electric bicycles;
 - electric scooters and other micro-mobility devices;
 - electric vehicles, while in the course of being recharged at an electric vehicle charging station;
 - goods service vehicles;
 - taxis and other small passenger service vehicles;
 - buses and coaches, both public and commercial;
 - vehicles in the course of loading or unloading goods or passengers ('loading zone');
 - vehicles used by pregnant persons or by persons accompanied by infants or young children;
 - car share vehicles;
 - oversize vehicles, trailers, boats or caravans;
 - diplomatic or consular corps vehicles;
 - members of the judiciary vehicles;
 - medical practitioner vehicles; and
 - mobile traders using stands or stalls.
- 27.2. For the purpose of clause 27.1, the Council may by resolution prescribe -
- any fees to be paid annually or in any other specified manner, for the use of a parking place, or within a parking area, or transport station;
 - the manner by which any fees may be paid for the use of a parking place or parking area, or transport station;
 - the days and times that the parking spaces referred to in clause 27.2 are restricted to a vehicle or class of vehicle; and
 - any free period for the use of a parking place, or within a parking area, or transport station.

- 27.3. No person may park in a parking place or parking area, or transport station as per clause 27.1 unless -
- (a) the person holds a valid parking permit from the Council for that parking place or parking area, or transport station;
 - (b) the person parks the vehicle in accordance with any conditions imposed by the Council for the permit; and
 - (c) if a physical permit is being used, the permit is displayed prominently inside the vehicle to which the permit relates, so that it can be read from outside the vehicle, or the driver holds a valid electronic permit for the parked vehicle.

28. Parking in restricted and line-marked parking spaces

- 28.1. No driver of a vehicle shall park -
- (a) a vehicle on or over any marking indicating the limits of the parking space or area,
 - (b) so that the vehicle is not entirely within any markings which indicate the limits of the parking space or area, or
 - (c) angle park unless in a parking space marked for angle parking.

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.

- 28.2. 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.
- 28.3. No driver of a vehicle shall park it in a parking space which is already occupied by another vehicle, except where more than one motorcycle or moped may be parked in a parking space.
- 28.4. Where more than one motorcycle or moped occupies a parking space, or within the parking area, each motorcycle or moped is required to pay the relevant parking fee for any authorised period.

- 28.5. No driver of a vehicle, including motorcycle or moped, shall remain parked in the parking space, or within the parking area, while the parking machine at that parking space, or parking area, shows the authorised period has expired, or for a time in excess of the maximum authorised period.

- 28.6. Subject to paragraph 28.7 of this clause, if the parking space or area 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.

- 28.7. 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 to be visible from at least 50 metres.

- 28.8. A taxi may not stop, stand or park in any parking space in the taxi restricted parking area, unless it is on a designated stand as defined in the Land Transport Rule: Operator Licensing 2017 or it is waiting for a hirer who has already hired the vehicle.

- 28.9. A specified class of vehicle, such as oversize, electric vehicle, goods vehicle, car share, may not stop, stand or park in any parking space in a class restricted parking area, unless it is the specified class of vehicle that the parking space is restricted for.

29. Parking vehicles on the grass/berm

- 29.1. No person may stop, stand, or park a vehicle on a berm, verge, kerb, lawn, garden, or other cultivation adjacent to, or forming part of a road.

30. Parking vehicles off a roadway

- 30.1. A person must not stop, stand or park a vehicle on the side of any road.
- 30.2. A person may stop, stand or park a vehicle in contravention of this clause if -
 - (a) that part of the road is designed and constructed to accommodate a parked vehicle;
 - (b) the vehicle does not have effective motive power or is in such a state that it cannot be safely driven; or
 - (c) the Council has given written permission to stop, stand or park a vehicle in that part of the road.

31. Parking for display or sale

- 31.1. A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel or has the prior written permission of an Authorised Officer.

32. Mobile trading

- 32.1. The Council may prohibit or permit the occupation of stands or stalls (including vehicles used as stalls) for mobile trading purposes in roads and public places.
- 32.2. The Council may prescribe charges in respect of any permits that may be granted under 32.1.
- 32.3. A person must not undertake mobile trading in roads and public places in contravention of any prescribed fee, prohibition or permit conditions made by the Council.

33. Motorhomes, heavy goods vehicles, immobilised vehicles and trailers

- 33.1. No person may park a motorhome, heavy goods vehicle, immobilised vehicle or trailer, whether or not the trailer is attached to another vehicle, on any road for a continuous period exceeding seven days without the prior written permission of an Authorised Officer.
- 33.2. Parking on any road for a continuous period exceeding seven days in sub-clause (33.1) includes parking on any road within 500 metres of the original parking place, at any time during the seven days.

34. Other items on roads

- 34.1. A person must not leave any machinery, equipment, materials, object, waste receptacles or freight containers on any road unless that person has the prior written permission of an Authorised Officer.
- 34.2. Any machinery, equipment, materials, waste receptacles or freight containers placed on any road covered by a parking fee or charge, must pay the fee requested by the Council for the time period the object is in place.
- 34.3. If any object is placed on the road without permission under this clause or does not comply with the conditions of the permission, the Council may -
 - (a) request the owner to remove the object or repair the damage to the Council's satisfaction within 24 hours or a timeframe set by an Authorised Officer,
 - (b) charge the owner for this work; and/or
 - (c) place adjacent to, or affix to, the object any safety or warning devices, and the costs of the safety or warning device will be charged to the owner of the object.

34.4. This clause does not apply to any object that may be placed on the road which has been authorised by the Council (for example, wheelie bins that are specifically for the purpose of Council rubbish collection placed no more than 24 hours prior to the collection day).

35. Repairs on vehicles

35.1. A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

36. Broken down vehicles

(d) A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

37. Policy guidelines for restricted parking

37.1. The administration of the restricted parking permits under clauses 24, 25, 26 and 27 will be in accordance with the Council's published guidelines.

37.2. Any guidelines published under this Bylaw shall be placed on the Council's website.

Part 5: Offences and Penalties

38. Offences

38.1. 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, parking building, or other parking 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 road in a manner which interferes with or obstructs any funeral, or civic, 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 an enforcement officer, police officer or New Zealand Fire Service officer.
- (e) Drives or parks a vehicle, or leaves any other object on the road, 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 any vehicle on a road where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle.
- (g) Unloads any vehicle or other object so as to cause, or be likely to cause, damage to the road, pavement or any footpath.
- (h) Drives any 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.
- (i) Drives or parks a vehicle on any grassed or cultivated area under the control of the Council.
- (j) 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 immobilised, 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 38.1 (a) to ((j) “vehicle” also includes caravans, trailers, mopeds, electric scooters and other micro-mobility devices, boats, and the shell or hulk of a vehicle.
- (k) Parks on 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 accessing their property, excluding commercial vehicles parked on the road temporarily for business purposes.
- (l) In relation to residents’ only or residents’ exemption parking areas -
 - (i) makes a false application or supplies false details in an application.
 - (ii) makes an application for a vehicle not registered to an eligible address.
 - (iii) places or uses a permit on a vehicle, or holds an electronic permit, for which it was not issued.

- (iv) places or maintains a permit, or allows a permit to be placed or maintained, or holds an electronic permit, on a vehicle which is no longer being used by an eligible resident.
- (v) parks a vehicle in a place that is the subject of a residents' only or residents' exemption parking scheme without a valid permit.
- (m) In relation to all other permit parking -
 - (i) parks within the permit parking space or area for longer than the free period without holding an electronic coupon or permit, or displaying a clearly validated coupon or permit on the vehicle;
 - (ii) displays or holds an electronic permit or coupon on the vehicle for a date other than the date indicated;
 - (iii) parks in excess of any other time restriction or contrary to any other parking restriction in place within the permit or coupon parking area.
- (n) Fails to produce a permit or coupon or can demonstrate holding an electronic permit or coupon on demand pursuant to clause 26.
- (o) Causes, allows or permits any vehicle to be parked in any parking space or area except in accordance with, or pursuant to, the provision of this Bylaw and of any resolutions.
- (p) Causes, allows or permits any vehicle to remain parked in a parking space or area for more than 24 hours where no other maximum authorised period is specified in a Council resolution or on a parking machine or signs in its vicinity.
- (q) Causes to be inserted in any parking machine 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.
- (r) Fails to activate an approved parking machine while parked in a parking space or area, 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.
- (s) Places or leans a bicycle, motorcycle, electric scooter or power-cycle on or against a parking meter.
- (t) Places or leaves a bicycle or electric scooter on any parking space unless it is designed or designated specifically for bicycles or electric scooters.
- (u) Misuses any parking machine or parking monitor.
- (v) Interferes or tampers with the working or operation of any parking machine or parking monitor.
- (w) Without due authority from the Council affixes any placard, advertisement, notice, list, document, board or thing on, or paint, or writes upon any parking machine or parking monitor.
- (x) Wilfully damages any traffic control sign or parking machine or parking monitor.
- (y) Parks a motorcycle, electric scooter, bicycle or power-cycle between or at the end of parking spaces.
- (z) Operates or attempts to operate any parking machine by any means other than as prescribed by this Bylaw.
- (aa) Operates, drives or parks a vehicle on a beach except in accordance with 20(a) or 20(b) of this Bylaw.

39. Vehicle and object removal

- 39.1. A Council enforcement officer or their appointed agents may remove or cause to be removed any vehicle or other thing from any road, or other area controlled by the Council, which contravenes this Bylaw, or any resolution made under this Bylaw, and the Council may recover from the person committing the breach of this Bylaw all expenses incurred in connection with the removal of the offending vehicle or thing.
- 39.2. The powers that may be exercised under this clause are in addition to those provided in section 128E of the Land Transport Act 1998, the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 and section 356 and 356A of the Local Government Act 1974.

40. Private roads

- 40.1. The Council may declare by resolution any private road to be a no parking area. In order that a no parking area may be declared, the Council must -
- (a) obtain written consent of all adjoining landowners of the area concerned; and
 - (b) erect signage as required under the Land Transport Rules.
- 40.2. The powers that may be exercised under this clause are in addition to those provided in sections 348 of the Local Government Act 1974.

41. Parking defences

- 41.1. 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 Bylaw relating to any parking space if such person proves that the act complained of was done -
- (a) in compliance with the directions of an enforcement officer or that the vehicle was actually 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; or
 - (c) vehicles being used in the execution of duty by an enforcement officer.

Part 6: Miscellaneous

42. Permissions under this Bylaw

- 42.1. The Council may set application fees for permissions under this Bylaw and any application for a permission must be accompanied by the relevant application fee (if any).
- 42.2. An application for permission must be in writing, contain all information necessary for the Authorised Officer to consider issuing a permit, and be submitted in accordance with applicable Council policy.
- 42.3. Any permission under this Bylaw may -
- (a) include conditions (including the payment of ongoing fees and charges); and
 - (b) be granted by an Authorised Officer at the officer's discretion.
- 42.4. An Authorised Officer determining an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, and a Corridor Access Request.
- 42.5. The Council may, in its discretion, at any time, review any permission given under this Bylaw.
- 42.6. Any breach of the conditions of a permission granted under this bylaw -
- (a) may result in the permission being withdrawn (in accordance with the Council's Consolidated Bylaw 2008); and
 - (b) is a breach of this Bylaw.

43. Revocations and savings

- 43.1. Any approval, permit or other act of authority which originated under or was continued by the Bylaw revoked in clause 3 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.
- 43.2. The resolutions of the Council made or continued under the bylaw revoked under clause 3 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw.
- 43.3. The revocation of the Bylaw under clause 3 do not prevent any legal proceedings, criminal or civil, being taken to enforce the Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

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Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke