PARKING CONTROL *Bylaw*

2021

NAPIER CITY COUNCIL
Te Kaunihera o Ahuriri

www.napier.govt.nz

Contents

Napier City Parking Control Bylaw 2021

1. Scope	page 1
2. Definitions	page 2
3. Resolutions on Parking Restrictions, Turning Restrictions and Signage	page 2
4. Stopping and Standing of Vehicles, and the Use of Roads	page 3
5. Broken-down Vehicles	page 3
6. Service Lanes	page 4
7. Method of Parking	page 4
8. Metered Zones	page 5
9. Payment of Fees for Parking	page 6
10. Private Parking Zones	page 6
11. Offences	page 6
12. Defences	page 7
13. Exemptions	page 7

1. Scope

1.1 This bylaw controls parking activities to ensure that acceptable standards of safety and civic value are maintained for the wellbeing and enjoyment of citizens, residents, visitors and businesses within the district. In particular, it addresses parking activities which may have an adverse effect on other users of public places.

1.2 This bylaw is made under section 22AB of the Land Transport Act 1998, the Local Government Act 2002 (the Act) and the Bylaws Act 1910. In addition, traffic and parking issues are also regulated by other Acts and Regulations which should be referred to in conjunction with this bylaw. These include:

a) the Land Transport (Driver Licensing) Rule 1999;

b) the Land Transport Rule: Vehicle Dimensions and Mass 2002;

c) the Land Transport (Road User) Rule 2004;

d) the Land Transport Rule: Traffic Control Devices 2004; and

e) the Utilities Access Act 2010.

1.3 This bylaw comes into force on 21st December 2021.

1.4 This bylaw revokes the Napier City Parking Control Bylaw 2014.

1.5 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2021 are incorporated into and form part of this bylaw.

1.6. All Licences or permits issued under the Napier City Parking Control Bylaw 2014, after the coming into force of this bylaw, are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.

1.7 All matters and proceedings commenced under the Napier City Parking Control Bylaw 2014 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

2. Definitions

For the purposes of this bylaw the following definitions apply:

ELECTRONIC DISPLAY means proof of an electronic form of payment for parking for a time period in a manner approved by Council resolution.

EMERGENCY VEHICLE has the meaning given to it in rule 1.6 of the Land Transport (Road User) Rule 2004.

LIMITED PARKING ZONE means any Road, public place or portion thereof authorised as a place where Vehicles may park for a limited time as set out herein.

MAXIMUM AUTHORISED PERIOD means the maximum period of time as determined by the Council from time to time for which any Person may lawfully permit any Vehicle to be in any Limited Parking Zone or any Metered Zone.

METERED SPACE means a space or section of a Road or public place in a Metered Zone marked out pursuant to this bylaw by painted lines for the accommodation of a Vehicle and at which space or section a Parking Meter has been installed.

METERED ZONE means any Road or portion of a Road or public place authorised by resolution of the Council to be used as a place where Vehicles may park and at which Parking Meters may be established and maintained.

PARKING/PARK in relation to any portion of a Road or any parking area under the control of the Council for the time being governed by the location of Parking Meters placed pursuant to this bylaw, means the stopping or standing of a Vehicle on that portion of the Road or parking area for any period exceeding five (5) minutes; and in relation to any other portion of a Road or parking area, means the stopping or standing of a Vehicle on that portion of the Road or parking area.

PARKING MANAGER means the Manager Regulatory Solutions of the Napier City Council or any Person duly authorised by the Council to act on behalf of the Parking Manager.

PARKING METER means a mechanical appliance designed for the purpose of automatically measuring and indicating the time within which a Vehicle is, or may be, parked at a Metered Space and installed there pursuant to this bylaw and includes the standard to which the meter is affixed.

PARKING OFFICER means a person appointed by the Council to be a parking warden under section 128D of the Land Transport Act 1998, or a Police Officer.

PARKING PLACE means a place where Vehicles or any class of Vehicles may park.

PARKING SPACE means a space or section of a Road or public place in a time limit zone marked out pursuant to this bylaw by painted lines for the accommodation of a Vehicle.

POLICE OFFICER means any member, of whatever level of position, of the New Zealand Police.

PRESCRIBED FEE means a coin or coins of New Zealand, or electronic means of payment, as the fee payable for parking at a Metered Space, as prescribed from time to time by resolution of the Council.

RESTRICTED METERED ZONE means any Metered Zone in which the Council has by resolution declared that there will be a maximum authorised period.

SERVICE LANE has the meaning given to it in section 315 of the Local Government Act 1974.

3. Resolutions on Parking Restrictions, Turning Restrictions and Signage

3.1 The Council may from time to time by resolution and subject to the erection of any signs required by the provisions of the Land Transport Act 1998 or any regulations made there under:

a) Prohibit or restrict the stopping or standing on any Road or any specified part or parts of any Road of Vehicles either generally or as to certain classes thereof or on certain days of the week, and may by resolution specify the hours of the day during which such restriction or prohibition will apply on any Road or portion thereof.

b) Permit, restrict, or prohibit the parking of Vehicles or any type or class of Vehicle in Roads or portions of Roads or areas set aside by Council as public car parks:
   i) absolutely,
   ii) on certain days of the week,
   iii) for limited periods of time between certain hours of any day or days of the week, or
   iv) at any angle to the kerb-line or otherwise.

c) Prohibit the turning of Vehicles in any Road or portion of Road, and impose any related conditions.

d) Cause any Road traffic directions or signs to be placed, marked, or erected.

e) Charge for the use of areas set aside by Council as public car parks as may be prescribed by resolution of the Council from time to time.

f) Reserve any Parking Space for the exclusive use of Vehicles driven by, or carrying disabled Persons. No Person must park in that Parking Space without clearly displaying a current Operation Mobility Card.

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

4. Stopping and Standing of Vehicles, and the Use of Roads

4.1 No Person must place, stand, stop, park, leave, or keep any cycle (except in an approved cycle stand), in such a manner as to cause obstruction to other traffic:

a) On any footpath;

b) On any parking place or transport station;

c) On any area prohibited under section 3.1;

d) Against any other cycle placed, standing, stopped, parked, left, or kept on any part of any Road;

e) On any Metered Space situated on any land other than a Road; or

f) On any Metered Space situated in a Road unless that cycle is placed, stood, stopped, parked, left or kept against, and parallel with, the kerb of that Road.

4.2 Except pursuant to this bylaw or to the directions of a Police Officer, Parking Officer, traffic control signal, traffic sign, or except pursuant to exigencies of traffic, no Person must stop or stand any Vehicle, or permit any Vehicle to remain stopped or standing, on any Road or part thereof in breach of any prohibition or restriction provided in any resolution of the Council made pursuant to 3.1.

4.3 No Person must stop a Vehicle so that any part of that Vehicle or the load thereon remains upon or over any footpath or Vehicle crossing or part thereof, unless necessary for the loading or unloading of that Vehicle and the stopping is in a manner that causes no inconvenience to other road users, home owners or pedestrians.

4.4 No Person must park or unload a Vehicle in such a manner as to cause or be likely to cause damage to the footpath or any part thereof.

4.5 No Person being the driver of any Vehicle must turn that Vehicle in any Road or portion of Road contrary to any prohibition or otherwise than in compliance with any traffic requirement, traffic sign or direction.

4.6 No Person must ride or drive a Vehicle or animal on that part of the carriageway of Emerson Street between Hastings Street and Dalton Street, except in one direction only, namely, from east to west, and subject to the erection of signs prescribed by the Land Transport Act 1998.

4.7 No Person must operate or park any Vehicle on a Road if that Vehicle is in such a condition that an undue quantity of oil, grease or fuel drops from that Vehicle.

5. Broken-down Vehicles

5.1 No Person must permit or allow to remain on any street, any Vehicle which in the opinion of any Authorised Officer, is not complete and in working order, unless that Person is able to satisfy the Authorised Officer that that Vehicle can be made complete and in working order within a period of 24 hours and proceeds to make it complete and in working order to the satisfaction of any Authorised Officer within 24 hours.

5.2 If any Vehicle is not made complete and in working order to the satisfaction of an Authorised Officer within the period prescribed in 5.1, the Vehicle may be removed and impounded.

5.3 If any Vehicle so removed under 5.2 is not claimed and the expenses of removal and/or of storage thereof is not paid by the owner or some other Person having an interest therein within two months after the date of removal, the Council may give 14 days' notice by public notice of its intention to sell the Vehicle and, at any time thereafter, the Vehicle may be sold and disposed of to any Person, and that Person will become the lawful owner.

6. Service Lanes

6.1 No Person must impede access within service lanes other than for the temporary legitimate loading and unloading of goods to Premises adjoining the service lane.

6.2 No Occupier of Premises adjoining a service lane or any other Person, must allow objects or matter of any nature, whether used or intended to be used in connection with that Premises or otherwise, to be left or to remain upon any service lane, other than Waste generated at that Premises as permitted by, and subject to the provisions of the Solid Waste Bylaw.

6.3 The Council may impose such other conditions or revoke or modify the above conditions by resolution from time to time.

7. Method of Parking

7.1 No Person must park a Vehicle in any Road or portion thereof, or in any area set aside by Council as a public car park:

a) in a prohibited area;

b) for a time longer than is permitted;

c) during prohibited hours;

d) on prohibited days;

e) otherwise than at the specified angle; or

f) otherwise in breach of any resolution specifying parking conditions.

7.2 No driver or Person in charge of any Vehicle must cause or permit that Vehicle to be in any Limited Parking Zone or Metered Space situated in any Restricted Metered Zone after the expiration of the Maximum Authorised Period for that space.

Provided that if the said Vehicle has been removed from that space and remained away from the Road in which the space is located for a period of not less than 60 minutes, the same space or another space in that street may be used for the parking of that Vehicle in accordance with the conditions of this bylaw.

7.3 No driver or Person in charge of a Vehicle must park that Vehicle in a Metered Space across any line marking the Metered Space or in such a position that the said Vehicle is not entirely within the area designated as a Metered Space.

7.4 No driver or Person in charge of a Vehicle will park that Vehicle in a Metered Space which is already occupied by another Vehicle:

Provided, however, that it will be lawful for any number of motorcycles (including motorcycles with side cars attached thereto) but no other Vehicle to occupy any Metered Space at the same time, provided always that if the Metered Space is parallel to the kerb or footpath, no Vehicle will be parked in such a manner that any part thereof lies closer than a distance of 1.25 metres from the line on the Road marking the rear extremity of a Metered Space. All motorcycles occupying a Metered Space must pay the prescribed fee for that Metered Space even if the space is occupied by more than one motor cycle

7.5 The driver or Person in charge of a Vehicle must not park that Vehicle in a Metered Zone otherwise than in a Metered Space and in accordance with 7.6 or 7.7.

7.6 If the Metered Space is parallel to the kerb or footpath, the driver or Person in charge of any Vehicle occupying that space must park the Vehicle so that it is headed in the general direction of the movement of traffic on the side of the Road on which the Vehicle is parked. The Vehicle must be as close as practicable to the line on the Road marking that extremity of the Metered Space which is in the direction in which the Vehicle is headed and so that the Vehicle is parked entirely within the Metered Space and as close as practicable to the kerb.

7.7 If the Metered Space is at an angle to the kerb or footpath, the driver or Person in charge of any Vehicle occupying that space must park the Vehicle in such a manner that it is headed substantially in the general direction of the movement of the traffic on the side of the Road on which that Vehicle is parked, and so that the Vehicle is parked entirely within the Metered Space, parallel to the lines marking the limits thereof, and as close as practicable to the kerb.

8. Metered Zones

8.1 The Council may from time to time, by resolution:-

a) Declare any land belonging to the Council or under the control of the Council, or any part thereof, or any Road or part of a Road to be a Metered Zone.

b) Declare the number and situation of Metered Spaces within a Metered Zone.

c) Declare the days and hours of operation for all Metered Zones.

d) Declare the time allowed for parking in those Metered Spaces.

e) Fix the Prescribed Fee for the parking of Vehicles within the Metered Spaces.

f) Declare specified areas within Metered Zones to be set apart solely for the parking of motor cycles and signpost those specified areas in accordance with the Land Transport Act 1998 and associated regulations.

g) Declare any Road or part of a Road to be a Restricted Metered Zone and declare the Maximum Authorised Period of time for which any Person may lawfully cause or permit any Vehicle to be in any Metered Space situated in any such Restricted Metered Zone.

8.2 Any resolution may from time to time be amended or rescinded by a further resolution of the Council.

8.3 In accordance with the provisions of any resolution the Council will establish and mark out or cause to be placed, established or marked out the following:

a) Metered Spaces in all Metered Zones with a Parking Meter placed at each Metered Zone.

b) Parking Meters adjoining each Metered Zone clearly indicating the time allowed for parking in those Metered Spaces and the Prescribed Fee for the use of the Metered Space.

c) White lines to clearly indicate the extremities of each Metered Space.

8.4 There will be affixed to every Parking Meter in a Restricted Metered Zone a notice advising the Maximum Authorised Period applicable to those Metered Spaces.

8.5 If a Metered Space is on any land other than a Road, the driver or Person in charge of any Vehicle parking in that space must park the Vehicle in such a manner that it is entirely within the Metered Space and parallel to the lines marking the limits thereof and, except in the case of motorcycles or power cycles, as close as is practicable to the end of the Metered Space furthest from the point of entry by that Metered Space.

8.6 Whenever the Parking Manager or other Authorised Officer is of the opinion that any Metered Space or Spaces should be temporarily discontinued as a Parking Space, an Authorised Officer may place or erect, or cause to be placed or erected, a sign, signs, or other device indicating “NO PARKING”, “NO STANDING” or “NO STOPPING” at that Metered Space or Spaces, and it will be unlawful for any Person to park, stand or stop a Vehicle at that Metered Space or Spaces while that sign or device is so placed or erected.

8.7 Whenever the use of any Metered Space is temporarily discontinued pursuant to 8.6 by reason of any building operations on any land adjacent thereto by any building contractor or other Person at whose request or by reason of whose operations on that land has caused the temporary discontinuance, that building contractor or other Person must pay to the Parking Manager or other Authorised Officer of the Council, during that period of temporary discontinuance, the fee as fixed from time to time by the Council.

8.8 No Person must operate or attempt to operate any Parking Meter by any means other than as prescribed by this bylaw.

9. Payment of Fees for Parking

9.1 When any Vehicle other than a cycle is parked in a Metered Space, the driver or Person in charge of that Vehicle must immediately deposit or cause to be deposited the Prescribed Fee specified on the Parking Meter by using the Parking Meter installed in that Metered Zone, or by credit or debit card.

a) The payment is to be activated by the driver or person in charge of that Vehicle by submitting the registration number of the vehicle at the time of payment.

b) Thereupon the Metered Space may lawfully be occupied by the Vehicle during the time indicated on the Parking Meter but no longer.

9.2 No driver or Person in charge of any Vehicle must cause or permit that Vehicle to remain parked in a Metered Space after the time allowed for parking in that Metered Space has expired.

9.3 No Person must deposit or cause to be deposited in any Parking Meter anything other than the Prescribed Fee.

9.4 Payment for parking may be made by means of Electronic Display in a manner approved by Council resolution.

10. Private Parking Zones

10.1 The Council may from time to time by resolution:

a) Declare any land belonging to the Council or under control of the Council, or any part thereof, or any Road or part of a Road to be a private parking zone.

b) Declare the number and situation of Parking Spaces within a private parking zone.

c) Declare the days of the week and the times on those days that the areas are available for private parking.

d) Declare the private parking zone to be a "Tow Away" area.

e) Set the fee payable for the lease of any Parking Space within any private parking zone.

10.2 Any resolution may from time to time be amended or rescinded by a further resolution of Council.

10.3 No driver or Person in charge of any Vehicle must cause or permit the Vehicle to be in any private leased parking area during the restricted hours unless the Vehicle is registered with Council's parking department as holding a lease on a Parking Space.

10.4 Every Person commits a parking offence who parks a Vehicle contrary to 10.3 and any Vehicle may be towed away where 10.1(d) applies.

10.5 The driver or Person in charge of any Vehicle committing the offence in 11.4 is liable to pay the prescribed infringement fee and towage fee.

11. Offences

11.1 Every Person who breaches this bylaw commits an offence against this bylaw, including a Person who:

a) Does any of the following to any Parking Meter:

i) Misuses, damages, paints, writes upon or disfigures it;

ii) Interferes, tampers, or attempts to interfere or tamper with the working or the operation of it;

iii) Without due authority affixes, or attempts to affix any placard, advertisement, notice, list, document, board or thing to it.

b) Displays in or on any Vehicle any card, sticker, or certificate purporting to provide for an exemption from the provisions of this bylaw, unless the card, sticker or certificate has been duly authorised and bears the signature of the Chief Executive Officer or the Parking Manager.

c) Deposits or causes to be deposited in any Parking Meter anything other than the Prescribed Fee.

d) Causes or permits any Vehicle to be parked in any Metered Zone, except as permitted by the provisions of this bylaw.

e) Operates or attempts to operate any Parking Meter by any means other than as prescribed by this bylaw.

11.2 Any Person who fails to comply with any traffic direction or sign commits an offence.

12. Defences

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

a) That the Vehicle was at the time of the act or omission actually engaged on a public work on the said Road;

b) That the Vehicle was being used on the said Road with due consideration for other traffic using the Road;

c) That the act of proceeding contrary to the direction of traffic prescribed was reasonably necessary for the purposes of that work;

d) That all reasonable care was taken to prevent the occurrence of any mishap, accident, collision or damage, or any injury to or interference with any Persons, animals or property arising by reason of that act;

e) That the rider or driver was acting in accordance with directions given by a Parking or Police Officer; and

f) That the rider or driver was acting with due care for all other Road users.

12.2 It may be a defence to any Person who is the driver or is in charge of any Vehicle and who is charged with a breach of this bylaw relating to Parking Meters if that Person proves that the act complained of was done:

a) During the loading or unloading of the Vehicle in the course of trade and that the Vehicle was being used on the Road with due consideration for the safety and convenience of other Road users;

b) To avoid other traffic;

c) In compliance with the directions of a Police Officer, Parking Officer, traffic control signal, or traffic sign; or

d) While the Vehicle was engaged on public works and was being used with due consideration to other Road users.

13. Exemptions

13.1 The driver or Person in charge of any of the following Vehicles will be exempt from the provisions of this bylaw relating to Parking Meters:

a) An emergency vehicle being used or operated in an emergency.

b) Such other Vehicles or classes of Vehicles as the Council may by resolution from time to time exempt (subject to such limitations as the Council may prescribe by the said resolution) ONLY when the Vehicle has attached thereto in a place satisfactory to the Parking Manager an identification card, sticker, or certificate signed by the Chief Executive Officer or Parking Manager providing for such exemption.

c) Any Vehicle driven or ridden by a Parking Officer or Police Officer in the course of official duties.

13.2 The Council may, from time to time by resolution, grant temporary or permanent exemption from all or specified parts of the Parking Control Bylaw 2021 to the drivers of Vehicles being used to provide transport for a disabled or aged Person (whether or not that disabled or aged Person is the driver of or a passenger in that Vehicle).

14. Date Bylaw Made

This bylaw was made by the Napier City Council at a meeting of the Council on 21st December 2021.

Sealed with the Common Seal of the Napier City Council in the presence of:

Mayor:

Chief Executive:

Date: **21st December 2021**