

UPPER HUTT CITY COUNCIL

TRAFFIC BYLAW 2005

EXPLANATORY NOTE

This bylaw is called the Traffic Bylaw 2005 and was made under Section 684 of the Local Government Act 1974, Sections 145 and 146 of the Local Government Act 2002 and Section 72 of the Transport Act 1962.

The purpose of the bylaw is to set the requirements for parking and control of vehicular traffic on all roads [excluding State Highways] in Upper Hutt. State Highways are under the control of, and regulated by, Transit New Zealand.

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1.0 APPLICATION OF BYLAW

1.1 This bylaw applies within the district of the Upper Hutt City Council.

2.0 COMMENCEMENT

2.1 This bylaw came into force on 1 June 2005

3.0 INTERPRETATION

3.1 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 with its authority.

"Council" means the Upper Hutt City Council and any authorised officer.

"Dairy cattle" means cattle in use for milk production.

"Night" means the period of time between half an hour after sunset on one day and half an hour before sunrise on the following day.

"Officer" means any member of the police under the Police Act 1958 or an authorised officer of the Council.

"Ride a skateboard" means having one or both feet or any other part of the body of any person on the skateboard when it is moving.

"Road" means a road as defined in Section 315(1) of the Local Government Act 1974.

"Skateboard" means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller-skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair, baby or invalid carriage, go kart, toy car or any vehicle as defined in the Traffic Regulations 1976.

"State Highway" means a State Highway as defined in Section 2 of the Transit New Zealand Act 1989.

"Stock" means any horse, cattle, deer, ass, mule, sheep, pig or goat of any description.

"Park" includes every park, reserve, recreation ground, garden or open space under the control of the Council and, for the purpose of this bylaw includes land under the control of the Council and used as a cemetery or camping ground.

PART 1 – SKATEBOARDS

4.0 PROHIBITION ON USE OF SKATEBOARDS

- 4.1 No person shall ride a skateboard in such areas of the district as are defined in Schedule 1.
- 4.2 The Council may, from time to time, by resolution publicly notified, amend Schedule 1 to add, delete or amend the areas to which clause 4.1 applies.

5.0 CONTROL OF SKATEBOARDS

- 5.1 No person shall ride a skateboard on any footpath outside the areas defined in Schedule 1, without reasonable consideration for the safety of other persons using the footpath and without due care to ensure that no damage is caused to any property.

6.0 IMPOUNDING SKATEBOARDS

- 6.1 Every person who commits an offence against this part of this bylaw is liable to have the skateboard impounded by any officer and held by the Council in accordance with the provisions of Section 164 of the Local Government Act 2002.
- 6.2 The owner of any skateboard that has been impounded may request the Council to return it. The provisions of Section 167 of the Local Government Act 2002 shall apply in respect of any such request.
- 6.3 The costs payable to the Council by the owner in order to have the skateboard returned pursuant to Section 167 of the Local Government Act 2002 shall include such impounding fee as shall be determined by the Council by resolution.

The Council may from time to time, by resolution, alter the impounding fees payable pursuant to Clause 6.3.

PART 2 – STOCKDROVING

7.0 PROHIBITION ON STOCKDROVING AT NIGHT

- 7.1 No person shall drive or permit to be driven any stock on any road or permit any stock to be on any road at night except:
- (a) In the case of escape or an emergency; or
 - (b) In the case of dairy cattle, in compliance with the terms of a permit issued by the Council pursuant to Clause 10.0 hereof.

8.0 STOCKDROVING – OTHER THAN AT NIGHT

- 8.1 No person shall drive or permit to be driven any stock on any road or permit any stock to be on any road unless the following conditions are complied with:
- (a) The number of animals in any mob shall not exceed 300 head of cattle or 1,500 head of sheep.
 - (b) At least one competent drover is to be in charge of every mob.
 - (c) The drover shall keep the stock moving at all times so as to make progress towards the destination at an average rate of not less than 8km per day.
- 8.2 Provided that in any case where it is impossible or impractical for any reasons to comply with any of the foregoing conditions then the stock shall not be driven or permitted to be driven on any road without the prior written permission of the Council.

9.0 STOCKDROVING – DAIRY CATTLE

- 9.1 No person shall drive or permit to be driven any dairy cattle on any road or permit any dairy cattle to be on any road except:
- (a) In the case of escape or an emergency; or
 - (b) In compliance with the terms of a permit issued by the Council pursuant to Clause 10.0 hereof.

10.0 PERMIT TO DRIVE DAIRY CATTLE UPON ROADS

- 10.1 The Council may grant a permit authorising the movement of dairy cattle on any road other than a State Highway for the purpose of moving dairy cattle from one part of a farm to another part of the same farm where the Council is satisfied, in accordance with the criteria in Schedule 2, that such movement is necessary for milking purposes and that no other route is available.

Every such permit shall be in writing, shall stipulate the section of road or roads in respect of which movement is authorised and shall otherwise be issued subject to such conditions as the Council sees fit to impose in accordance with the criteria in Schedule 2.

PART 3 – ROAD SIGNS AND PARKING RESTRICTIONS

11.0 ROAD SIGNS TO BE OBEYED

- 11.1 No person being the driver or the person in charge of any vehicle shall drive or in any other way use that vehicle or stop, stand or park that vehicle in any manner contrary to any prohibition, limitation or restriction imposed from time to time by the Council and indicated by the erection of a sign, and/or road marking (being signs and/or road marking prescribed by the Transport Act 1962 or Regulations thereunder) or in any other clear manner.

12.0 COUNCIL MAY RESTRICT PARKING

- 12.1 In respect of any road or part of any road and any land or any part of any land owned or leased by or under the control of the Council or in which the Council is otherwise interested, the Council may from time to time by resolution declare:
- (a) The time or times during which parking restrictions shall have effect (being times different to those stipulated in the Traffic Regulations 1976 or the Land Transport [Road User] Rule 2004 or the Land Transport Rule: Traffic Control Devices 2004); and/or
 - (b) The maximum time permitted for parking in any parking space provided.

13.0 VEHICLE STANDS

- 13.1 The Council may from time to time by resolution appoint, abolish or vary stands in roads for Goods Service Vehicles or vehicles being operated pursuant to goods service licences or passenger service licences. The resolution appointing any stand may limit the number of vehicles and the type or types of vehicles that may use the stand and may impose such limitations as to the length of time and the manner of using the stand as the Council see fit.
- 13.2 Any officer may appoint temporary stands for any such vehicles if and whenever such a course appears to such officer to be necessary for the efficient control of traffic and all drivers of vehicles shall obey the instructions of any such officer in relation to the use of such stands.
- 13.3 Subject to Section 594ZZI of the Local Government Act 1974, the Council may from time to time by resolution allot any particular appointed stand exclusively to any particular owner of any vehicle or vehicles or to one or more of such owners exclusively and may impose limitations on the time or times during which and the conditions on which any vehicles or class of vehicles shall be entitled to use any such stand.
- 13.4 All vehicles entitled to use an appointed stand shall (except when otherwise stipulated) on arrival at the stand stop the vehicle at the vacant space closest to the front of the stand (by reference to the direction of movement of traffic) and as vehicles further forward on the stand vacate the stand each vehicle shall be moved to fill up vacant spaces further forward.

PART 4 - PENALTIES FOR BREACH OF BYLAW

14.0 PENALTY

- 14.1 The maximum penalty for an offence against any provision of this bylaw is a fine not exceeding \$500

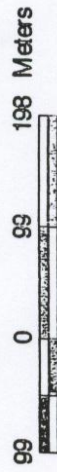
SKATEBOARD PROHIBITION AREAS

1. All roads (including footpaths and berms) in the Central Business District; and
2. All car parks owned or administered by the Council in the Central Business District.

For the purpose of this Bylaw, the Central Business District is that part of Upper Hutt contained within the following boundaries:

- (a) The Wellington/Wairarapa railway line between the western side of Blenheim Street and the Eastern side of the projection of King Street.
 - (b) A line projected from the railway crossing along the western side of Blenheim Street to meet a projected line along the northern side of Sinclair Street.
 - (c) A line along the eastern boundary of King Street between the Wellington/Wairarapa railway line and the northern boundary of Sinclair Street.
 - (d) A line along the northern boundary of Sinclair Street extending to join the eastern side of King Street and the western side of Blenheim Street.
3. As shown on the following plan:

**3D Skateboard &
In Line Skates By Law**



CRITERIA FOR THE ISSUE OF PERMITS TO DRIVE DAIRY CATTLE ON ROADS

1. It is the intention of this bylaw to limit the movement of dairy cattle on roads to the minimum necessary to enable dairy farmers to continue with their business.
2. A permit will not be issued pursuant to Clause 10.0 if or to extent that there is an alternative route available.
3. Land owned or occupied by the applicant or in the case of a sharemilker by his principal, is an alternative route.
4. Where an alternative route appears to be available across land that is not owned or occupied by the applicant or in the case of a sharemilker, by his principal, then the Council may require evidence that the owner or occupier of that land will not permit the applicant's dairy cattle to use it.
5. The Council will readily issue a permit to enable the dairy farmer to move his cattle across a road from one part of his farm to another but will nominate the crossing points and may impose such of the conditions referred to in paragraph 8 of this schedule as it considers appropriate.
6. The Council may approve a permit enabling a dairy farmer to move his dairy cattle along a road from one part of his farm to another if no alternative route is available at the date of application, but every such permit shall be for a maximum of 6 months to give the applicant time to make alternative arrangements. Every such permit issued shall also be subject to such of the conditions referred to in paragraph 8 of this schedule and is unlikely to be renewed.
7. Permits authorising the movement of dairy cattle along roads from one part of a farm to another will not be granted if the requirement arises from a change of circumstances arising after 1 October 1991. Dairy farmers are expected to make all arrangements necessary for the movement of their dairy cattle when entering into new arrangements for purchase and lease of additional land or the sale of part of their land. This stipulation does not apply (and paragraph 5 hereof does) to a requirement to cross a road.
8. When granting a permit, the Council may impose any one or more of the following conditions:
 - (a) A requirement that gates be erected at the crossing point stipulated for the entry and exit of dairy cattle to and from a road.
 - (b) A requirement that the movement of dairy cattle be confined within races.
 - (c) Such other condition or conditions as the Council considers necessary or appropriate to confine the movement of dairy cattle on roads in order to protect sealed carriageways and for the safety of other road users.