

New Plymouth District Council Bylaw 2008

(as amended and readopted 2013)

Traffic

The purpose of this part of the bylaw is to set the requirements for parking and control of vehicular or other traffic on any road in the district including state highways located within urban boundaries that are otherwise controlled by New Zealand Transport Agency.

(ECM 1373426)



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

DOCUMENT HISTORY

Meeting	Date	Decision
Council	26 June 2008	Adopt Bylaw
Council	15 December 2009	Added clause 26 with effect from 6 January 2010
Council	12 April 2011	Amended Appendix 1 extending areas of prohibition for street racers
Council	16 August 2011	Amended Appendix 1 removing Egmont Road (from Katere Road intersection to SH3 and Egmont Road no longer subject to clause 26
Council	4 July 2013	Reviewed and amended
Council	30 January 2018	Amended clause 26 to allow Council to specify zones which are restricted to classes of vehicles or road users during specified days and times
Council	7 June 2022	Amended Appendix 1 extending areas of prohibition to Centennial Drive and Beach Road with effect from 22 July 2022

1. Authority

1.1 This part is made under:

- a) Section 22AB of the Land Transport Act 1998; and
- b) Sections 145 and 146 of the Local Government Act 2002.

2. Purpose

2.1 The purpose of this part is to set the requirements for parking and control of vehicular or other traffic on any road in the district including state highways located within urban boundaries that are otherwise controlled by New Zealand Transport Agency.

3. Interpretation

3.1 This part shall be in addition to the provisions of Part 1 Introductory and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

3.2 In this part, unless the context otherwise requires:

Definitions

Cruising means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that:

- a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b) Creates a convoy that:
 - i) Is formed otherwise than in trade; and
 - ii) Impedes traffic flow.

Enforcement officer means:

- a) Any person who is an enforcement officer under the Local Government Act 2002; or
- b) Any person who is an enforcement officer under the Land Transport Act 1998.

Loading zone means any portion of a road or other public place authorised as a place where vehicles may park to load and unload goods and passengers for a limited time as indicated.

Metered space means a space or section of a road in a metered zone marked out and defined by painted lines for the accommodation of a vehicle.

Metered zone means any road, or portion of a road, or any other piece of land or building owned or occupied by the Council, and determined by Council resolution to be used as a place where vehicles may park and at which parking meters or pay and display machines are established and maintained.

Mobility device has meaning assigned to that term in rule 1.6 of Part 1 of the Land Transport (Road User) Rule 2004.

Mobility parking permit means a permit issued by the CCS Disability Action or other licensed providers to persons with physical disabilities for the purpose of mobile parking.

Parking equipment means any parking meter, pay and display machine, sensor, zone controllers and other related infrastructure.

Parking fee means:

- a) The fee payable for the parking of vehicles within metered zones for a permitted period; and
- b) Includes payment by coins or by any other means approved by the Council.

Parking meter means an appliance designed and installed for the purpose of automatically measuring and indicating the time within which a vehicle may be parked at a metered space.

Parking offence means parking in an area of land or road owned or occupied by the Council or under its control in breach of any Act or regulation, or any part of this bylaw.

Parking place / parking station means a place (including a building) where vehicles or any class of vehicles may wait, as set out under section 591 of the Local Government Act 1974.

Parking warden means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998.

Pay and display machine means a device designed and installed for the purpose of indicating 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 zone controlled by that pay and display machine.

Permitted period means the time allocated for parking in a location by a parking meter or pay and display machine upon payment of the required parking fee. The permitted period may vary between different parking zones.

Public carpark means any off street area set aside by the Council to park vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park.

Road for this part has the meaning assigned to that term in section 315 of the Local Government Act 1974 and includes state highways that in some other aspects are controlled by the New Zealand Transport Agency.

Rules means rules made under the Land Transport Act 1998.

Transport station means a place where transport service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances and other facilities as set out under section 591 of the Local Government Act 1974.

- 3.3** All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the New Plymouth City Consolidated Bylaws 1958 Part IV Traffic and Amendments or the New Plymouth District Council Consolidated Bylaws 2000 Part 18, New Plymouth District Council Bylaw 2008 Part 13 which are continuing at the commencement of this part, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this part, continue for the purposes of this part to have full force and effect.
- 3.4** For the purposes of this part, if this part uses any other term that is defined in the Land Transport Act 1998, the Local Government Act 1974, the Local Government Act 2002 or any rules or regulations made under any of those Acts, the definitions of those terms apply unless the context of this part requires otherwise.

Existing resolutions to remain in force

4. Application of other laws

- 4.1** Nothing in this part limits the application of any other Act or any rules or regulations made under that other Act, for example, and without limitation:
- a) The Land Transport Act 1998.
 - b) The Local Government Act 1974.
 - c) The Resource Management Act 1991.

5. Public notice of Council resolutions

- 5.1** Any resolution by the Council under this part (including any resolution revoking or amending such resolution) must be publicly notified at least 14 days before the resolution is made by the Council.
- 5.2** If an objection in writing made by any person adversely affected by a resolution, is received by the Council before that resolution takes effect, then the Council must consider that objection and may confirm, amend or revoke the resolution which is the subject of the objection, as the Council thinks fit.
- 5.3** Until the Council has considered the objection and made a decision on it, the resolution which is the subject of the objection does not take effect.
- 5.4** This clause does not apply to any resolution, which consolidates resolutions previously made under this part or has the same effect as a resolution made under a bylaw revoked by this part.

All resolutions to be publicly notified

Council must consider objections

Resolution only to take after objections heard

6. Lights adjacent to a road or intersection

No person shall erect or permit to be erected or maintained on any building any illuminated notices, coloured lights, signs, or signals fronting on, or adjacent to any road, intersection or any pedestrian crossing, which may be confused with the lights displayed for traffic control signals, whether for vehicles or pedestrians or both.

Coloured lights and signals

7. One way roads

- 7.1** The Council may from time to time by resolution:
- Council may set up one way roads**
- a) Prohibit the driving of vehicles on any road or portion of a road except in one direction as specified by the resolution.
 - b) Prohibit the turning of vehicles on any road or portion of a road, and impose any conditions in relation to that prohibition.
- 7.2** This clause is subject to the Council erecting the prescribed signs as required by the Land Transport Act 1998. **Signage required**
- 7.3** The Council may by resolution subsequently amend, vary, or revoke any resolution made under clause 7.1.
- 7.4** No person, being the driver of any vehicle, shall drive or turn that vehicle on any road or portion of that road contrary to any resolution or prohibition made under this clause.

8. Emergency fire services

- 8.1** Except as set out in clause 8.2, no person shall drive any vehicle:
- Vehicles not to hinder or obstruct emergency fire services**
- a) Over any hose in use for the time being in connection with an outbreak of fire.
 - b) In such a manner as to hinder or obstruct a member of a fire brigade engaged in connection with any outbreak of fire.
- 8.2** No person commits an offence against clause 8.1 if that person:
- a) Drives over a hose if hose bridges are provided; or
 - b) Is directed by a member of the police or any member of the fire brigade to do so.

9. Temporary restrictions on the use of roads

- 9.1** The Council may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of a road where an authorised officer considers that there is, or is likely to arise at any place on that road under the jurisdiction of the Council, a temporary risk of:
- Council may make temporary speed restrictions**
- a) Danger to the public or to road workers; or
 - b) Damage to the road.
- 9.2** Any restriction under clause 9.1 must be defined by the display of temporary warning signs in conformity with any rules. **Warning signs**

- 9.3** Without limiting any rules, any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of any other utility, may, with permission of an authorised officer, be driven or parked in a manner contrary to any restriction in force under this part, provided it is parked or driven with due consideration of other road users.
- Roading and utility vehicles**

10. Stopping, standing or parking of vehicles

- 10.1** The Council may from time to time by resolution permit, restrict or prohibit the stopping, standing or parking of vehicles of any type or class on any roads or portions of any roads, in any Council-controlled car parks or any other areas under the control of the Council:
- Prohibiting stopping of vehicles**
- a) Absolutely.
 - b) On certain days of the week.
 - c) For limited periods of time, between certain hours of any day or on any day of the week.
 - d) At an angle to the kerb line or otherwise.
- 10.2** This clause is subject to the Council erecting the prescribed signs as required by the Land Transport Act 1998.
- Signs required**
- 10.3** The Council may by resolution subsequently amend, vary, or revoke any resolution made under clause 10.1.

10A Restricted activities – vehicle crossings

- 10.4** No person may construct, remove, repair, or widen any vehicle crossing unless that person has obtained the prior approval of an authorised officer.
- Approval required**
- 10.5** In applying to the council for approval under clause 10.1 the application must specify whether the applicant:
- Vehicle crossing construction**
- a) Will pay the Council to construct the vehicle crossing; or
 - b) Will use a “council approved contractor” for the construction or upgrading of the vehicle crossing which will be paid for directly by the applicant.
- 10.6** The approval of the authorised officer under clause 10.4 may be subject to such terms and conditions as the authorised officer thinks fit.
- 10.7** Where a vehicle crossing is in a bad or unsafe state of repair, or there has been a significant deterioration or change in vehicle crossing use:
- Repairs to vehicle crossing**
- a) The council may by written notice to the owner require the owner of the land to which the vehicle crossing provides access, to upgrade or renew the vehicle crossing; and
 - b) It is the responsibility of that owner to carry out the works required by that notice and meet the costs of carrying out those works.

- 10.8** Any works carried out under clause 10.4 must comply with the Council's Codes of Practice.
- 10.9** If a person requires temporary vehicle access to land (for example for access to a construction site), that person may construct a temporary vehicle crossing if:
- a) He or she has obtained the prior approval of an authorised officer; and
 - b) He or she has paid the relevant fee prescribed by the Council in its schedule of fees and charges.
- 10.10** The approval of the Council under clause 10.9 may be subject to such terms and conditions as the authorised officer thinks fit.

**Temporary
Vehicle Crossings**

11. Council parking wardens

- 11.1** The Council may appoint any parking wardens to be enforcement officers under this part.

12. Requirement for parking on roads, parking spaces and Council property

- 12.1** No person shall stop or park a vehicle on any road, public car park, reserve or any other public place in contravention of resolution passed under clause 10.1 and evidenced by appropriate signs or road marks.
- 12.2** No person shall place, stop, stand, park, leave or keep any bicycle:
- a) On any metered space or parking place situated on any land other than a road; or
 - b) On any flower bed or shrubbery laid out on any road or on a median strip or traffic island; or
 - c) On any metered space situated on a road unless that bicycle is placed, stood, stopped, parked, left or kept against, and parallel with the kerb of that road; or
 - d) In any place prohibited under clause 15 (loading zones).
- 12.3** Nothing in clause 12.3 prevents a person from stopping, standing, or parking a bicycle on a footpath if doing so does not unreasonably obstruct any other user of the footpath.
- 12.4** No person shall leave on a road for a period exceeding seven days, any vehicle:
- a) Which has no effective motive power in or attached to it; or
 - b) Which is in such a state that it cannot be driven safely or is so disabled or damaged that it cannot be driven.

**Parking contrary
to signs**

Bicycle parking

**Dangerous
vehicles**

- 12.5** If clause 12.4 applies, an enforcement officer may seize and impound the vehicle in accordance with section 164 of the Local Government Act 2002 and sections 167 and 168 of that Act apply accordingly.

Impounding

13. Transport stations

- 13.1** The Council may from time to time by resolution:

**Council to set
aside transport
stations**

- a) Appoint, set aside or reserve any portion of a road, or any area vested in it, as a transport station.
- b) Prescribe fees to be paid for the application of licences for the use of transport stations, and from time to time revoke or alter such fees.
- c) Impose conditions in respect of the use of transport stations.
- d) Grant licences on such conditions as it considers fit for the use of such transport stations or any lots or part of them.
- e) Add to, revoke, amend, or vary any such appointment, setting aside or reservation of any such conditions.
- f) Cancel or suspend any such licence.

- 13.2** The Council may from time to time by resolution, with respect to the following transport stations, limit them or part of them to vehicles belonging to or used by particular persons, or to vehicles used for particular public purposes:

- a) Transport stations that are set aside or reserved for the use of vehicles plying for hire; or
- b) Transport stations that are otherwise available for hire for the carriage of passengers or goods; or
- c) Transport stations that are for the use of any special kind of vehicles; or
- d) Transport stations that are for the use of vehicles for any specified public purpose.

- 13.3** In passing a resolution under clause 13.2, the Council must state:

- a) The number of vehicles which may use any transport station; and
- b) Whether the transport station may be used by:
 - i) The vehicles of one licensee only; or
 - ii) The vehicles of more than one licensee, including the particular licensees and how many vehicles of each licensee may use the transport station.

- 13.4** Every application for a licence under this clause must be accompanied by the prescribed fee and be signed by:
- a) The holder of the current transport service licence under the Land Transport Act 1998; or
 - b) In the case of a taxi by an approved taxi organisation under the Land Transport Act 1998.
- 13.5** Every licence, in accordance with its tenor, authorises the occupation of any stand, or stands, at the transport station for the time being appointed for vehicles of the class to which the vehicle described on such licence belongs.
- 13.6** Subject to clauses 13.9 to 13.11, every licence remains in force until the next 31st day of March following the date of issue and no longer.
- 13.7** No person other than the holder of a licence issued under this clause, or his or her authorised agents, may stop or wait on, or use any transport station or any portion of a transport station.
- 13.8** The owner or driver of any vehicle that, without being authorised by this clause to do so, stops or waits on or uses any transport station, must on demand by any authorised officer, remove that vehicle from the transport station.
- 13.9** If either of the following circumstances applies, an authorised officer may give notice in writing to a holder of a licence requiring that holder to appear before Council at a time and place to be fixed in the notice, to show cause why the licence should not be cancelled or suspended. The circumstances are:
- a) At any time the holder of a licence issued under this clause is convicted of any offence, whether for a breach of part or otherwise; or
 - b) The holder is, in the opinion of an authorised officer, considered unfit to hold the licence.
- 13.10** The Council may, at such a time and place after hearing the licence holder or his or her representative, or in default of his or her appearance, cancel the licence or suspend the licence for such time as it considers necessary.
- 13.11** No person is required to appear less than seven days after the service of the notice under clause 13.9.

14. Metered zones, parking equipment etc

- 14.1** The Council may from time to time by resolution:
- a) Declare any road or part of a road to be a metered zone.
 - b) Declare any piece of land owned or occupied by the Council and not being a road or part of a road to be a metered zone.
 - c) Declare the maximum time allowed to be parked in a metered zone.

Council may set up metered zones

- d) Fix the fees payable for the parking of vehicles within the metered zone.
- e) Exempt a specified class of vehicle from fees payable in the metered zone.
- f) Declare the times during which specified vehicles may be exempt from paying fees in a metered zone.

- 14.2** The Council may by resolution subsequently amend, vary, or revoke any resolution made under clause 14.1.
- 14.3** In accordance with the provisions of any such resolution, the Council must establish and mark out metered spaces in all metered zones.
- 14.4** Parking equipment related to paid parking must be located within the metered zone to which they relate.
- 14.5** A parking machine may issue a slip on insertion of the prescribed fee in accordance with the instructions on the machine.
- 14.6** White lines painted on the road indicate the extremities of metered spaces and signs indicate the extremities of pay and display zones.

Amendments, variations and revocation

15. Loading zones

- 15.1** The Council may from time to time by resolution, define any part or parts of any road or other public place as loading zones.
- 15.2** The resolution must specify whether or not the restriction applies at all times or for loading or unloading at specific times in which case, the times must be specified.
- 15.3** The Council may by resolution subsequently amend, vary, or revoke any resolution made under clause 15.1.
- 15.4** No person being the driver or person in charge of any goods delivery vehicle may drive such a vehicle in any road or part of a road in contravention of any prohibition or restriction imposed by a resolution under this clause.

Loading zones

16. Hours applicable to parking meters or pay and display machines

- 16.1** The Council must by resolution prescribe the hours during which the payment of a parking fee is required.
- 16.2** The hours prescribed by resolution must be indicated by signs or other clear labelling.

Hours to be prescribed by resolution

17. Payment of parking fee in metered areas

- 17.1** For the purpose of this clause a vehicle is “parked” only when it has been stopped or standing in the parking place for a period exceeding five minutes. **Fee must be paid after five minutes**
- 17.2** No driver or person in charge of a vehicle may park in a metered space without paying the parking fee and either:
- a) Following the instructions on the parking equipment as to payment; or
 - b) Displaying a valid exemption card or permit.
- 17.3** A driver or person in charge of a vehicle may park in a metered space, provided that the permitted period for parking is not exceeded.
- 17.4** No person may park a vehicle in a metered space so that any part of that vehicle extends beyond any line defining that metered space unless by reason of its size the vehicle may extend onto an adjoining and unoccupied metered space. In such event the driver is liable to pay a parking fee for each space so occupied. **Vehicles to park within parking space**
- 17.5** Where more than one motorcycle occupies a metered space it is not necessary for the payment of more than one parking fee. No such motorcycle may remain parked in the metered space after the permitted period for parking has expired and each motorcycle so parked is in breach of this part. **Motorcycles parked**
- 17.6** The Council must by markings or signs placed in a conspicuous position on a road or other area controlled by it, indicate where the stopping or parking of a vehicle (other than that displaying a mobility parking permit with the expiry date clearly visible) is prohibited or restricted. **Signs to indicate parking prohibitions**

18. Parking of vehicles by disabled persons

- 18.1** The Council may by resolution reserve any particular parking place either generally or at specified times for the exclusive use of disabled persons who have on display in their vehicles a current mobility parking permit with the expiry date clearly visible. **Mobility Parking spaces to be set aside**
- 18.2** The Council may by resolution subsequently amend, vary, or revoke any resolution made under clause 18.1.
- 18.3** The concessions and restrictions applying to the use of a mobility parking permit set out in the permit document shall be complied with. These conditions may be amended by Council resolution from time to time.

19. Temporary discontinuance of a parking space

- 19.1** An authorised officer may temporarily prohibit, restrict or control parking in any parking space (including a metered space) by placement of a sign. The sign must clearly state the nature of the parking prohibition, restriction or control. **Meter hoods to be displayed**
- 19.2** It is unlawful for any person to park a vehicle in a parking space while the space is temporarily discontinued, other than as permitted under clause 19.3.
- 19.3** An authorised officer may permit the use of any temporarily discontinued parking space to be reserved for the parking of vehicles in conjunction with any adjacent building construction, contracting or other such activity, and the person responsible for that activity must place the necessary signs stating the nature of the parking prohibition, restriction or control.
- 19.4** Payment for the use of any parking space that is temporarily discontinued or reserved as described in clause 19.3 must be charged in intervals of one half day, or as determined by the Council from time to time by resolution. **Fees**

20. Coins of New Zealand currency only

- 20.1** No person may deposit in any parking meter or pay and display machine any coins of a currency other than New Zealand currency, or deposit any other objects into a parking meter or pay and display machines.
- 20.2** Only approved payment cards may be deposited in any parking machine.

21. Interference with parking equipment

- 21.1** No person may: **Damage to meters**
- a) Misuse any parking equipment ; or
 - b) Interfere, tamper, or attempt to tamper with the working or operation of any parking equipment; or
 - c) Without due authority, affix or attempt to affix any placard, advertisement, notice list, document board or thing, or paint, write upon or disfigure, any parking equipment.

22. Vehicle removal

- 22.1** An enforcement officer or parking warden may direct that a vehicle or bicycle parked in a parking place, transport station, road or other land belonging to the Council or under its control, in a way that breaches this bylaw, be sent to any nearby lawful place for vehicle or bicycle parking, or to a Council vehicle pound, or to a yard in the district occupied by a company engaged to remove the vehicle or bicycle. **Vehicles may be removed**

22.2 The vehicle or bicycle may be detained at that place by the Council or the company, until the reasonable costs of removal and subsequent storage are paid by the person requesting possession of the vehicle or bicycle.

22.3 The powers that may be exercised under this clause are in addition to those provided by the Land Transport Act 1998 and section 356 or section 356A of the Local Government Act 1974.

23. Parking defences

23.1 It is a defence to any person who is the driver or is in charge of a vehicle and who is charged under this part with a breach relating to a parking meter, metered zone, or other temporarily defined time restricted parking place if the person proves that the alleged act was carried out:

- a) Because of a traffic emergency; or
- b) In compliance with the directions of a member or the police, authorised officer; or a parking warden; or
- c) In conjunction with public works and the vehicle was being used with due consideration for the safety of and convenience of other road users; or
- d) By the Ambulance Service, New Zealand Fire Service, the New Zealand Police or Ministry of Transport in the urgent carrying out of their respective duties; or
- e) Pursuant to the terms of an authorisation granted in writing by an authorised officer.

Defences

24. Footpaths

24.1 Subject to clauses 24.2, 24.3 and 24.4, no person shall park or drive any vehicle on any footpath or any part thereof.

24.2 A vehicle may be driven over a footpath by means of a vehicle crossing constructed on the road for the purpose of gaining vehicular access to or from any property on that road.

24.3 No person may stop a vehicle so that any part of the vehicle or its load remains upon or over a footpath or any part of the footpath other than when gaining access to a property.

24.4 No person may unload a vehicle in such a manner as to cause, or be likely to cause damage to the footpath or any part of it.

24.5 Nothing in this clause prohibits:

- a) The use of mobility scooters; or
- b) The use of skateboards which are controlled by Part 8 of the New Plymouth District Council Bylaw 2008; or
- c) The use of bicycles, tricycles, unicycles, or similar non-motorised devices, or other approved vehicles on the New Plymouth Coastal Walkway; or

Parking prohibitions on footpaths etc

- d) The use of bicycles, tricycles, or unicycles on any access way set aside for the purposes of cycling; or
- e) The use of bicycles, motorbikes or motorised scooters for the purpose of delivering newspapers, mail or printed material to letterboxes.

25. Traffic management for activities altering traffic movement

25.1 Any person responsible for organising any event, evacuation, occupation or other activity on or near any road that will alter the normal flow of vehicle or pedestrian traffic must comply with the New Zealand Transport Authority Code of Practice for Temporary Traffic Management 4th edition or any subsequent revisions or additional supplements.

Traffic movement must comply with codes of practice

25.2 An authorised officer may instruct any person committing a breach of clause 25.1 to:

- a) Stop the activity until the authorised officer deems that the activity complies with clause 25.1; and
- b) Where appropriate, pay any of the Council's cost associated with ensuring compliance with clause 25.1.

Note: Any person undertaking the activities covered in clause 25.1 may also be required to comply with other legislation. Any person undertaking these activities should seek advice from an authorised officer as to relevant legal requirements.

26. Prohibited and restricted times on roads

26.1 The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road or part of that road or roads.

26.1A The Council may by resolution specify any zone, the use of which is restricted to the classes of vehicle or road user listed in clause 26.1B, and the days and times during which such restrictions apply.

26.1B The classes of vehicle or road user to whom a restriction under clause 26.1A applies are:

- a) Any motor vehicle weighing 3,500 kilograms or more;
- b) Any emergency services vehicle being used in the execution of duty;
- c) Any vehicles carrying persons to premises within the zone described in a resolution made under clause 26.1A; and
- d) Any utility, trade, Council, delivery, security, or other vehicle being used on business in the zone described in a resolution made under clause 26.1A.

- 26.2** Before the Council makes a resolution under clause 26.1 or 26.1A, the Council must consider:
- a) The reasons why it is necessary to pass the proposed prohibition or restriction; and
 - b) The types and locations of roads or zones the proposed prohibition or restriction will apply to (e.g. local roads, arterial roads; urban areas, residential areas, or industrial areas); and
 - c) The length of, and days on which, the proposed prohibition or restriction will apply (e.g. it is not envisaged that a prohibition or restriction will apply 24 hours per day, seven days per week); and
 - d) Whether the Police support the proposed prohibition or restriction; and
 - e) Any other information the Council considers relevant.
- 26.3** The Council may by resolution subsequently amend or revoke any resolution made under clause 26.1 or 26.1A.
- 26.4** Subject to the Council installing the signage referred to in clause 26.5, no person may use a motor vehicle weighing less than 3,500 kilograms on any part of a road described in a resolution made under clause 26.1 or 26.1A during the times and on the days specified in the resolution, unless:
- a) The vehicle is conveying the owner or occupier of any land having a frontage to the road described in a resolution made under clause 26.1 or 26.1A or the owner or the occupier's bona fide visitors; or
 - b) The vehicle is an emergency vehicle being used in the execution of duty; or
 - c) The vehicle is a trade or service vehicle for the provision or maintenance of a utility on the road or on the land having a frontage to the road being used for genuine business purposes; or
 - d) The vehicle is operated by the Council and being used for genuine business purposes; or
 - e) The vehicle is operated by a security service and being used for genuine business purposes.
- 26.5** The Council must erect signs for any road or zone described in a resolution made under clause 26.1 or 26.1A clearly advising:
- a) The times and days of the prohibition or restriction; and
 - b) The vehicles or road users to which the prohibition or restriction applies.
- 26.6** For the purposes of this clause 26, “zone” means an area of roadway the use of which is restricted to a specified class or classes of vehicle or class or classes of road user.

27. Cruising

- 27.1** The Council may by resolution:
- a) Specify any section of road or roads on which cruising is controlled, restricted or prohibited; and
 - 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.
- 27.2** Before the Council makes a resolution under clause 27.1, the Council must consider:
- a) The reasons why it is necessary to pass the cruising resolution; and
 - b) The types and locations of roads the cruising resolution will apply to (e.g. local roads, arterial roads; urban areas, residential areas, or industrial areas); and
 - c) The length of, and days on which, the cruising resolution will apply; and
 - d) Whether the Police support the cruising resolution; and
 - e) Any other information the Council considers relevant.
- 27.3** The Council may by resolution subsequently amend or revoke any resolution made under clause 27.1.
- 27.4** No person may 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.
- 27.5** Nothing in clause 27.4 limits the exercise of any enforcement powers available in any Act or regulation, including the issue of warning notices under section 22AF of the Land Transport Act 1998, and the offences and penalties related to non-compliance with any warning notices.

28. Restricted activities – vehicles on beaches

**Vehicles on
beaches**

- 28.1** The Council may by resolution specify any beach or part of a beach and the times and days during which vehicles are prohibited from being used on that beach or part of that beach.
- 28.2** The Council may by resolution, and in accordance with clause 5.1 subsequently amend or revoke any resolution made under clause 28.1.
- 28.3** Except as provided for in clause 28.4, and subject to the Council installing appropriate signage no person may in relation to any part of a beach described in a resolution made under clause 28.1.
- a) Drive a vehicle on that beach during the times and on the days specified in the resolution.
 - b) Park a vehicle on that beach, unless that person is:

- i) Permitted to do so by an authorised officer; or
- ii) Parking in a designated parking area; or
- iii) On a road (excluding the foreshore); or
- iv) Using that vehicle for the purpose of a boat launch in which case the vehicle must be immediately removed following the launch to a designated parking area.

28.4 Except as provided for in clause 28.5 no person may drive a vehicle on:

- a) Any part of the foreshore being used for bathing or playing of sports or games to any event unless permitted to do so by an authorised officer.
- b) Sand dunes, on a beach above the mean high water springs (approximately the high tide mark); unless in an area set aside for parking vehicles or using a bicycle or other approved travelling device on the New Plymouth Coastal Walkway as set out in clause 9.2 of the Public Places bylaw.
- c) On a beach in a manner, which is in the opinion of an authorised officer is reckless or dangerous.

28.5 Nothing in clauses 28.3 and 28.4 applies in the following circumstances:

- a) Use of rescue vehicles, police vehicles, or motor vehicles under the direct control of any Surf Life Saving Club operative in or on these beaches; or
- b) Use of vehicles to carry out approved maintenance works on the beach; or
- c) Use of a vehicle for the launching and landing of recreational and fishing boats or jetskis provided that the vehicle leaves the beach immediately upon launch or landing of the boat or jetski.

28.6 Nothing in clauses 28.3 and 28.4 applies in the following circumstances:

- a) Use of rescue vehicles, police vehicles, or motor vehicles under the direct control of any Surf Life Saving Club operative in or on these beaches; or
- b) Use of vehicles to carry out approved maintenance works on the beach; or
- c) Use of a vehicle for the launching and landing of recreational and fishing boats or jetskis provided that the vehicle leaves the beach immediately upon launch or landing of the boat or jetski.

29. Commercial vehicular activity in public places

- 29.1** A person may have one vehicle owned by him or her, or under his or her control, parked on any road (including the grass verge) for the purpose of sale if the vehicle is:
- a) Primarily parked outside that person's residence.
 - b) Capable of being used for bona fide purposes of travel.
- 29.2** However, no person may park a vehicle in a public place for the purposes of sale or hire or storage if that person:
- a) Is a motor vehicle trader within the meaning of the Motor Vehicle Sales Act 2003; or
 - b) Operates a motor vehicle rental business.
- 29.3** To avoid any doubt, clauses 29.1 and 29.2 do not prevent a person from driving a motor vehicle along any road for vehicle demonstration purposes.
- 29.4** Despite clauses 29.1 to 29.3, the council may by resolution publicly notify, and subject to appropriate signage, prohibit or restrict vehicles being displayed for the purposes of sale, exhibition or demonstration in any public place.
- 29.5** Subject to the notice and removal provisions in Part 1 Introductory New Plymouth District Council Bylaw 2008 and 2010 (or its replacement), any vehicle in breach of this part may be removed and impounded by any enforcement officer.

30. Offences

- 30.1** Every person who breaches clause 26.4 commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 as set out in the Local Government Act 2002 or an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999.
- 30.2** Every person who breaches clause 27.4 commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or an infringement fee of \$150, as set out in the Land Transport (Offences and Penalties) Regulations 1999.
- 30.3** Every person who breaches clause 28.3 or 28.4 commits an offence and is liable on summary conviction to a fine not exceeding \$500 as set out in the Land Transport Act 1998 or an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulation 1999.
- 30.4** Every person who breaches any other clause in this Part commits an offence and is liable on summary conviction to a fine not exceeding \$500 or an infringement fee as set out in the Land Transport (Offences and Penalties) Regulations 1999.

APPENDIX 1

This appendix is for information purposes only. This appendix does not form part of the New Plymouth District Council Bylaw 2008.

Clause 26: Prohibited times on roads

The Council resolved under clause 26.1 on 12 April 2011 that the prohibition in clause 26 applies to the following specified streets*, on Monday to Sunday during the times of 7pm to 7am:

Albatross Place
Auster Place
Catalina Place
Cody Place
Connett Road Central
Connett Road East
Connett Road West (from the east side of Paraita Road)
Corbett Road
Craig Place
Cygnet Drive
Dakota Place
De Havilland Drive
De Havilland Drive West (from Paraita Road intersection to Corbett Road intersection)
Dean Place
Gregory Place
Hercules Place
Hudson Road
Hurlstone Drive
Katere Road
Mustang Drive
Oropuriri Road
Rifle Range Road (from Vickers Road intersection going north)
Swans Road
Vampire Place
Wendy Avenue

The Council resolved under clause 26.1 on 7 June 2022 that the prohibition in clause 26 applies to the following specified streets*, on Monday to Sunday during the times of 10pm to 5am with effect from 22 July 2022:

First Section

- the part of Centennial Drive that is between the top car park and the intersection with Rangitake Drive; and

Second Section

- the part of Centennial Drive that is between the bottom car park and Beach Road; and
- the part of Beach Road that is between Centennial Drive and the intersection with Te Ngahoro Road.

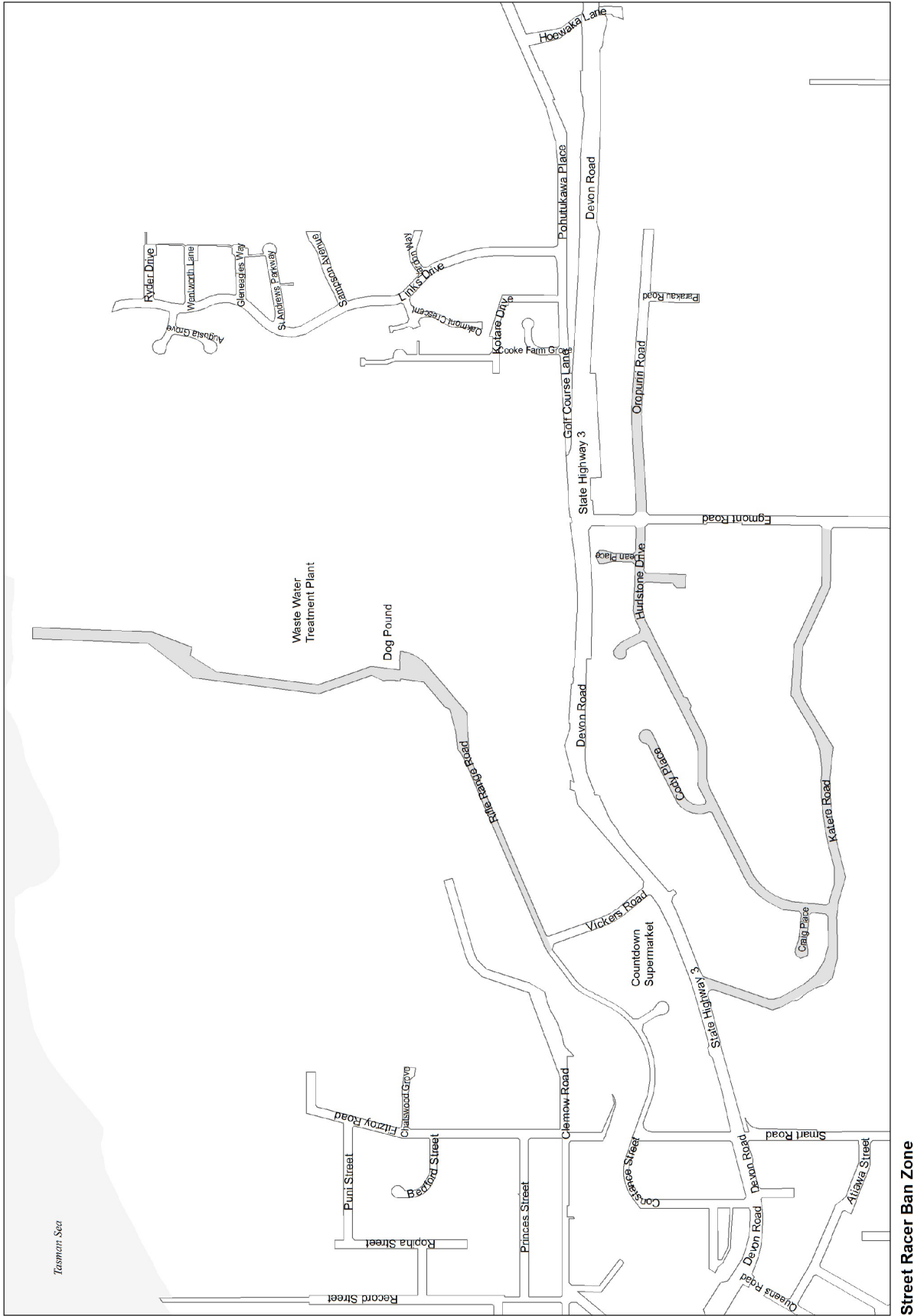
* see accompanying maps

DE HAVILLAND DRIVE AREA



Street Racer Ban Zone

CODY PLACE AREA



CENTENNIAL DRIVE AND BEACH ROAD AREA



APPENDIX 2

Vehicle Activity Restricted on Beaches

This appendix is for information purposes only. This appendix is not part of the New Plymouth District Council Bylaw 2008.

The Council resolved on 4 July 2013, under clause 28.1, that except as provides for by the Public Places Bylaw, vehicles are not permitted on the following beaches:

- a) Ngamotu Beach.
- b) East End Beach to Fitzroy Beach, - including areas of beach and foreshore located between the Te Henui River mouth to the west and the Waiwakaiho River mouth to the east.
- c) Oakura Beach – including those areas of beach and foreshore located between the Weld Road River mouth to the west and the Tapuae River mouth to the east.
- d) The beach area from the eastern side of the Waiwhakaiho river mouth to the western side of the Waihowaka stream mouth and including the adjacent named walkway.

Note: the vehicular restrictions above represent no change to the restrictions formerly contained within the Public Places Bylaw 2008.