

Traffic Bylaw - Amendment No 1 of 2008

The Auckland City Council Traffic Bylaw 2006 is amended with effect from 23 April 2009 as follows (additions are underlined and deletions are struck through):

1. Insert a definition of *all-terrain vehicle* in clause 25.1 in the appropriate alphabetical position:

All-terrain vehicle (quad bike) means a special purpose vehicle that -

- a. is principally designed for off-road use;
 - b. has motorcycle controls;
 - c. has three or more wheels, of which at least two provide traction;
 - d. has an engine capacity not exceeding 700cc; and
 - e. has a net weight not exceeding 350kg.
2. Amend the definition of *residents exemption permit* in clause 25.1 by inserting the words "payment or" before the words *time restrictions* and adding the words "specified in the permit," after *time-restrictions*. The definition is to state:

Residents exemption permit means a permit granted by the council to eligible residents that exempts the permit holder from any payment or time-restrictions specified in the permit, imposed on any parking place or parking zone for certain streets or parts of streets.

3. Amend the definition of road in clause 25.1 by substituting the words "Part 25" with "this bylaw", adding the word "any" at the start of subclause (i), by deleting the words "that Act" from the paragraph following subclause (i) in the definition of road and substituting them with the words "the Land Transport Act 1998", and changing the indenting to clarify that that paragraph qualifies the whole definition and not just subclause (i). The definition is to state:

Road for the purposes of this bylaw ~~Part 25~~ except clause 25.18.1 means the whole of any land which is within the district, and which:

- a. immediately before the commencement of Part 21 of the Local Government Act 1974 was a road or street or public highway;
- b. immediately before the inclusion of any area in the district was a public highway within that area;
- c. is laid out by the council as a road or street after the commencement of Part 21 of the Local Government Act 1974;
- d. is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e. is vested in the council as a road or street pursuant to any other enactment; and includes:
- f. except where elsewhere provided in Part 21 of the Local Government Act 1974, any accessway or service lane which before the commencement of Part 21 of the Local Government Act 1974 was under the control of the council or is laid out or constructed by or vested in the council as an accessway or service lane or is declared by the Minister of Works and Development as an accessway or service lane after the commencement of Part

21 of the Local Government Act 1974 or is declared by the Minister of Lands as an accessway or service lane on or after the 1st day of April 1988;

- g. every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;
- h. every beach in the district; and
- i. any "road" as defined in section 2(1) of the Land Transport Act 1998;

but, except as provided in Part 11 of the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of ~~that Act~~ the Land Transport Act 1998.

4. **Renumber the current clause 25.2 as clause 25.2.1, to remove the reference to Schedules 1 and 1a and to revoke these schedules. Insert a new clause 25.2.2. The clause is to state:**

25.2 One way traffic

25.2.1

Vehicles on the roads (or where applicable parts of roads) designated in ~~Schedule 1 and 1a to this Part or pursuant to a resolution under clause 25.2.2~~ must travel only in the direction specified ~~and signposted as evidenced by signs~~ and, where the council considers necessary, road markings.

25.2.2

The council may by resolution designate roads (or where applicable parts of roads) where vehicles must travel only in the direction specified.

5. **Insert a new clause 25.3.2, renumber the current clauses 25.3.2, 25.3.3 and 25.3.4 and correct the referenced clause numbers in the newly renumbered clause 25.3.5. The clause is to state:**

25.3 Turning restrictions

U-turns

25.3.1

The driver of a vehicle must not turn to the right nor turn to the left, nor perform a U - turn on any roadway where the council has prohibited or restricted such movements and the prohibition or restriction is evidenced by signs, and where the council consider necessary, road markings.

25.3.2

The council may, by resolution prohibit or restrict:

- a. vehicles or specified classes of vehicles on any roadway from turning to the right or to the left;
- b. vehicles on any roadway from performing a U-turn.

Bus priority measures

25.3.23

The council may, prohibit all vehicles other than buses, motor cycles and cycles from turning to the left or turning to the right or going straight ahead, from a dedicated traffic lane provided that the bus priority measure is evidenced by signs.

25.3.34

The council may provide for buses, motor cycles and cycles only to use a dedicated traffic lane to proceed straight ahead provided the bus priority measure is evidenced by appropriate signage and/or markings on the road.

Infringement fee

25.3.45

Any person driving a vehicle in contravention of any restriction or prohibition by council under clauses 25.3.23 and 25.3.34 and without reasonable excuse, commits an offence against this bylaw and shall be liable to an infringement fee of \$150 pursuant to Part 10 of the Second Schedule of the Transport Act 1962 and the provisions of this clause of the bylaw. For the avoidance of doubt, this clause applies notwithstanding anything to the contrary in any other enactment, including this bylaw.

6. Insert the words "by resolution" in the introductory sentence of clause 25.3.3 (previously numbered 25.3.2). The clause is to state:

Bus priority measures

25.3.2-3

The council may, by resolution prohibit all vehicles other than buses, motor cycles and cycles from turning to the left or turning to the right or going straight ahead, from a dedicated traffic lane provided that the bus priority measure is evidenced by signs.

7. Insert the words "by resolution" in the introductory sentence of clause 25.3.4 (previously numbered 25.3.3). The clause is to state:

25.3.34

The council may, by resolution provide for buses, motor cycles and cycles only to use a dedicated traffic lane to proceed straight ahead provided the bus priority measure is evidenced by appropriate signage and/or markings on the road.

8. Insert in clause 25.7.1 the words "designated by the council as prohibited" "prohibited" and delete "shown on the map in Schedule 2".. The clause is to state:

25.7 Heavy motor vehicles

Prohibited entry points

25.7.1

No person may drive a heavy motor vehicle past a prohibited entry point for the purpose of entering, parking in, or passing through an area or areas ~~shown on the map in Schedule 2~~ designated by the council as prohibited unless the vehicle is used for:

- a. visiting a property with frontage to one of the roads within the prohibited area ~~shown on the map~~;
- b. providing an emergency service on one of the roads within the prohibited area ~~shown on the map in Schedule 2~~;

- c. carrying out work as a network utility operator on one of the roads within the prohibited area ~~shown on the map in Schedule 2~~;
- d. providing public transport within the prohibited area ~~shown on the map in schedule 2~~ and is a bus.

9. **Insert a new clause 25.7.2 and renumber the current clauses 25.7.2. The clause is to state:**

25.7.2

The council may by resolution designate any area or areas where entry by any heavy motor vehicle is prohibited for the purposes of clause 25.7.1.

25.7.23

Appropriate signs shall be displayed at each prohibited entry point.

10. **Renumber clause 25.7.3 as clause 25.7.4. The clause is to state:**

Parking of Heavy Vehicles

25.7.34

The council may, by resolution prohibit, restrict or limit the parking, stopping or standing of heavy vehicles on specified roads between the hours of 9pm and 7am.

11. **Insert the words "by resolution" in the introductory sentence of the clause 25.8.1. The clause is to state:**

25.8 Stopping, standing and parking restrictions

25.8.1

The council may by resolution prohibit, limit or restrict the parking of any vehicle on any road or part of a road.

12. **Insert the words "by resolution" in the introductory sentences of clause 25.9. The clause is to state:**

25.9 Loading zones

The council may by resolution:

- a. determine that any part of a road will be a loading zone either exclusively or for specified times;
- b. restrict, for a specified period of time, the stopping, standing or parking of goods service vehicles or any class of authorised vehicles, in any loading zone.

13. **Insert the words "by resolution" in the introductory sentences of clause 25.10. The clause is to state:**

25.10 Bus stops

The council may by resolution:

- a. reserve and mark out any particular stopping place as a bus stop for the exclusive use of buses;

- b. limit to not more than 5 minutes the times that a bus may remain stationary on any bus stop that has been reserved for its use;
- c. reserve any particular bus stop for the exclusive use of buses operating on a defined route or routes.

14. Insert the words "by resolution" in the introductory sentences of clause 25.13.1 and "valid" in subclause (f). The clause is to state:

25.13 Parking places, buildings, transport stations

25.13.1

The council may by resolution:

Parking places may be specified

- a. specify any piece of land or any length of road or any building owned or occupied by the council to be a parking place or transport station;

Times and conditions

- b. define the times, manner and conditions for parking of vehicles in any parking place or transport station;

Classes of vehicles

- c. define the vehicles or classes of vehicles that may be entitled to use any such parking place or transport station, and the conditions upon and subject to which such parking place or transport station may be used;

Charges

- d. fix the charges payable for the parking of vehicles including penalty fees in any such parking place or transport station whether by parking meters, licence or permit fee or rental, and including penalty fees;

Reserved parking

- e. fix the charge to be paid by the owner of a vehicle in return for the sole right to park such vehicle in the space allotted and define the hours during which the owner of a vehicle or their agent shall be entitled to the sole use of the allotted space;

Mobility parking

- f. reserve any parking space in a parking place for the exclusive use of vehicles driven by or carrying disabled persons, and displaying a valid operation mobility card or permit either generally or at specified times. Every reserved space shall be indicated by appropriate signs and road markings.

15. Insert the words "by resolution" in the introductory sentences of clause 25.14.1. The clause is to state:

25.14 Residents' parking

25.14.1

The council may by resolution:

- a. identify any road or part of a road as being reserved for the exclusive parking of specified motor vehicles owned by residents of the surrounding area and displaying a Residents Only Permit issued in respect of such a vehicle. Such part of a road (referred to as a "residents' only parking area") shall be indicated by appropriate signs;

- b. identify a road or part of a road as being able to be used by specified vehicles owned by eligible residents of the surrounding area and displaying a valid Residents Exemption Permit issued in respect of such a vehicle. Such a road or part of a road (referred to as a "residents exemption parking area") shall be marked out or indicated by appropriate signs;
- c. impose conditions and prescribe fees or charges for use of residents' exclusive parking areas and/or residents exempt parking areas;
- d. require a valid permit to be held for the use of residents' exclusive parking areas and/or residents exempt parking areas.

16. **Delete the words "Schedule 3" and insert the words "Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999" in clause 25.15.10. Schedule 3 of the bylaw is to be revoked. The clause is to state:**

25.15.10

The fine for any offence which is against clause 25.15 of this Bylaw, or which is against any applicable provision of the Transport Act 1962 and involves breach of any provision of clause 25.15 of this Bylaw, is the applicable fine in Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999.

17. **Delete clause 25.17.4 relating to the use of special vehicle lanes and renumber the current clause 25.17.5 as clause 25.17.4. Clause 25.17.4 (to be deleted) states:**

~~Any resolution under clause 25.17.1 specifying the location of a special vehicle lane, does not apply to any vehicle which is using the lane for a distance of not more than 50 metres for the purpose of turning into a side road or a property fronting the road on which the specified special vehicle lane is located.~~

18. **Insert the words "by resolution" in the introductory sentences of clause 25.18.1. The clause is to state:**

25.18 Cycle paths

25.18.1

The council may by resolution:

- a. specify any land owned or controlled by the council to be a cycle path;
- b. fix the length, route and site of a public cycle path;
- c. put up signs indicating the location of the cycle path.

19. Amend clause 25.21 by inserting the words "for vehicles other than four wheel drive vehicles and motorcycles", and the words "and motorcycles" and the words "after consultation with the community board", deleting the words "publicly notified", substituting the words "between any of the roads named in clause 25.21.2" with "at each restricted entry point " and substituting the words "Great Barrier Island" with "Hauraki Gulf Islands" where appropriate. The clause is to state:

25.21 Roads restricted to four-wheel drive vehicles and motorcycles - ~~Great Barrier Island~~ Hauraki Gulf Islands

25.21.1

Clauses 25.21.2 to 25.21.3 are enacted in the interests of the safety of road users and the local community, by restricting the use of those roads on ~~Great Barrier Island~~ the Hauraki Gulf Islands which are unsuitable ~~by reason of their nature, for use by vehicles which do not have four wheel drive~~ for vehicles other than four-wheel drive vehicles and motorcycles.

Restriction on vehicular use of certain roads

25.21.2

The council may by resolution ~~after consultation with the community board publicly notified~~ specify roads or parts of roads on ~~Great Barrier Island~~ the Hauraki Gulf Islands that may only be used by four-wheel drive vehicles and motorcycles.

Signs

25.21.3

Signs restricting all but four-wheel drive vehicles and motorcycles to the roads named in clause 25.21.2 must be displayed at each prohibited entry point. ~~at all junctions between any of the roads named in clause 25.21.2.~~

20. Insert the following new clauses as clauses 25.22.1; 25.22.2 and 25.22.3 after clause 25.21.3:

25.22 Roads restricted to all-terrain vehicles (quad bikes) and motorcycles - Hauraki Gulf Islands

25.22.1

Clauses 25.22.2 to 25.22.3 are enacted in the interests of the safety of road users and the local community, by prohibiting the use of certain roads on the Hauraki Gulf Islands which are unsuitable for vehicles other than all-terrain vehicles (quad bikes) and motorcycles.

Restriction on vehicular use of certain roads

25.22.2

The council may by resolution after consultation with the community board specify roads or parts of roads on the Hauraki Gulf Islands that may not be used by motor vehicles except all-terrain vehicles (quad bikes) and motorcycles.

Signs

25.22.3

Signs prohibiting all but all-terrain vehicles (quad bikes) and motorcycles on the roads named in clause 25.22.2 must be displayed at each prohibited entry point.

21. Add an introductory explanatory note at the beginning of the bylaw, delete the words "part of the", replace "Part" with "bylaw" and correct the reference to "Part 1 - Bylaw Administration" in the introductory explanatory note. The explanatory note should state:

This bylaw shall be known as the Auckland City Council Traffic Bylaw 2006. The objective of this ~~Part of the~~ Bylaw is to facilitate traffic management and parking control measures in respect of roads, public places, parking areas and transport stations under the control of the council.

It provides measures to ensure that acceptable standards are maintained for the safe and orderly movement of traffic within the city.

Parking control measures for roads and parking areas are also covered by this ~~Part~~ bylaw.

This ~~Part of the~~ Bylaw is made pursuant to the bylaw making powers vested in the Auckland City Council by the Local Government Act 1974, the Transport Act 1962 and the Land Transport Act 1998 and the Local Government Act 2002. In addition to these Acts and regulations, roads, traffic and parking issues are also regulated and controlled by the Traffic Regulations 1976, the Land Transport (Road User) Rule 2004, the Land Transport Rule: Traffic Control Devices 2004 and the Land Transport Rule: Setting of Speed Limits 2003. These Acts and Regulations should be referred to and read in conjunction with this ~~Part~~ bylaw.

Unless otherwise defined in this ~~Part of the~~ Bylaw, terms used in this ~~Part~~ bylaw are defined in ~~Part 1 - Bylaw administration of the Auckland City Consolidated Bylaw 1998~~ the Auckland City Council Bylaw Administration bylaw 2009.