

WAIMATE DISTRICT CONSOLIDATED BYLAW 2008**CHAPTER 11****11 ROADING - General****1100 Scope**

- 1100.1 The purpose of this Bylaw is to protect the roads, an important public asset, from nuisances and damage to enhance the safety of road users and to manage this asset for the well-being of the public at large.

1101 Road Damage And Danger

- 1101.1 The purpose of this part of the Bylaw is to deter damage to roads or part of any road in the Waimate District. If damage does occur this Bylaw seeks to enable Council to ensure those accountable are responsible for the costs of rectifying the damage. Damage as defined by Section 357 of the Local Government Act 1974.

- 1101.2 For the purposes of Clause 1101.1, “road” includes any part of the roading asset, including, but not limited to: carriageway, verge, any roadside marker post or sign, streetlights, bridges, bridge railings or decking, culverts, ditches or any other roadside drainage, or footpaths.

1102 General Conditions For Damage To Roads

- 1102.1 Any damage to roads must be reported to the Council immediately.
- 1102.2 Where damage can be identified as having been caused to the road, Council will organise a contractor to make the necessary repairs and will recover the costs incurred from the person(s) responsible, in accordance with the Local Government Act 2002.
- 1102.3 Where it cannot be positively established who caused damage to any road, but it is clear that the damage is associated with an activity occurring on a certain property,

that property owner will be held responsible for costs incurred by Council in repairing the road.

- 1102.4 Any failure to pay for the cost of repairing any damage to any road or other land under the control of the Council, constitutes an offence under this Bylaw.

1103 Danger Or Damage As A Result Of Mud, Animal Waste Products Or Other Substance Or Debris

- 1103.1 Where there is a build up of animal waste products, mud, or any other substance or debris on the surface of the carriageway sufficient to cause:

- Damage to the carriageway, or
- Loss of traction for vehicular traffic, or
- A nuisance to other road users;

Then in accordance with section 175 of the Local Government Act 2002, the Council has the right to recover for:

- the amount of destruction or damage caused; or
- the cost incurred by the local authority in removing the stoppage or obstruction; or
- any loss or expenses incurred by the local authority by the stoppage or obstruction or interference;

from those directly responsible where unscheduled action, maintenance, or repair of the road is required, as assessed by a Council authorised officer.

1104 Danger Or Damage As A Result Of Trees Or Vegetation

- 1104.1 Where trees or vegetation on road reserve are assessed by a Council authorised officer as creating damage or danger on roads, Council will approach the adjacent land owner to remove the danger or remedy the damage. Where a land owner refuses to accept responsibility Council will remove the danger or remedy the damage.

- 1104.2 The property owner is responsible for the costs of rectifying problems where trees or vegetation on their property is creating damage or danger on the adjacent road, as assessed by a Council authorised officer.

- 1104.3 Refer to the Chapter 2 Public Places, clause 238 for further information about responsibilities for tree trimming and removal.
- 1105 Signs To Be Obeyed**
- 1105.1 No person being the driver or the person in charge of any vehicle may Drive, or stop, stand, or park, or otherwise use that vehicle in a manner that is contrary to any prohibition, limitation or restriction imposed from time to time by resolution of the Council and indicated by either:
- a) The erection of a sign prescribed by the Transport Act 1962, or
 - b) By any other reasonable means Council considers appropriate given the circumstances.
- 1106 One-Way Streets**
- 1106.1 The Council being may from time to time by resolution declare any road or part of a road on which traffic must travel in one specified direction only.
- 1106.2 The Council may from time to time by resolution amend or revoke any resolution made under clause 1106.1
- 1106.3 No person may drive, ride or otherwise direct or allow any vehicle to travel on any street declared to be a one-way street other than in the direction indicated in that resolution.
- 1107 Restricted Parking Areas**
- 1107.1 The Council may from time to time declare by resolution any of the following to be a Restricted Parking Area;
- a) any street, or part of any street
 - b) any land or any part of any land, either owned or leased by the Council or in which the Council has an interest
- 1107.2 Refer to the Waimate District Council Register of Restricted Parking Areas for full details of restricted areas.
- 1107.3 The Council may from time to time, impose the following conditions by resolution, in respect of any Restricted Parking Area:-

- a) The time or times during which parking restrictions have effect.
- b) The number and situation of parking spaces within each Area.
- c) The maximum time allowed for parking in any space within any Restricted Parking Area.
- d) The fees payable for parking in any space within a Restricted Parking Area.
- e) The means by which fees may be paid in respect of each restricted parking area.

1108**Method Of Parking****1108.1**

In any Restricted Parking Area where individual parks are indicated by lines painted or otherwise marked, no driver or person in charge of a vehicle may:

- a) Park any vehicle other than entirely within the area marked out as a single space; or
- b) Park any vehicle other than a motorcycle in a space marked for the use of motorcycles only; or
- c) Park a vehicle in a marked space which is already occupied by another vehicle, provided that any number of motorcycles may occupy a marked space at the same time. However, where any parking spaces are marked for the use of motorcycles only, if the space is divided into bays for angle parking of motorcycles no motorcycle (other than a motorcycle with a sidecar attached thereto) may be parked across any line marking the edge of any bay.
- d) Keep or hold on any space any motor vehicle, bicycle or caravan for the purposes of a sale, or exhibition for sale; or for the purpose of repair (other than essential running repairs carried out within a reasonable period of time, as determined by an authorised officer).
- e) Leave in any space any vehicle, trailer, caravan or caravan trailer which has no effective motor power in or attached to it, or is disabled or is in a state of repair so that it cannot be safely driven or towed.
- f) Park any vehicle in a no stopping area, being defined by a yellow broken line marked on the pavement adjacent to the kerb.
- g) Park any unauthorised vehicle in any special parking area.

- 1108.2 No driver or person in charge of a vehicle may place a sign on, or affix a sign to, any vehicle and/or trailer on any road where the apparent purpose of that sign is to advertise a product, service or activity, or direct people to a business or activity on a nearby property.

PROVIDED THAT, clause 1108.2 does not apply to:

- a) Signs placed on or affixed to vehicles, such as lettering, where the sign is incidental to the primary purpose of the vehicle.
- b) Banners, flags or signs temporarily placed on or beside vehicles for the purpose of advertising “open homes” associated with the selling of real estate.

- 1108.3 The Council may from time to time by resolution amend or revoke any resolution made under clause 1107.1 or 1107.3.

1109 Parking Offences

- 1109.1 No person may park in a Restricted Parking Area for any time after the expiry of the period allowed, or stop or park in any no stopping area or special parking area at any time, or undertake any activity contrary to Clauses 1108.1 and 1108.2.

- 1109.2 Any person who breaches clause 1109.1 commits an offence against this Bylaw.

- 1109.3 Any person who breaches clause 1109.1, must –
- a) Be served with an infringement offence notice in accordance with the Transport Act 1962; and
 - b) Pay the Council;
 - i. any fee specified in the notice referred to in (a) above; and
 - ii. sufficient monies to cover any expenses incurred by the Council in connection with the removal or proposed removal of the vehicle pursuant to the powers available to it under the Transport Act 1962; and
 - iii. within 28 days of the issue of the notice.

1109.4 Where the driver of such vehicle fails to pay Council fees and expenses referred to in Clause 1109.3 within the specified time, such fees and expenses shall be paid by the registered owner of the motor vehicle within 28 days from the date of being requested to do so by the Council in accordance with the provisions of the Transport Act 1962.

1110 Parking May Be Discontinued

1110.1 The Council may from time to time discontinue the use of any Restricted Parking Area for parking. The discontinuance of any such areas for parking must be notified by a suitable sign indicating that parking is no longer available in the area or in any of the particular spaces. No person may park, stand, or stop any vehicle in any such discontinued space.

1110.2 The Council may authorise temporary use of such areas by certain persons for such purposes and may impose such fee as is considered appropriate by the Council given the circumstances.

1111 Exemptions

1111.1 The driver or person in charge of any of the following vehicles are exempt from Clause 1109 of this Bylaw –

- a) Emergency vehicles for the time being used in connection with an emergency.
- b) Vehicles occupying a parking space solely for the purposes of avoiding other traffic or in compliance with the directions of an enforcement officer, police officer, parking warden, traffic control sign or signal.
- c) Goods services vehicles and passenger service vehicles engaged in loading or unloading in the normal course of trade, provided that this exception applies only if the vehicle is being used with due consideration for the safety and convenience of other traffic and persons.
- d) A vehicle parked in disabled parking where it correctly displays an officially recognised disability parking card.

1112 Heavy Motor Vehicle Restrictions

- 1112.1 Council may from time to time, by resolution publicly notified, and after consultation by affected parties, prohibit any heavy traffic on any maintained or unmaintained road or roads within the District. The first schedule attached to this chapter of the Bylaw sets out the roads on which heavy traffic is prohibited. Schedule 1 can be amended by resolution publicly notified (refer note 1).
- 1112.2 No person shall drive or permit to be driven, any heavy motor vehicles except buses, motor homes, emergency vehicles or network operators' vehicles, on or along those roads, or parts of roads listed in the first schedule attached to this chapter of this Bylaw, except for the purpose of:
- a) Picking up from, or delivering goods to, an address on those roads when alternative access is not available for this purpose.
 - (b) Loading or unloading goods or passengers at any property whose safe vehicular access is by way of the road or public place.

Note 1: Parker Street is shown with a Heavy Motor Vehicle restriction in schedule 1.

1113 Engine Braking

- 1113.1 The use, application, or operation of braking devices of the "Jacobs Engine Brake" type or any braking device that causes or creates a similar or excessive noise is prohibited within the District Plan Residential Zoned areas.

1114 Vehicle Accessways

- 1114.1 The purpose of this part of the Bylaw is to ensure all vehicle accessways to properties are correctly located and designed. Subject to specific approval, Council allows property owners to establish vehicle accessways to their properties for both private and commercial uses.
- 1114.2 No person shall install or construct any permanent vehicular accessway on any road for the purpose of access from the roadway to an internal accessway on private property

without first obtaining the approval in writing of the Council and such approval may be given on such conditions as Council thinks fit.

- 1114.3 Where an application is made to construct a significant building, then an application for a vehicle crossing permit must be made before the vehicles begin to access the property, unless a complying vehicle crossing already exists.

1115 Maintenance Of Vehicle Accessways

- 1115.1 The access including any culvert shall be maintained by the property owner up to the edge of carriageway or edge of seal. The property owner shall ensure the access does not, in any way, create a nuisance to road users. This includes stopping gravels and other debris from migrating onto the road surface and all stormwater runoff shall be directed away from the road.

- 1115.2 Where Council undertakes any kerb and channel, or undertakes any other construction or reconstruction work, or replaces or installs any pipeline culvert resulting in damage to an existing vehicle accessway, Council shall reinstate the accessway to the level of service that existed before Council carried out the work.

1116 Vehicle Accessways Design And Construction Requirements

- 1116.1 Design and construction of any vehicle crossing shall comply with the Waimate District Plan, Standards New Zealand (SNZ) document NZS 4044:2004 Land Development and Subdivision Engineering or any subsequent standard produced by SNZ4404:2004 in substitution thereof. Where there are inconsistencies between the District Plan and NZS4404:2004, the District Plan rules prevail.

- 1116.2 The Asset Manager or other authorised officer shall be authorised at all times to create, modify, and extend the Vehicle Crossing Design and Construction Standards.

- 1116.3 The construction of any vehicle crossing shall only be undertaken by a person or persons with suitable skill and experience to the satisfaction of the Asset manager.

1117 Failure To Construct Vehicle Accessways

- 1117.1 If the owner of any land accesses the land or permits access to the land at any point other than by way of a crossing approved by Council. Council may require the owner to construct a accessway in accordance with the provisions of the Bylaw.

- 1117.2 In the event that the owner fails to construct a accessway within one month of being so required by Council, the Council may construct the crossing and recover the actual and reasonable costs from the owner.

- 1117.3 Where vehicle accesses have been constructed without Council consent or fail to comply with the standards for vehicle accessways by posing a significant risk to road users, then, on the approval of the Asset Manager, the accessway shall be removed.

1118 Working In The Road

- 1118.1 The purpose of this part of the Bylaw is to ensure operations being carried out on or near the roadway are undertaken in a safe manner and do not damage the roading asset.

- 1118.2 All parties undertaking any work on, in or over the maintained road must comply with Transit NZ Code of Practice for Temporary Traffic Management (CoPTTM) and the Local Roads Supplement (LRS) to CoPTTM and must install or arrange to have installed, temporary traffic management plan (TMP) before commencing their activities (except as necessary to save lives and/or prevent serious injury).

1119 Restriction On Use Of Road

- 1119.1 Council may from time to time, or for very short periods eg emergencies, public events, by resolution publicly notified, prohibit the stopping standing or driving any vehicles on any road as described in the Second Schedule attached to

the Bylaw, but cannot stop residents reaching their dwellings.

1119.2 Any road or roads subject to any restrictions imposed by resolution of Council may be formed or unformed. Such roads may at sometime have been formed but have become unformed and may or may not be in a fit state to take any form of traffic.

1119.3 Council may from time to time by resolution publicly notified impose restrictions on any bridge, culvert, or other artificial structure forming part of any road in the District or bordering the District.

1119.4 If Council considers a road, bridge or other artificial structure to be unsafe for any form of traffic, whether vehicular, animal or human, then it may at anytime, close that part of the road or restrict its use.

1120 Notification Of Restrictions

1120.1 Any road, part of a road or bridge which has any restriction imposed upon it by resolution shall be sign posted with a copy of the resolution made pursuant to this Bylaw or a statement of its effect conspicuously displayed before the resolution comes into force.

1121 Encroachment Onto The Road Reserve

1121.1 In certain circumstances Council may allow encroachment by private property owners into the road, including unformed roads.

1121.2 Any individual group or organisation wishing to occupy any road shall be required to inform Council by completing a road encroachment application. This form can be obtained from any Council office.

1121.3 If any building, bridge, wheelchair access, staircase, fence or other structure or any part thereof shall have been erected, constructed or placed upon, under, over across any road reserve without the permission of Council, Council may by notice in writing require the owner of such building or structure or remove the same or such part thereof as specified in the notice.

- 1121.4 Any notice issued under 1127.3 above may require such precaution to be taken as Council thinks necessary for the safety of the public and for the proper securing of such building or structure as is to remain after such removal.
- 1121.5 Council may authorise any officer thereof to pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing, erected or being in contravention of this Bylaw or section 357 of the Local Government Act 1974.
- 1121.6 Council may recover from any person responsible for the erection, or from any person permitting the continued existence, of any such work, material or thing, all expenses incurred by it in connection with such pulling down, removal or alteration.
- 1122 Fence Encroachments**
- 1122.1 Council may allow private individuals and organisations to install fences within the maintained road. The following shall be considered when deciding whether or not to approve an application for a fence encroachment:
- a) All applicants must complete a road encroachment application.
 - b) Fences must be of an “adequate” standard and state of repair, as defined in the Fencing Act 1978.
 - c) Fences should not reduce lines of sight or vehicle sight distance below industry accepted safety standards.
 - d) Strainer posts and other solid objects that are potential hazards to road users and/or vehicles during accidents should be avoided, or marked with reflector tape if considered necessary.
 - e) All gates must be located on property boundaries, and not constructed within the designated road reserve.
 - f) Any property boundary fence erected on the road reserve be appropriate to the type of stock to be farmed within the adjoining property and that that fence be maintained in good order and repair for as long as the encroachment applies.

- 1122.2 The applicant is responsible for keeping the enclosed portion of road reserve tidy and free from plant pests or any plant growth that would create a visibility hazard to road users. If the applicant does not adequately maintain drainage structures, Council may enter the enclosed area as if no enclosure existed to carry out maintenance works at the occupier's expense.
- 1122.3 The applicant must agree to maintain all surface water channels, culverts, and culvert entrances within the enclosed area in good workable condition. If the applicant does not adequately maintain drainage structures, Council may enter the enclosed area as if no enclosure existed to carry out maintenance works at the occupier's expense.
- 1122.4 The applicant must accept all liability for any loss incurred or damage done, affecting or arising from a fence erected under the authority of the encroachment licence, unless negligence by a Council employee can be proved. Damage done to the fence by any private person or private contractor will be an issue between the applicant and other party.
- 1122.5 No permanent property boundary fence erected on the road Reserve may be electrified or constructed using barbwire. This clause shall not apply with in any area zone "Rural "under the Waimate District Plan except when the fence adjoins a footpath.
- 1122.6 Any fence erected under the authority of the encroachment licence shall be removed within one week of a request from Council to remove the fence.
- 1123 Gates And Cattle Stops Across Roads**
- 1123.1 Council may allow, at its pleasure, the erection of a swing gate, cattle stop or both across any rural road where:
- In Council's opinion it is not practicable or reasonable to fence the road, or
 - By agreement, the road has been taken or may be constructed through private lands and the owner or occupier requests that a gate or cattle stop or both be erected on the outer boundary at the cost

(including maintenance) of one or both of the parties as may be agreed.

1123.2 The following conditions shall apply to any gate or cattle stop across a public road:

- a) Any gate across a road shall not be locked, and must be able to be freely opened at all times.
- b) If the Council considers that there are issues of public safety Council may require or arrange for the gate to be locked.
- c) Any person who erects a gate across a road shall erect signs with the words "Public Road" painted thereon in letters not less than 75mm in height to be fixed on either side of the gate and this signage shall be at all times maintained by the person authorised to erect the gate.
- d) Council shall not be liable for damages in respect to any accident arising from the existence of the gate or cattle stop.

1124 Leaving Objects On The Road

No person may place or leave objects (including, but not limited to, shipping containers rubbish skips, machinery, baleage and logs) on the road unless the prior permission of Council is obtained.

1125 General Authorities

1125.1 All approvals are at the pleasure of Council and can be revoked by Council for any reason..

FIRST SCHEDULE

Heavy Vehicle Restrictions

1.	Parker Street, Glenavy

SECOND SCHEDULE

Restrictions on use of the following roads