

# CLUTHA DISTRICT COUNCIL ROADING BYLAW

## PART 3

### ROAD DAMAGE AND DANGER

#### 300 SCOPE

- 300.1. The purpose of this part of the Bylaw is to deter damage to roads or part of any road in the Clutha District. If damage does occur this Bylaw seeks to enable Council to ensure those accountable are responsible for the costs of rectifying the damage.
- 300.2. For the purposes of Part 3, "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.

#### 301 GENERAL CONDITIONS FOR DAMAGE TO ROADS

- 301.1. Any damage to roads must be reported to the Council immediately.
- 301.2. 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.
- 301.3. 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.
- 301.4. 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.

#### 302 DANGER OR DAMAGE AS A RESULT OF MUD, ANIMAL WASTE PRODUCTS OR OTHER SUBSTANCE OR DEBRIS

- 302.1 Where there is a buildup of animal waste products, mud, or any other substance or debris on the surface of the carriageway sufficient to cause:
- (a) Damage to the carriageway, or
  - (b) Loss of traction for vehicular traffic, or
  - (c) 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.

### **303 DANGER OR DAMAGE AS A RESULT OF TREES OR VEGETATION**

- 303.1. 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.
- 303.2. 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.
- 303.3. Refer to the Regulatory Bylaw – Part 2 Public Places, clause 216 for further information about responsibilities for tree trimming and removal.

# CLUTHA DISTRICT COUNCIL ROADING BYLAWS

## PART 4

### SPEED LIMITS

#### 400 SCOPE

- 400.1. The purpose of this bylaw is to promote public safety and effectively regulate traffic movements on roads within the Clutha District.

#### 401 SPEED LIMITS

- 401.1. Pursuant to section 151(2) of the Local Government Act 2002, section 684(1)(13) of the Local Government Act 1974 and the Land Transport Rule Setting of Speed Limits 2003, the Council may from time to time by resolution
- (a) Set speed limits or designate urban traffic areas for any roads under the Council's jurisdiction; and
  - (b) Make additions to or alterations to any speed limit set by the Council or any urban traffic areas designated by the Council.
- 401.2. Areas to which bylaw speed limits imposed under this clause apply must be marked by notices or signs in the prescribed form.
- 401.3. **Refer to the Clutha District Council Register of Speed Limits for full information of speed limits, as required by clause 7.3 of the Land Transport Rule Setting of Speed Limits Rule 2003.**
- 401.4. **Changes to speed limits will be made after consultation using the special consultative procedure, in accordance with section 7 of the Land Transport Setting of Speed Limits Rule 2003.**

# **CLUTHA DISTRICT COUNCIL ROADING BYLAW**

## **PART 5**

### **PARKING AND TRAFFIC**

#### **500 SIGNS TO BE OBEYED**

- 500.1. 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.

#### **501 ONE-WAY STREETS**

- 501.1 The Council 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.
- 501.2 The Council may from time to time by resolution amend or revoke any resolution made under clause 502.1.
- 501.3 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.

#### **502 RESTRICTED PARKING AREAS**

- 502.1. 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
- 502.2. Refer to the Clutha District Council Register of Restricted Parking Areas for full details of restricted areas.
- 502.3. 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.

## **503 METHOD OF PARKING**

- 503.1. 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.

- 503.2. 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 503.2 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.

- 503.3 The Council may from time to time by resolution amend or revoke any resolution made under clause 502.1 or 502.3.

## **504 PARKING OFFENCES**

- 504.1. 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 503.1 and 503.2.
- 504.2. Any person who breaches clause 504.1 commits an offence against this Bylaw.

- 504.3. Any person who breaches clause 504.1, 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
- 504.4. Where the driver of such vehicle fails to pay Council fees and expenses referred to in Clause 504.3 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.

## **505 PARKING MAY BE DISCONTINUED**

- 505.1. 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.
- 505.2. 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.

## **506 EXEMPTIONS**

- 506.1. The driver or person in charge of any of the following vehicles are exempt from Clause 504 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.
- 506.2. Restricted Parking Areas may be occupied without charge as per the following:

- (a) Monday to Thursday between the hours of 5pm and 8am
- (b) Friday after 9pm
- (c) Saturday and Sunday
- (d) Public holidays, as defined by section 44 of the Public Holidays Act 2003.

## **507 SPECIAL PARKING AREAS**

- 507.1. The Council may from time to time by resolution create, abolish, or vary special parking areas in streets for goods service vehicles and passenger service vehicles. Any such resolution appointing any special parking area may limit the number of vehicles and the type or types of vehicles that may use the special parking area and may impose such limitations as to the length of time and the manner of using the special parking area as the Council considers appropriate given the circumstances.
- 507.2. Any police officer, enforcement officer or parking warden may create temporary special parking areas for licensed goods service vehicles or licensed passenger service vehicles or any other such vehicles in circumstances where the officer is of the opinion that it is reasonably necessary to do so for the efficient control of traffic. All drivers of vehicles must obey the instructions of that officer in relation to the use of such special parking areas.
- 507.3. Any persons operating vehicles entitled to use any special parking area must (except where stipulated otherwise) on arrival at the special parking area stop their vehicle at the vacant space closest to the front of the special parking area (by reference to the direction of movement of traffic). As vehicles closer to the front of the special parking area vacate that area, vehicles to the rear must be moved forward to fill up all such vacated spaces.

## **508 FEES FOR VEHICLE SPECIAL PARKING AREAS**

- 508.1. Council may, from time to time by resolution, fix fees or charges for the use of any special parking area created under this Bylaw. Such fees or charges are payable to the Council by the holder of any licence authorising the use of such areas.
- 508.2. Any fees or charges fixed under Clause 508.1 are for a 12 month period and fall due and payable on the 1st day of the month next following the passing of the resolution. All fees or charges then fall due and are payable at the commencement of each 12 month period provided that a proportionate part of the annual charge is payable for the use of any space for a period shorter than the full 12 months.

## **509 HEAVY MOTOR VEHICLE RESTRICTIONS**

- 509.1. For the purposes of this section, "heavy motor vehicle" means the same as defined in the Land Transport (Road User) Rule 2004.

509.2. Refer to Schedule 5 for Heavy Traffic Restrictions in the Clutha District.

**510 PROCESSIONS**

510.1. No procession (other than funeral procession) whether of vehicles or pedestrians or no assembly of any kind may take place in any road without the consent of the Council. In granting any such consent, Council may impose any such terms and conditions it considers reasonable and appropriate in the circumstances.

**SCHEDULE 5**  
(Reference Clause 509)

Balclutha

- That part of SH No 1 in Clyde Street from Renfrew Street intersection and terminating at the intersection of Clyde Street with James Street.
  
- Alternative routes
  - (i) South bound heavy goods service vehicle traffic shall turn left into Renfrew Street and proceed to James Street, turning right into James Street and proceed southwards rejoining State Highway 1 at the intersection of James and Clyde Street.
  
  - (ii) North bound heavy goods service vehicle traffic shall turn left off State Highway 1 into Charlotte Street and proceed in a northerly direction into Charles Street and rejoin State Highway 1 at the intersection of Charles and Clyde Streets.