

# Clutha District Council

## Roading Bylaw 2018

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## Part 1 Introduction

### Title and Commencement

- 1 This Bylaw is the Clutha District Council Roading Bylaw 2018.
- 2 This Bylaw comes into force on 1 July 2018.
- 3 From the day this bylaw comes into force, any previous bylaw concerning roading and its amendments still in force within the Clutha District are repealed.

### Scope

- 4 The purpose of this Bylaw is to promote public safety and effectively regulate pedestrian, animal and traffic movements on roads, footpaths and public places within the Clutha District.
- 5 This Bylaw is made pursuant to and in accordance with the powers contained in the Local Government Act 2002, the Local Government Act 1974, and the Land Transport Act 1998.
- 6 The reference in this Bylaw to any statute, regulation, or bylaw (unless the context otherwise requires) includes reference to all subsequent statutes, regulations or bylaws made in amendment or in substitution and for the time being in force.
- 7 Part 1 of this Bylaw applies to all subsequent parts of this Roading Bylaw.

### Delegations

- 8 Except where this Bylaw states that a resolution is required, all actions required to be done by the Council under this Bylaw may be undertaken by any officer or employee or agent of the Council to whom the authority for undertaking such action has been lawfully delegated.
- 9 Proof of such authority may be established by:
  - a) Reference to the Delegations Register; or
  - b) Production of a Council Identity Card indicating in general terms the holders' area of delegated authority; or
  - c) Any other reasonable means.

### Exemptions

- 10 A person is not in breach of this Bylaw if that person proves that:
  - a) The act or omission complained of took place in response to a situation on a road; and
  - b) The situation was not of the person's own making; and
  - c) The act or omission was taken to avoid the death or injury of a person; or
  - d) If the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 11 A person is not in breach of this Bylaw if that person proves that the act or omission complained of took place in compliance with the directions of an enforcement officer, or a traffic sign.

### Interpretation

- 12 Subject to clause 13, the definitions in the Local Government Act 2002, the Transport Act 1962, the Land Transport Rule: Setting of Speed Limits 2003, the Land Transport (Road User) Rule 2004, and the Land Transport Act 1998 apply unless otherwise provided in this Bylaw.
- 13 For the purposes, of this Bylaw, and unless inconsistent with the context, the following definitions apply:

<b>Berm</b>	means an area of footpath laid out in grass.
<b>Boundary fence</b>	means a fence, as defined in Section 2 of the Fencing Act 1978

<b>Cattle</b>	includes dairy cows.
<b>Chief Executive</b>	means the Chief Executive of the Council.
<b>Council</b>	means the Clutha District Council.
<b>Authorised Officer</b>	means officers or staff with delegations as set out in the Council Delegation Manual.
<b>Dairy unit</b>	means a farm used for milk production.
<b>Driver</b>	means the person controlling an animal or operating a vehicle or conveyance device and drive has a corresponding meaning.
<b>Drover</b>	means a person controlling the movement of an animal or group of animals.
<b>Drove</b>	means to drive or to move stock in mobs or herds along or across a road and includes the leading of stock either singly or in small groups, but does not include: <ul style="list-style-type: none"> <li>• Transportation of stock in a vehicle</li> <li>• Riding a horse or leading a horse on foot</li> <li>• The drive of a horse drawn vehicle</li> </ul> and " <b>driven</b> " has a corresponding meaning.
<b>Enforcement Officer</b>	Either  a person appointed by Council to exercise powers of an enforcement officer in relation to offences against and infringement offences under this Bylaw, or a Police Officer.
<b>Gateway</b>	means any entrance in a boundary fence which allows entry to or exit from a road.
<b>Grass verge, road verge or verge</b>	means that part of a road which is not the carriageway or the footpath, but which is or may be laid out in grass.
<b>Hours of darkness</b>	means a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day or any other time where there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100m.
<b>Licence</b>	means any licence, permit, consent, approval or dispensation under this Bylaw.
<b>Working Day</b>	has the same meaning as in Section 2 of the Resource Management Act 1991.
<b>Livestock or stock</b>	means any animal that is not a pet and is farmed or controlled by a person for benefit of personal consumption or profit or financial exchange.
<b>Milking purposes</b>	means the movement of milking stock to or from a shed for milking but does not extend to the movement of dry cattle or milking stock for any other purpose.
<b>Race</b>	a confined area for moving stock from one location to another location
<b>Regular movement of stock</b>	means the movement of stock over the same route (in a singular direction) involving the road or road reserve on more than three occasions on a weekly basis.

### General Provisions

- 14 This Bylaw applies to all roads or parts of roads or other land which are under the control of the Council.

- 15 Enforcement of the provisions of this Bylaw will be carried out by the Police or the Council's enforcement officers, including parking officers.
- 16 Any person who acts so as to cause damage to any road, footpath, signage, pavement marking or other road-related asset commits a breach of this Bylaw. Without prejudice to any other remedy, where such a breach of this Bylaw takes place which causes damage, Council may undertake repairs and recover the associated costs from the person or persons who committed a breach of the Bylaw in connection with the damage.

### Offences and Penalties

- 17 Every person commits an offence against this part of the Bylaw who:
  - a) Contravenes or permits a contravention of any of the provisions of the Bylaw;
  - b) Contravenes or permits a contravention, of any permit, licence or consent granted under this Bylaw;
  - c) Fails to comply with any direction authorised under this Bylaw and served by either a police officer or lawfully delegated agent or Officer of the Council.
- 18 Any party identified as causing damage to any part of the road commits an offence under Part 3 of this Bylaw and will be liable for the costs of remedial action or works, in accordance with Section 175 of the Local Government Act 2002.
- 19 Every person who operates a vehicle in excess of the speed limits set by Part 6 of this Bylaw commits an offence and is liable for the penalties and fees provided for in the relevant provisions of the Land Transport Act 1998 or Land Transport (Offences and Penalties) Regulations.
- 20 Any person who commits an offence against any part of this Bylaw is liable for fines as provided for in section 242(4) of the Local Government Act 2002. The maximum penalty for a breach is \$20,000.

### Notice of Offence

- 21 Any person who commits an offence against this Bylaw may be served with a written notice from Council that requires that person to take such action, within a reasonable time period, as Council considers is necessary to comply with this Bylaw or any permit, licence or consent granted under the Bylaw. Note this clause does not apply to Part 6 of this Bylaw.
- 22 Where any person fails to carry out any action required by a notice served pursuant to clause 21 the Council may undertake the action required by the notice and recover the cost from that person.

### Service of Notice

- 23 Except as otherwise expressly provided for in any statute, notice given under this Bylaw must be delivered either personally or by registered post to the intended recipient's last known address.
- 24 Where the intended recipient is absent from New Zealand the notice may be served on the agent of that person, in the manner prescribed in clause 23.

### Appeals

- 25 In any case where the issue of a licence has been refused or is revoked, the applicant or holder of the licence, as the case may be, is entitled to appeal Council's decision to Council's Hearings Committee and shall have the right to be heard and present such evidence in support of such an appeal as is considered necessary.
- 26 Notice of an appeal under clause 25 must -
  - a) state the reasons for the appeal and the relief sought; and
  - b) be lodged with Council within 10 working days of notice of the decision being received.

### Power to Grant Dispensations

- 27 Any person may apply to Council for a dispensation from compliance with any clause of this Bylaw.
- 28 Any such application shall be in writing and shall state the reasons for requiring a dispensation.

- 29 Upon giving due consideration to any application received under this clause, Council may grant a dispensation where it is of the opinion that full compliance would;
- a) create serious hardship for that person and/or the operation of that person's business, or
  - b) cause that person needless loss or inconvenience without any corresponding gain or benefit to the community.
- 30 Dispensation under this clause will not be unreasonably withheld.

## Part 2 Stock Movement

### Scope

- 31 The objective of this part of the Bylaw is to control the movement of stock along and across roads -
- a) To ensure –
    - (i) The safety of all road users is not compromised; and
    - (ii) The inconvenience and nuisance to all road users is minimised; and
    - (iii) The road structure and surface, and other utilities and structures within the road reserve, are not damaged, and
  - b) To recognise, at the same time, that farmers need to use the road in some cases to move stock in order to manage their farms efficiently.

The movement of stock in the Clutha District is subject to any relevant statutory Acts, Regulations, and Standards.

### General Conditions for Droving of Stock

- 32 No person may move livestock across or along a road where that person may reasonably move the livestock along a race on private land or road reserve.
- 33 No person may drive any livestock along any road except:
- a) During the hours of daylight; or
  - b) In the case of escape or an emergency; or
  - c) In the case of the regular movement of stock subject to clauses 43 to 46 of this Bylaw.
- 34 Where it is not reasonable to move livestock along a race on private land or road reserve, those livestock may not be moved across or along a road unless:
- a) The livestock are under control by a drover at all times; and
  - b) The livestock are driven in such a manner and use only such points of access and exit to and from the road, as will ensure that danger to other road users and damage to the road and road flanks will be minimised; and
  - c) Visible warning signs in accordance with Transit New Zealand Manual of Traffic Signs and Markings are erected and maintained by the landowner; and
  - d) Where practicable the landowner implements a maintenance programme to cleanse the road pavement, immediately after movement of the stock, of debris and matter which may cause inconvenience to road users.
- 35 Stock must be driven so as to cause the least possible disruption to other road users, and the drover must allow any vehicle to proceed along the road with a minimum of delay.
- 36 The number of drovers to be stationed at the front and the back of each mob must at all times be sufficient to ensure the stock are under control.
- 37 The route taken by any drove must be the most practicable direct route by road between the point of departure and the destination.

- 38 All reasonable efforts must be made to ensure that stock are kept:
- a) Moving at all times, so as to make continuous progress towards the destination; and
  - b) Where available, and subject to clause 38(c), on the road verge and off any adjoining property; and
  - c) Away from trees, shrubs or flowerbeds planted along the road verge.
- 39 When stock are driven across or along any road, a temporary sign or a drover must be suitably placed so as to be clearly visible to, and give adequate warning of stock movements to, other road users.
- 40 All injured or dead stock must be removed from the carriageway immediately and from the road verge as soon as practicable, but in any event, on the same day.
- 41 No person may drive any stock on a road, or tether or graze any stock on a road verge in circumstances where such droving, tethering or grazing is in contravention of any statute, including tuberculosis status, or other lawful directive relating to animal health and/or the droving of stock.
- 42 The Council is not responsible in any way for claims and damages arising from droving stock, whether notified or not, and the owner of the stock should have current Public Liability Insurance to protect his/her liability for damage to third parties.

#### **Regular Movement of Livestock, including Dairy Cattle**

- 43 No road or any part of a road may be used for the regular movement of livestock, including the droving of milking stock for milking purposes, without prior written consent of the Council.
- 44 Upon receipt of a droving application the Council shall either give its consent which may be subject to such reasonable conditions as the Council thinks fit, or refuse its consent. The Council may impose conditions appropriate for each crossing point.
- 45 As part of the consent conditions, the Council may require the farmer/stock owner to use only specified points of access and exit to and from the farm as it considers necessary to ensure that danger to other road users is minimised, provided that such selected entry and exit points allow the farmer to continue farming operations in an efficient manner. Refer to Council's Policy on Stock Crossings and Stock Races for further information.
- 46 Where heavy use stock crossings apply (and underpasses are not warranted), the Council may require landowner financial assistance to construct durable road pavement over the extent of the crossing.

#### **Stock Races and Temporary Fencing**

- 47 Erection of stock races on road reserve for the regular movement of livestock is only permitted if prior consent is given by the Council. Refer to Council's Policy on Stock Crossings.
- 48 Stock grazing of the road reserve is only permitted if prior consent is given by the Council. Refer to Council's Policy on Road Occupation (Temporary Fencing of Road Reserves) for more information.

#### **Stock Underpasses**

- 49 Where a property that is operated as a split dairy unit has an existing crossing which does not meet the Council's requirements for stock crossings, races on road reserve, and stock underpasses, the Council may require a stock underpass to be installed.
- 50 Any new dairy conversions or expansions that occur from 1 July 2008 that have property that is operated on opposite sides of the road, must install a stock underpass where the Annual Average Daily Traffic (AADT) is equal or more than 500 vehicles. If the Annual Average Daily Traffic is less than 500, then a stock underpass will be required unless exempted by Council.

#### **Notification of Droving**

- 51 Where any person intends to drove stock:
- a) Any cattle during the Gypsy Day period (mid-May to mid-June), or
  - b) Further than 10 kilometres through or within the District, or
  - c) Through any urban traffic area, or
  - d) Where the mob is more than 3,000 sheep or 200 cattle,

- 52 Then, at least 5 working days before the drove commences, the person in charge of the drove is required to notify Council of the drove. This requirement is intended to give Council staff the opportunity to assess what notification needs to be made to other road users and the general public.
- 53 If a drove cannot reasonably be expected to be completed during the hours of daylight of the day on which the drove commenced, the owner of the stock or his agent must notify Council with the distance of daily stages, location of holding paddocks and consent from owners of holding paddocks.

#### **Additional Conditions for Notification-Related Drove**

- 54 This clause applies to droves that are notified to the Council under clauses 51 to 53.
- 55 No drove may commence when visibility is less than 170 metres.
- 56 For mobs where the number of cattle is more than 200 cattle, or 3,000 sheep, each mob must be accompanied by a minimum of two competent drovers and as many other competent assistants as is necessary to control the animals.
- 57 Every drover must wear a bright coloured reflective jacket, vest or similar for visibility.
- 58 The owner of the stock involved in a drove and the drover in charge are responsible for providing adequate warning for traffic. At all times appropriate warning signs and flashing lights must be displayed and be clearly visible for a distance of 250 metres.
- 59 The roadway must be kept clear of debris and other matter that may cause danger or inconvenience for other road users.

## **Part 3 Road Damage and Danger**

### **Scope**

- 60 The purpose of this part of the Bylaw is to deter damage to roads in the Clutha District. If damage does occur this Bylaw enables Council to ensure those accountable are responsible for the costs of rectifying the damage.
- 61 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.

### **General Conditions for Damage to Roads**

- 62 Any damage to roads must be reported to the Council immediately.
- 63 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.
- 64 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.
- 65 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.

### **Damage as a Result of Mud, Animal Waste Products or Other Substance or Debris**

- 66 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:

- a) the amount of destruction or damage caused; or
  - b) the cost incurred by the local authority in removing the stoppage or obstruction; or
  - c) 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.

#### **Danger or Damage as a Result of Trees or Vegetation**

- 67 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.
- 68 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.
- 69 Refer to the Regulatory Bylaw for further information about responsibilities for tree trimming and removal.

## **Part 4 Parking and Traffic**

#### **Signs to be obeyed**

- 70 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.

#### **One-Way Streets**

- 71 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.
- 72 The Council may from time to time by resolution amend or revoke any resolution made under clause 71.
- 73 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.

#### **Restricted Parking Areas**

- 74 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.

Council maintains a Register of Restricted Parking Areas.

- 75 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 Restricted Parking 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.

### Method of Parking

- 76 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.
- 77 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.
- 78 Clause 77 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.

### Parking Offences

- 79 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 76 and 77.
- 80 Any person who breaches clause 79 commits an offence against this Bylaw.
- 81 Any person who breaches clause 79 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
- 82 Where the driver of such vehicle fails to pay Council fees and expenses referred to in clause 80 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.

### Parking May Be Discontinued

- 83 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.
- 84 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.

### Exemptions

- 85 The driver or person in charge of any of the following vehicles are exempt from clauses 78 to 81 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 or 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.
- 86 Restricted Parking Areas may be occupied without charge at these times-
- 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.

### Special Parking Areas

- 87 The Council may from time to time by resolution create, abolish, or vary Special Parking Areas in streets for goods or 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.
- 88 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.
- 89 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.

### Fees for Vehicle Special Parking Areas

- 90 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.
- 91 Any fees or charges fixed under clause 89 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.

### Heavy Motor Vehicle Restrictions

92 Refer to Schedule 1 for Heavy Traffic Restrictions in the Clutha District.

### Temporary Restriction on the use of roads

93 Where an authorised officer considers that there is, or is likely to arise at any place on a road under the jurisdiction of the Council a temporary risk of:

- a) Danger to the public or to road workers; or
- b) Damage to the road,

then Council may temporarily restrict the use, speed, or class of vehicles which may use any part of that road. Any such restriction shall be defined by the display of temporary warning signs in conformity with the Land Transport Rule 2004 and the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management.

### Restrictions on the use of roads

94 Council may from time to time by publicly notified resolution, prohibit the stopping, parking or driving any vehicles on any road, bridge, ferry or ford.

95 Council may prohibit or restrict, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads.

96 Council may restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users prescribing the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track.

97 Council may require the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic.

98 Council may prohibit any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the road controlling authority is paid previously.

99 Any person concerned in any heavy traffic operation may make provision for an annual or other payment of any reasonable sum by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford.

100 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 any time, close that part of the road or restrict its use.

### Notification of restrictions

101 Any road, part of a road, bridge, culvert, ferry or ford 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.

### Amendment of Schedules

102 Council may amend Schedule 1 of this Bylaw by publicly notified resolution to change any area where heavy motor vehicle restrictions apply. Council may also amend its Register of Restricted Parking Areas by publicly notified resolution.

### Processions

103 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 Council. In granting any such consent, Council

may impose any such terms and conditions it considers reasonable and appropriate in the circumstances.

## Part 5 Vehicular Crossings

### Vehicular Crossings

- 104 Any person wishing to construct, repair, remove or widen any vehicular crossing shall first obtain a permit from the Council.
- 105 A permit issued by the Council under clause 103 may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicle crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 106 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.
- 107 If, in the opinion of the Council, any crossing is in a bad or unsafe state of repair Council may, by notice in writing, require the owner of the land which the crossing provides access to, to repair, remove, reconstruct, or renew such crossing to the satisfaction of Council. Any owner or occupier who fails to comply with such notice within the period specified is committing an offence against this Part of this bylaw.

## Part 6 Speed Limits

### Scope

- 108 The purpose of this part of the Roding Bylaw is to promote public safety and effectively regulate traffic movements on roads within the Clutha District.

### Speed Limits

- 109 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.
- 110 Areas to which Bylaw speed limits imposed under this clause apply must be marked by notices or signs in the prescribed form.
- 111 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.
- 112 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.

## Schedule 1 – Heavy Motor Vehicle Restrictions

(Reference clause 92)

### **Current Restrictions**

- Balclutha

### **Preclusion/Restriction**

Clyde Street, (State Highway 1)

That part of Clyde Street (State Highway 1) from the intersection of Clyde Street with Renfrew Street and terminating at the intersection of Clyde Street with James Street.

Alternative routes:

1. South bound heavy goods service vehicles shall turn left off Clyde Street (State Highway 1) onto Renfrew Street, proceed to James Street turning right onto James Street and continue in a south-westerly direction and re-joining Clyde Street (State Highway 1) at the intersection of James and Clyde Street.
2. North bound heavy goods service vehicles shall turn left off Clyde Street (State Highway 1) onto Charlotte Street and proceed in a north-easterly direction, then onto Charles Street and re-joining Clyde Street (State Highway 1) at the intersection of Charles Street and Clyde Street.
3. East bound (Invertiel/Finegand/Catlins area) heavy goods service vehicles from the south on Clyde Street (State Highway 1) shall turn left off Clyde Street (State Highway 1) onto Charlotte Street and proceed in a north-easterly direction and then turn right onto High Street and continue onto Owaka Highway.
4. East bound (Invertiel/Finegand/Catlins area) heavy goods service vehicles from the north on Clyde Street (State Highway 1) shall turn left off Clyde Street (State Highway 1) onto Renfrew Street, proceed to James Street turning right onto James Street and continue in a south-westerly direction and then turn left onto High Street and continue onto Owaka Highway.
5. North bound heavy goods service vehicles from Owaka Highway (Invertiel/Finegand/Catlins area) shall continue onto High Street and then turn right onto Charlotte Street and proceed in a north-easterly direction, then onto Charles Street and re-joining Clyde Street (State Highway 1) at the intersection of Charles Street and Clyde Street.
6. South bound heavy goods service vehicles from Owaka Highway (Invertiel/Finegand/Catlins area) shall continue onto High Street and then turn left onto James Street and continue in a south-westerly direction and re-joining Clyde Street (State Highway 1) at the intersection of James and Clyde Street.

- Milton

### **Preclusion/Restriction:**

Constitution Ave

That part of Constitution Ave starting at 135m from the intersection of Constitution Ave with Helensbrook Road and finishing at the intersection of Highgate Street and Milton Highway (State Highway 1).

Alternative routes:

1. All heavy goods service vehicle traffic shall turn from Milton Highway (State Highway 1) onto Helensbrook Road and then onto Constitution Ave for a distance of 135m from the intersection of Helensbrook Road.