



INVERCARGILL CITY COUNCIL

Bylaw 2015/2 – Parking Control

**(Incorporating Amendments that came into force
on 15 May 2017)**

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INVERCARGILL CITY COUNCIL BYLAW 2015/2 – Parking Control Bylaw

A Bylaw of the Invercargill City Council made in pursuance of the powers of the Land Transport Act 1998 and the Local Government Act 2002.

1. SHORT TITLE AND COMMENCEMENT

- 1.1. This Bylaw shall be known as “The Invercargill City Council Bylaw 2015/2 – Parking Control” and is made for the effective control and regulation of activities that may have an adverse effect on other users of public places or that might affect the wellbeing or enjoyment of residents.
- 1.2. This Bylaw shall come into force on 7 March 2016.

2. OBJECT OF BYLAW

- 2.1. The Bylaw is made primarily under the authority of Section 22AB of the Land Transport Act 1998 and the provisions of the Local Government Act 2002.
- 2.2. The primary purpose of this Bylaw is to control parking activities and ensure parking is enforced to protect and enhance the safety and enjoyment of the public, while providing a clear understanding of the use of roads and public walkways as well as parking restrictions.

3. REPEAL

- 3.1 The Invercargill City Council Bylaw 2008/4 - Roading, Parking and Traffic, is hereby repealed from the day this Bylaw comes into force.

4. DEFINITIONS

- 4.1 In this Bylaw, unless inconsistent with the context:

Authorised Vehicle means vehicles holding an Authorised Vehicle Permit which allows them to park in Authorised Vehicle Parking.

Authorised Vehicle Parking means any road or portion of a road or any area of land or any building owned or controlled by the Council which is available for Authorised Vehicles to park.

Authorised Vehicle Permit means a permit granted by Council to allow the permit holder to park in Authorised Vehicle Parking specified in the permit.

Council means the Invercargill City Council and includes any person authorised to exercise the authority of the Council.

Cycle Lane means a road laid out and marked for the exclusive use of cyclists.

Driver of a vehicle includes any person in charge of the vehicle.

Footpath means a path or way laid out or existing on any part of a road primarily designed for and used by pedestrians, and includes any part of a vehicle crossing or temporary crossing laid out or constructed over a footpath.

Heavy Motor Vehicle means a vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) having a gross laden weight exceeding 3,500 kg.

Metered Area means any road or portion of a road or any area of land or any building owned or controlled by the Council which is authorised by Council to be used as a parking place and at which parking meters are installed and maintained.

Metered Space means a space or section of a road or public place in a Metered Zone or Receipt Meter Zone marked out pursuant to this Bylaw by painted lines for the accommodation of a vehicle where a parking meter or receipt meters have been installed.

Mobility Parking Permit means a current mobility parking permit issued by Invercargill City Council or by an organisation authorised by Council.

Parking means the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.

Parking Meter means a device (including any stand to which the parking machine is attached, any pay and display machine and on any underground or over ground monitor) installed under this Bylaw and designed for the purpose of controlling the use of parking spaces in a charged parking area by:

- a) Measuring and showing the period of time paid for or which remains to be used; or
- b) Issuing a receipt showing the period of time paid for and when it expires.

Parking Officer means a person appointed by the Council to be a parking warden under Section 128D of the Land Transport Act 1998 or a Police Officer.

Parking Place means a place (including a building and any area of land laid out for parking) where vehicles, or any class of vehicles may wait.

Pay and Display Area means a parking space or group of parking spaces declared by Council to be a Pay and Display Area.

Parking Space means a space (including within a building) where vehicles, or any class of vehicles may stop, stand or park.

Pay and Display Parking Meter means a machine installed at a Pay and Display Area which receives parking fees and issues a receipt for the duration of time for which a motor vehicle may be parked in the Pay and Display space and the parking fee payable.

Pay and Display Space means a parking space within a Pay and Display Area where a parking fee is payable and parking is controlled by a Pay and Display Parking Meter.

Resolution means a publicly notified resolution of Council. A resolution will be made following consultation with affected parties. Council will determine affected parties on a case by case basis.

Road includes a reference to any part of a road and includes –

- a) A street, and
- b) A beach, and
- c) A place to which the public have access, whether as of right or not, and
- d) All bridges, culverts, ferries, and fords forming part of a road or street or a place referred to in paragraph (c), and
- e) All sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment or this Bylaw;

Road Margin includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

Shared Footpath / Cycleway means an area of road exclusively laid out and marked for the use of pedestrians and cyclists in a shared manner. On such facilities cyclists shall give way to pedestrians using that facility.

Sign means any name, figure, image, character, outline, spectacle, display, delineation, announcement, poster, handling, advertising device or appliance, or any other thing of a similar advertising nature.

Urban Road means a road running through or adjacent to an area with kerb and channel and or footpaths with speed limits 60 km/h or less.

Vehicle means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved, and includes a hovercraft, a skateboard, in-line skates, and roller skates, but does not include:

- a) A perambulator or pushchair,
- b) A shopping or sporting trundler not propelled by mechanical power,
- c) A wheelbarrow or hand-trolley,
- d) A pedestrian-controlled lawnmower,
- e) A pedestrian-controlled agricultural machine not propelled by mechanical power,
- f) An article of furniture,
- g) A wheelchair not propelled by mechanical power,
- h) Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition, or
- i) Any rail vehicle.

Zone Parking means any road or portion of a road or any area of land controlled by the Council which is authorised by Council to be used as a parking area that has a designated parking limitation or restricted parking type.

5. PARKING AREAS AND RESTRICTIONS

- 5.1. The Council by Resolution and subject to the erection of any signs by the provisions of the Land Transport Act 1998 may:

- a) Declare any piece of land, or part of a road or building owned or under control of the Council, to be a parking area.
 - b) Declare the number and situations of parking spaces.
 - c) Declare parking areas or part of a parking area or group of parking spaces to be a Pay and Display Area.
 - d) Prohibit a specified class or classes of vehicles from using a parking area or specified parking spaces.
 - e) Set the maximum time allowed for parking in any parking area or space and restrict the hours of availability for parking in any parking area or space.
 - f) Declare a parking area or part of a parking area or group of parking spaces to be a leased area.
 - g) Set the fees payable for the parking of vehicles in a Pay and Display Area or restricted parking area or parking zone and prescribe the method of payment for those fees.
- 5.2. No person shall repair, alter or add to a vehicle in the course of trade while the vehicle is on the road, unless necessary to enable the vehicle to be removed from the road.
- 5.3. No person may park or place any machinery, equipment, materials, waste disposal bins or freight containers on any road or public place except with the prior permission of the Council and in accordance with any conditions that may be required. This clause does not apply to containers that are used solely for the purpose of domestic refuse or recycling as authorised by the Council and placed off the roadway.
- 5.4. No person shall park any vehicle in a parking space already occupied by another vehicle.
- 5.4.1 An exception to clause 5.4 is that up to three motorcycles (but no other vehicle) may occupy any parking space at the same time.

6. METERED PARKING AREAS

The Council may from time to time, by resolution:

- a) Declare any road or part of a road to be a restricted metered area and declare the maximum authorised period of time for which any person may lawfully cause or permit any vehicle to be in any metered space or parking space;
 - b) Declare any piece of land, or part of a road or building owned or under control of the Council, to be a metered area or zone parking;
 - c) Declare the time allowed for parking in such metered areas and areas of zone parking beyond which it shall be unlawful to remain parked;
 - d) Declare the days and hours of operation for all metered areas;
 - e) Declare the time allowed for parking in those metered areas;
 - f) Fix the fees payable for the parking spaces within metered areas;
 - g) Declare the times and for how long vehicles may park in parking spaces;
 - h) Fix the fees that must be paid for the parking of vehicles within parking spaces;
 - i) Provide for and regulate the operation, maintenance, control, protection, use or discontinuance of parking spaces and parking meters.
- 6.1. Parking meters or pay and display parking meters shall be located within the metered areas of zone parking that they are to control. Refer to *Schedule 1* for a list

of parking zones. Any pay and display parking meter shall issue a receipt on insertion of the prescribed fee, or online payment in accordance with the instructions on the meter. This receipt may be in the form of a text message, it is the payees responsibility to ensure they have it available for inspection if requested.

- 6.2. Any physical receipt issued by a parking meter shall be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, of a motor vehicle parked in the parking area.
- 6.3. Where more than one motorcycle occupies a metered space it is not necessary for the payment of more than one parking fee. Up to three motorcycles may occupy one metered parking space at a time, but no such vehicle shall remain parked in the metered space past the expiry time.
- 6.4. Metered parking spaces shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 6.5. Pay and Display Areas and areas of zone parking shall be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 6.6. Any resolution may from time to time be amended or rescinded by a further resolution of Council.

7. MOBILITY PARKING

- 7.1. The Council may reserve any part of a road as a parking place for use only by any disabled person as defined in Section 2 of the Disabled Persons Community Welfare Act 1975, whether that person is a passenger in, or the driver of the vehicle.
- 7.2. A mobility parking permit must be prominently displayed at the front of any vehicle parked in a mobility parking space in a manner which will allow the permit to be seen by a parking officer from outside the vehicle. No person may display a mobility parking permit on a vehicle if the vehicle is not being used by the permit holder.

8. PARKING PLACES RESERVED

- 8.1. The Council may reserve any part of a road as a parking place, either generally or at specified times, for use only by members of a specified class of persons (including, but not limited to, the judiciary, diplomatic corps, medical practitioners and senior citizens).
- 8.2. The Council may on application by any person residing in the vicinity of a parking space, grant an authorised vehicle permit to that person entitling that person the sole right to park a vehicle in that parking space during such period, and on such conditions, as the Council may determine.

9. METHOD OF PARKING

- 9.1. No person shall park any vehicle in a parking space, except as permitted by the provisions of this Bylaw.

- 9.2. No driver shall park a vehicle in a parking space so that any part of that vehicle extends beyond any line defining that space.
- 9.3. No driver shall park a vehicle in a direction other than that directed by signs erected to control the direction of entry to those parking spaces.
- 9.4. No person shall park a vehicle on or overhanging a footpath.
- 9.5. No driver or person in charge of any vehicle shall stop, stand or park a vehicle, outside the extremities of any parking space unless the vehicle by virtue of its size cannot be contained in one space. If that vehicle is parked, the driver or person in charge of that vehicle is liable for a parking fee for each parking space occupied or encroached on by that vehicle.
- 9.6. No person shall allow a vehicle to occupy a space for longer than the maximum indicated period allowed for parking in the space occupied.
- 9.7. No driver or person in charge of any vehicle shall drive a vehicle in any parking area contrary to the direction of travel prescribed by the Council and shown by marks on the surface or other indications.
- 9.8. No driver or person in charge of any motorcycle or moped, shall park closer than 1 metre from the front and/or rear of a parking space.

10. PAYMENT OF PARKING FEE

- 10.1. The Council will prescribe a fee to be paid for use of a parking space, the driver or person in charge of the vehicle parking must pay the parking fee as soon as practicable and in the manner prescribed.
- 10.2. No person shall park any vehicle in a parking space without immediately inserting the prescribed payment into a parking meter installed to service that space.
- 10.3. No person shall cause a vehicle to remain in a restricted parking space in excess of the designated parking restriction time limit and shall not insert payment to continue to extend the period in excess of the maximum authorised period.
- 10.4. Where payment of a parking fee is made by use of a Pay and Display ticket machine:
 - 10.4.1. The driver or person in charge of that vehicle shall immediately display in the prescribed position on that vehicle a valid ticket issued by a Pay and Display parking machine in accordance with the instructions displayed at that machine.

11. EXEMPT VEHICLES

- 11.1 The driver or person in charge of any of the following vehicles may park free of charge in any parking space within a Pay and Display Area:
 - a) A vehicle used as an ambulance and which is at the time being used on urgent ambulance service.

- b) A vehicle used by the fire service for attendance at fires, and which is at the time attending a fire or responding to a fire alarm.
- c) A vehicle used by the police service and which is at the time being used for police service.
- d) A vehicle used by a medical practitioner and at the time being used on urgent medical service.
- e) An Invercargill City Council vehicle used by any officer engaged in work for the Council.

12. PARKING ON PLANTED AREAS, FOOTPATHS, MEDIANS, TRAFFIC ISLANDS

12.1. Subject to Clauses 12.2. and 12.3, no driver shall stop, stand or park a vehicle on that part of the road which is:

- a) A footpath; or
- b) A grass plot; or
- c) A flower bed; or
- d) Shrubbery; or
- e) In respect of an urban road only, the road margin.

12.2. A person may stop, stand, or park a vehicle in contravention of clause 12.1 if:

12.2.1. The vehicle is stopped or standing on an authorised vehicle crossing and not impeding pedestrians on the footpath; or

12.2.2. Council has indicated by appropriate signage that vehicles may stop, stand or park in that location; or

12.2.3. That person has obtained the prior written permission of the Council to stop, stand or park a vehicle in that location.

12.3. A person may stop, stand or park a cycle, wheelchair, mobility device, or wheeled recreational device on a footpath, grass plot, or road margin if so doing does not endanger or unreasonably obstruct any other user of the footpath.

13. STANDING VEHICLES ON ROADS

13.1. No driver shall stop, stand or park a vehicle on a road so as to cause an obstruction.

13.2. No driver shall, without the prior written permission of the Council, park a vehicle on a road for any period exceeding three days if that vehicle has no effective motive power in or attached to it, or cannot be safely driven. For the purposes of this clause "vehicle" also includes a boat, trailer, caravan, or any other similar thing.

14. HEAVY MOTOR VEHICLE PARKING

14.1 The Council may, by means of public notification following the special consultative process of the Local Government Act 2002, prohibit heavy motor vehicles from parking on any part of a roadway.

- 14.2 No driver of a heavy motor vehicle shall park on that part of a roadway subject to a resolution under Clause 14.1 unless the prior written permission from Council has been obtained.

15. OFFENCES

- 15.1. Every person commits an offence against this Bylaw who:
- a) Fails to comply with restrictions or directions or requirements indicated by the lines, domes, areas, markings, parking meters, multiple parking meters, traffic signs, or other signs and notices, laid down, placed, made, or erected, in or on any road, building, or other area controlled by the Council, pursuant to any provision of this Bylaw, or any resolutions made thereunder.
 - b) Does any of the following to a parking meter:
 - i. Misuses, damages, writes on or disfigures it;
 - ii. Interferes, tampers or attempts to disfigure the working operation of it.
 - c) Fails to comply with any resolution made under this Bylaw or fails to comply with any duty, obligation or condition imposed by the Bylaw.
 - d) Parks a vehicle on any grassed area or cultivated area under the control of the Council without prior written permission.
 - e) Parks on a road in front of any property in the District, where the size of the vehicle parked, or the continual nature of the parking, unreasonably prevents occupants from parking outside their property, excluding commercial vehicles parked on the road temporarily for business purposes.
 - f) Makes a false application or supplies false details in an application for parking permits.
 - g) Places a permit on a vehicle for which it was not issued.
 - h) Does any of the following in relation to parking:
 - i. Parks within the metered parking area for longer than the free period without displaying a clearly validated receipt on the vehicle; or
 - ii. Displays a receipt on the vehicle for a date other than the date indicated; or
 - iii. Parks in excess of any other time restriction or contrary to any other parking restriction in place within the parking area; or
 - iv. Parks within a metered parking area, without displaying a current exemption permit on the vehicle.
- 15.2 The Land Transport (Road User) Rule 2004 creates a number of offences in relation to stopping, standing and parking of vehicles, which for the avoidance of doubt shall apply in respect of this Bylaw in areas where the Council is the road controlling authority.
- 15.3 In addition to the Land Transport (Road User) Rule 2004, a person commits an offence who fails to comply with any Clause within this Bylaw.

16. PENALTIES

- 16.1 Unless expressly stated in other legislation or regulations, the penalty for breaching the clauses of this Bylaw are detailed in Council's Schedule of Fees and Charges.

17. DEFENCES

- 17.1 A person is not in breach of this Bylaw if that person proves that the act or omission complained of:
- a) Took place in compliance with the directions of a police officer, a parking officer or a traffic control device;
 - b) Was performed by a parking officer or a parking warden and was necessary in the execution of that person's duty.

18. EXEMPTIONS

- 18.1 No restriction in this Bylaw applies to emergency vehicles being used in an emergency, including medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

19. SCHEDULE ONE

The following pages contain plans displaying the Parking Areas, Parking Restrictions and Metered Areas declared, in accordance with a resolution of the Invercargill City Council, pursuant to Clause 5 and 6 of this Bylaw.

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