

Invercargill City Council

# Parking Control Bylaw

2022

## CONTENTS

SECTION.....	Page
1. SHORT TITLE AND COMMENCEMENT .....	4
2. OBJECT OF BYLAW .....	4
3. REPEAL .....	4
4. DEFINITIONS AND INTERPRETATIONS .....	4
5. RESOLUTIONS AND RESTRICTIONS .....	7
6. METERED PARKING AREAS .....	8
7. MOBILITY PARKING .....	9
8. PARKING PLACES RESERVED .....	9
9. BUS STOPS .....	9
10. METHOD OF PARKING .....	9
11. PAYMENT OF PARKING FEE.....	10
12. EXEMPT VEHICLES .....	10
13. PARKING ON PLANTED AREAS, FOOTPATHS, MEDIANS, TRAFFIC ISLANDS SERVICE LANES .....	11
14. STANDING VEHICLES ON ROADS .....	11
15. HEAVY MOTOR VEHICLE PARKING .....	11
16. OFFENCES .....	12
17. PENALTIES .....	12
18. DEFENCES .....	12
19. EXEMPTIONS .....	13
20. SCHEDULE ONE .....	14
Parking Control – Off Street Car parking .....	15

[THIS PAGE IS INTENTIONALLY LEFT BLANK]

## **INVERCARGILL CITY COUNCIL – PARKING CONTROL BYLAW 2022**

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 – Parking Control Bylaw 2022” 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 1 November 2022.

### **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.
- 2.3. For State Highway areas, this bylaw is made by the Invercargill City Council under section 22AB of the Land Transport Act 1998 pursuant to an Instrument of Delegation made by the Waka Kotahi New Zealand Transport Agency (WK) dated 30 April 2021 in respect of the Waka Kotahi’s power of control of parking and stationary vehicle offences on areas of state highways in Invercargill City district.

### **3. REPEAL**

- 3.1 The Invercargill City Council Parking Control Bylaw 2020, is hereby repealed from the day this Bylaw comes into force.

### **4. DEFINITIONS AND INTERPRETATIONS**

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

**Act** means the Land Transport Act 1998 the regulations and the rules under that Act.

**Authorised Vehicle** means vehicles holding an Authorised Vehicle Permit which allows them to park as 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 authorised by Council and marked to be used as a parking space and at which may include spaces where parking machines are installed and maintained or at which Authorised Vehicle Permits are issued by the Council.



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

**Class of vehicle** means groupings of vehicles defined by reference to any common feature and includes -

- a) vehicles by type, description, weight, size or dimension;
- b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- c) vehicles carrying no fewer or less than a specified number of occupants;
- d) vehicles used for specified purposes;
- e) vehicles driven by specified classes of persons;
- f) carpool and shared vehicle; and
- g) vehicles displaying a permit authorised by the Territorial Authority.

**Council** means the Invercargill City Council and includes any officer 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 Parking 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 and marked to be used as a parking space and at which parking machines are installed and maintained.

**Mobility Parking Area** means any marked parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved Mobility Parking Permit that is clearly legible.

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

**Motor Vehicle** means a vehicle drawn or propelled by mechanical power, and includes a trailer, but does not include -

- a) a pedestrian-controlled machine;
- b) or a mobility device.

**No Stopping Lines** means lines marked on the road in yellow dashed (typically one metre long) layout identifying where parking or stopping is prohibited at all times.

**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 App** means an internet based application designed for the purpose of controlling and charging for the use of parking spaces in a metered parking area or authorised vehicle parking areas by measuring and showing the period of time paid for or which remains to be used, for the use of the space or for the vehicle (defined by the licence plate number) using that space.

**Parking Machine** means a parking meter or other device (including any stand to which the parking machine is attached including any underground or over ground monitor) installed under this Bylaw and designed for the purpose of controlling and charging for the use of parking spaces in a metered parking area.

**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 Space** means a space (including within a building and any area of land laid out for parking) where vehicles, or any class of vehicles may stop, stand or park.

**Parking Zone** means a zone within the Metered Parking Area where a payment pricing approach is defined. The Metered Parking Area may have many zones which have different charging rates.

**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 within the Invercargill City Council land area (including State Highways) and includes –

- a) A street, road, or service lane, and
- b) A State Highway (parts of SH 1, 6, 92 & 98), and
- c) A beach, and
- d) A reserve area (under the Reserves Act) constructed for use as a road, and
- e) A place to which the public have access, whether as of right or not, and
- f) All bridges, culverts, ferries, and fords forming part of a road or street or a place referred to in paragraph (c), and
- g) 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.

**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.

**State Highway** has the same meaning as in section 5 of the Land Transport Management Act 2003.

**Traffic Control Device** includes any sign, signal, notice, traffic calming device or marking or road surface treatment used on a road for the purpose of traffic control.

**Time Restricted Parking 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 and marked to be used as a time restricted parking space.

**Traffic** means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

**Territorial Authority** means Invercargill City Council.

**Waka Kotahi** means Waka Kotahi New Zealand Transport Agency.

**Urban Road** means a road running through or adjacent to an area with speed limits 60 km/h or less, with or without kerb and channel and or footpaths.

**Vehicle** means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved, and includes a bicycle, motorbike, hovercraft, a skateboard, in-line skates, and roller skates, e-scooter or similar recreational wheeled devices, 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.

4.2 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

4.3 The Interpretation Act 1999 applies to the interpretation of this bylaw.

## **5. RESOLUTIONS 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 metered parking area, a time restricted parking area, a mobility parking area or an authorised vehicle parking area.
- b) Declare the number and situations of parking spaces.
- c) Prohibit a specified class or classes of vehicles from using any of the parking areas in (a) above or any specified parking spaces.
- d) Set the days and hours of operation, the maximum time allowed for parking in any type of parking area or space and restrict the hours of availability for parking in any parking area or space.
- e) Set the fees payable for the parking of vehicles in any metered parking area (or parking zone) specified in (a) above and prescribe the method of payment for

those fees either via a parking machine, parking app or other methods specified by council in its conditions for payment.

- f) regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case;
- 5.2. Council may by resolution prohibit or restrict the stopping, standing or parking of vehicles on any roads; or limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.
- 5.3. A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by Council.
- 5.4. 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.
- 5.5. 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.
- 5.6. No person shall park any vehicle in a parking space already occupied by another vehicle except that up to three motorcycles (but no other vehicle) may occupy any parking space at the same time.

## **6. METERED PARKING AREAS**

- 6.1. The Council may from time to time, provide for and regulate the operation, maintenance, control, protection, use or discontinuance of parking spaces, zones and change the parking machines types, functions provided by these machines.
- 6.2. Parking Machines shall be located within the metered parking areas that they are to control. Refer to *Schedule 1* for a list of metered parking areas. Metered parking will be managed via Pay by Plate methods utilising the vehicle number plate as the identifier unless the location specifically displays other instructions.
- 6.3. Payment is to be made in accordance with the instructions on the machine or via an online payment process. Parking machines will not issue a receipt. Receipts are obtainable online.
- 6.4. Where more than one motorcycle occupies a metered space it is not necessary for the payment of more than one parking fee. No such vehicle shall remain parked in the metered space past the expiry time.
- 6.5. Metered parking spaces shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 6.6. Metered Parking Areas and Parking Zones shall be indicated by signs in accordance with the Land Transport Rule: Traffic Control Devices 2004.
- 6.7. 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 Mobility Parking Area 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. Parks will be signed with the maximum period of time for use which includes any additional allowance.
- 7.2. A mobility parking permit must be prominently displayed at the front of any vehicle parked in a Mobility Parking Area in a manner which will allow the permit to be seen by a Parking Officer from outside the vehicle.
- 7.3. 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 space, 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 and medical practitioners).
- 8.2. The Council may on application, including 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. BUS STOPS**

- 9.1 Council authorises Bus Stops throughout the Invercargill District. All Authorised Bus Stops have a white and red sign to identify it is a Bus Stop.
- 9.2 Bus Stops are considered operational at all times (24 hours a day, seven days a week) unless there is specific signage on a Bus Stop stating otherwise.
- 9.3 If there are road markings associated with the Bus Stop, other vehicles are not permitted to park within the marked lines. If there is a Bus Stop sign and no road markings, then parking is not permitted within six metres before or after the sign.

## **10. METHOD OF PARKING**

- 10.1. No person shall park any vehicle in a parking space, except as permitted by the provisions of this Bylaw.
- 10.2. No driver shall park a vehicle in a parking space so that any part of that vehicle extends beyond any line defining that parking space.
- 10.3. 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.
- 10.4. No person shall park a vehicle on or overhanging a footpath.

- 10.5. 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.
- 10.6. No person shall allow a vehicle to occupy a parking space for longer than the maximum indicated period allowed for parking in the space occupied. This requirement shall apply equally to metered parking areas, mobility parking areas, time restricted parking areas and authorised vehicle parking.
- 10.7. 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.
- 10.8. 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.

## **11. PAYMENT OF PARKING FEE**

- 11.1. 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.
- 11.2. No person shall park any vehicle in a parking space within a metered parking area without immediately making payment of the prescribed fee by any of the payment options available to service that parking space.
- 11.3. No person shall cause a vehicle to remain in a parking space for a period longer than the maximum for that parking zone and shall not make further payment to continue to extend the period in excess of the maximum authorised period.
- 11.4. No person shall cause a vehicle to remain in an Authorised Vehicle Park where the Authorised Vehicle Permit has expired.

## **12. EXEMPT VEHICLES**

- 12.1 The driver or person in charge of any of the following vehicles may park free of charge in any parking space:
  - 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 urgent police business.
  - 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.

### **13. PARKING ON PLANTED AREAS, FOOTPATHS, MEDIANS, TRAFFIC ISLANDS SERVICE LANES**

13.1. Subject to Clauses 13.2, no driver shall stop, stand or park a vehicle on that part of the road which is:

- a) A Service Lane or Right of Way (unless a parking space is marked by appropriate signage)
- b) A footpath; or
- c) A grass plot; or
- d) A flower bed; or
- e) Shrubbery; or
- f) In respect of an urban road only, the road margin.

13.2. A person may stop, stand, or park a vehicle in contravention of clause 13.1(b) to (f) if:

- a) The vehicle is stopped or standing on an authorised vehicle crossing and not impeding pedestrians on the footpath and any part of the vehicle does not extend over the kerb ; or
- b) Council has indicated by appropriate signage that vehicles may stop, stand or park in that location; or
- c) That person has obtained the prior written permission of the Council to stop, stand or park a vehicle in that location.
- d) 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.

### **14. STANDING VEHICLES ON ROADS**

14.1. No person is permitted to stop, stand or park a vehicle on a road in such a way that it causes an obstruction or nuisance. An obstruction can include a vehicle parked on a road when Council has advised it will be undertaking planned road maintenance works. A vehicle is deemed to be an obstruction if it is parked on a road and not moved for a period in excess of fourteen (14) continuous days.

14.2. 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.

### **15. HEAVY MOTOR VEHICLE PARKING**

15.1. 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.

15.2. No driver of a heavy motor vehicle shall park on that part of a roadway subject to a resolution under Clause 15.1 unless the prior written permission from Council has been obtained.

## **16. OFFENCES**

16.1. 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 machines, 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 machine:
  - 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 area noted in 13.1 including a 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 in any Metered Parking Area without paying the prescribed fee; or
  - ii. Parks within the Metered Parking Area for longer than the maximum permitted period; or
  - iii. Parks in excess of any other time restriction or contrary to any other parking restriction in place within the Time Restricted Parking area; or
  - iv. Parks an Authorised Vehicle without displaying and holding a current permit; or
  - v. Parks within a Mobility Parking Area without displaying a current permit; or
  - vi. Parks on area marked with "No Stopping" lines; or
  - vii. Parks on a shared footpath/cycleway

16.2. 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.

16.3. 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.

## **17. PENALTIES**

17.1. 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.

## **18. DEFENCES**

18.1. 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.

## **19. EXEMPTIONS**

- 19.1. 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.

## **20. SCHEDULE ONE**

*The following pages contain descriptions and plans displaying the No Stopping Lines, Metered Parking Areas, Time Restricted Parking Areas, Parking Zones declared, in accordance with a resolution of the Invercargill City Council, pursuant to Clause 5 of this Bylaw.*

<b>Parking Control – Off Street Car parking</b>	<b>Page 15</b>
<b>Parking Control – Index Map</b>	<b>Page 16</b>
<b>Parking Control – No Stopping Lines</b>	<b>Page 17 to Page 20</b>
<b>Parking Control – Parking Spaces</b>	<b>Page 21 to Page 45</b>

## **Parking Control – Off Street Car parking**

Zone L – 11 Leven Street multi-level Car park

- Level 1, 3, 5, 6, 7 – Permit parking only
- Level 2, 4 – Metered parking area
- Level 8 – Time restricted parking area

Zone D – 67 Don Street Car park

- Metered parking area

Zone E – 102 - 108 Esk Street Car park

- Yellow parks – Permit parking area
- White parks - Metered parking area

Zone V – 30 Deveron Street Car park

- Permit parking area

Zone G – 131 Esk Street Carpark

- Permit and Metered parking as shown in the Parking spaces map

Zone C – 19 Don Street Car park

- Metered parking area





















































































