



Parking Control Bylaw 2014

1. TITLE

- 1.1. This Bylaw is the Thames-Coromandel District Council Parking Control Bylaw 2014.

2. EXPLANATORY NOTE

- 2.1. The Thames-Coromandel District Council made its Parking Control Bylaw on 25 August 2004 (operative from 8 September 2004) under Section 22AB of the Land Transport Act 1998, the Local Government Act 2002, and the Bylaws Act 1910.
- 2.2. This Bylaw was reviewed in 2009. The 2014 review of this Bylaw is in accordance with section 159 of the Local Government Act 2002.
- 2.3. As from the day on which this Bylaw comes into force, Part 20 Parking Control Bylaw of the Thames-Coromandel District Council Bylaw 2004 shall be revoked.
- 2.4. Further amendments were made to the Bylaw in 2018 to make provision for residents' only parking.
- 2.5. Other legislation and regulatory tools are in use across the District relevant to the activity of parking, such as the Land Transport (Road User) Rule 2004, Reserves Act 1977, Council's District Plan, and other Council bylaws. The Land Transport Act 1998 and Local Government Act 2002 allows for legal action with consequent fines for offence against this Bylaw.

3. SCOPE AND PURPOSE

- 3.1. The purpose of this Bylaw is to set the requirements for control of parking in respect of roads, public places, and parking areas owned or controlled by the Council in order to:
 - a) Enhance road safety;
 - b) Manage traffic flows effectively;
 - c) Achieve an appropriate allocation of parking spaces between competing users and provide for the needs of special user groups.
- 3.2. Except as herein expressly provided, this Bylaw shall apply to the whole of the Thames-Coromandel District other than roads which are not under the control of the Council.
- 3.3. Words which refer to the singular include the plural and the plural includes the singular.

3.4. Reference to any Act or provision of any Act includes any amendment to that Act or any Act passed in substitution for it.

3.5. Notes in italics are for information only and are not part of this Bylaw.

4. COMMENCEMENT

4.1. This Bylaw comes into force on XXX

5. REVIEW

5.1. Review of this Bylaw will be undertaken in accordance with section 159 of the Local Government Act 2002, being no later than 10 years after the last review.

6. DEFINITIONS

6.1. In this Bylaw, unless the context requires otherwise:

Authorised Officer means any person appointed or authorised in writing by the Council to act on its behalf and includes any Parking Warden appointed under the provisions of the Land Transport Act 1998 or any Enforcement Officer.

Berm a public path or grass strip adjoining a road.

Boating Amenity Parking Permit means a parking permit issued by the Council authorising the parking of a vehicle and boat trailer or boat trailer for the purposes of parking within a designated area, as determined by the Council from time to time.

Boat Trailer means a trailer used predominantly for the purposes of transporting a boat or other water craft.

Bus has the same meaning as in the Land Transport (Road User) Rule 2004.

Car Park means an area of land set aside specifically for the parking of a motor vehicle.

Chief Executive means the person employed by Council as the Chief Executive of the Council for the time being.

Community Board Area means defined area within the Thames-Coromandel District, as represented by an elected group of people.

Council means the Thames-Coromandel District Council.

District means the Thames-Coromandel District.

Heavy Motor Vehicles has the same meaning as in the Land Transport (Road User) Rule 2004.

Holiday Period means any weekend which may immediately precedes or follows a public holiday, and includes the public holiday.

Leased Area means a parking space or group of parking spaces owned by the Council that is leased to another party.

Leased Space means a parking space within a leased area.

Moped has the same meaning as in the Land Transport Act 1998.

Motorcycle has the same meaning as in the Land Transport Act 1998.

Motor Vehicle has the same meaning as in the Land Transport Act 1998.

Mobility Parking Permit means a permit issued by CCS Disability Action Incorporated under the Mobility Parking Permit Scheme.

Mobility Parking Space means a parking space reserved for vehicles displaying a valid Mobility Parking Permit and marked with the prescribed signs or markings.

Owner has the same meaning as in the Land Transport Act 1998.

Parking has the same meaning as in the Land Transport Act 1998.

Parking Area means an area of road, land or building set aside by the Council for parking.

Parking Space means a portion of a road or parking area marked out with painted lines for the specific purpose of accommodating a parked vehicle.

Parking Warden has the same meaning as in the Land Transport Act 1998.

Passenger Service has the same meaning as in the Land Transport Act 1998.

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

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

Public Place means a place under the control of the Council that, at any material time, is open to or is being used by the public, whether free or for payment of a charge.

Resident means the legal owner or occupant of a property.

Road has the same meaning as in the Land Transport Act 1998.

Street has the same meaning as 'Road'.

Taxi has the same meaning as in the Land Transport Act 1998.

Trailer has the same meaning as in the Land Transport (Road User) Rule 2004.

Transport Service has the same meaning as in the Land Transport Act 1998.

Vehicle has the same meaning as in the Land Transport Act 1998.

Vehicle Class has the same meaning as in the New Zealand Transport Agency Vehicle Equipment Standards Classification.

Vehicle Stand means a parking area for a specific vehicle or class or classes of vehicle.

7. PARKING WARDENS

- 7.1. The Council may appoint Parking Wardens to undertake parking enforcement activity on behalf of the Council under the Land Transport Act 1998.

8. PARKING AREAS

- 8.1. The Council may by resolution, and subject to the erection of the prescribed signs:
- a) Prohibit or restrict the stopping, standing, or parking of vehicles on any road or berm;
 - b) Limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description;
 - c) Limit the period of time that vehicles may park on any part of the road where parking is limited;
 - d) Prohibit or restrict the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified hours or for a period that exceeds a specified period;
 - e) Prescribe the use of parking places, which includes (but is not limited to) specifying the vehicles or classes of vehicle that may be entitled to use any parking place;

- f) Prohibit or restrict the stopping, standing or parking of a vehicle on specified roads or parts of roads in residential areas by specified classes of vehicles, either generally or at specified times, where the Council is of the opinion that parking is likely to cause a nuisance or danger.

9. RESIDENT ONLY PARKING AREAS

9.1 The Council may by resolution:

- a) Restrict parking on any road or portion of a road; and
- b) Reserve such areas for resident only parking; and
- c) Prescribe any fees to be paid annually or in any specified manner, for the use of the resident only parking area and the manner by which any fees may be paid for the use of the parking area; and
- d) Require those persons parking a vehicle in a resident only parking area to display a current approved residents parking permit that is clearly legible and visible; or utilise an alternative Council approved system.

10. PAY AND DISPLAY AREAS

10.1 Without limiting clause 8 of this Bylaw, the Council may by resolution:

- a) Declare any parking area to be a pay and display area;
- b) Declare the number and situation of pay and display spaces within a pay and display area;
- c) Declare the time allowed for parking in such pay and display area beyond which it shall be unlawful to remain parked;
- d) Subject to Section 150 of the Local Government Act 2002, set fees payable for the parking of vehicles within the pay and display area.

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 New Zealand Police in the execution of their urgent duty;

- d) Vehicles used by a doctor, district nurse or midwife who is attending a patient on an urgent medical matter;
 - e) Residents within a defined area in proximity to a pay and display area, as determined by Council from time to time;
 - f) A branded Thames-Coromandel District Council vehicle used by any officer engaged in work for the Council.
- 11.2. A person with a current mobility parking permit may, in the event that a mobility parking space is not available in the immediate vicinity, park in a standard parking space without being required to comply with any time restrictions that may be in force.

12. PARKING IN LEASED AREA

- 12.1. No driver or person in charge of any vehicle may park a vehicle in a leased area or leased space other than in accordance with a current valid written agreement with the Council for the lease of that area or space.

13. LOADING ZONES

- 13.1. The Council may by resolution:
- a) Declare any road, land, or building under the control of the Council or portion of such road, land or building to be a loading zone;
 - b) Prescribe any conditions prohibiting, limiting, controlling or restricting the use of any loading zone;
 - c) Declare the types of vehicles which may use a loading zone.
- 13.2. No person being the driver or in charge of a vehicle shall park in or use a loading zone contrary to a requirement or restriction in or made under clause 12.1.
- 13.3. The restrictions made under clause 12.1 shall be marked with the prescribed signs or markings.

14. PASSENGER SERVICE VEHICLE STANDS

- 14.1. The Council may by resolution declare a parking area to be a passenger service vehicle stand and may prescribe the following in respect of that passenger service vehicle stand:
- a) The location and size of any passenger service vehicle stand;
 - b) The fee for using any passenger service vehicle stand;

- c) The hours of operation of any passenger service vehicle stand;
 - d) The place and size of any temporary passenger service vehicle stand;
 - e) Any conditions of use of any passenger service vehicle stand.
- 14.2. No driver or person in charge of any taxi, bus, or other passenger service vehicle shall park that vehicle, other than within a passenger service vehicle stand, while soliciting for passengers.
- 14.3. No driver or person in charge of a vehicle may park a vehicle on a vehicle stand unless the vehicle is of the class authorised to park on that vehicle stand and all conditions made under clause 13.1 are complied with.
- 14.4. The restrictions in clause 13.1 shall be marked out with the prescribed signs or markings.

15. ANGLE PARKING

- 15.1. The Council may by resolution:
- a) Declare that a parking space or group of parking spaces is to be used for angle parking only;
 - b) Regulate the use of angle parks.
- 15.2. Vehicles must be parked in an angle park on the angle indicated and front first.
- 15.3. No person being the driver or in charge of a vehicle shall park in or use a parking space contrary to a requirement or restriction in or made under clause 14.1 or 14.2.

16. PARKING OF HEAVY MOTOR VEHICLES IN RESIDENTIAL AREAS

- 16.1. The Council may by resolution prohibit the parking of heavy motor vehicles on any road in a residential area.
- 16.2. It shall not be an offence to stop, stand or park a heavy motor vehicle on any such road for such a period as is reasonably required for the purpose of loading or unloading that vehicle and provided that such loading or unloading takes place and is in no way in contravention of any other parking control.

17. BOATING AMENITY PARKING PERMITS

- 17.1. The Chief Executive, or any person authorised on behalf, may issue boating amenity parking permits on payment of the appropriate fees specified by Council from time to time.
- 17.2. A boating amenity parking permit must be displayed so as to be visible through the front window where fitted, or visible on or in the vehicle where no front window is fitted.
- 17.3. Any authorised officer may require the driver or person in charge of, or any passenger in, any motor vehicle to produce for inspection any boating amenity parking permit displayed in or on that vehicle.

18. TEMPORARY DISCONTINUANCE OF PARKING SPACE

- 18.1. Where the Council is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space or should be reserved for use by a utility operator or other specified vehicle, the Council may place or erect a sign or notice that sufficiently indicates 'No Stopping' at such parking space or spaces, or may grant a permission in writing for sole use of the space or spaces to the trades vehicle or other specified vehicle.
- 18.2. No person shall park a vehicle in a discontinued parking space, except with the written permission of the Chief Executive of the Council.

19. OTHER UNLAWFUL CONDUCT IN PARKING AREAS

- 19.1. No person shall park any vehicle in a parking space except as permitted by the provisions of this Bylaw.
- 19.2. No driver or person in charge of any vehicle shall stop, stand or park a vehicle:
- a) Outside the extremities of any parking space unless the vehicle due to its size cannot be contained in one space. If that vehicle is parked in a parking space or parking area where fees are payable, the driver or person in charge of that vehicle is liable for a parking fee for each space occupied or encroached on by that vehicle;
 - b) In a parking space if that vehicle is of a class not permitted to use that parking space or parking area;

- c) In any parking space already occupied by another vehicle or vehicles unless that vehicle is a motorcycle;
 - d) In any parking space for longer than the maximum period allowed for parking in that space.
- 19.3. No driver or person in charge of any motorcycle or moped, shall park closer than one meter from the front and/or rear of a parking space.
- 19.4. No person may park an immobilised vehicle on any road for a continuous period exceeding seven days without prior written approval from the Chief Executive of the Council.
- 19.5. No person may leave a vehicle on the road for the purpose of storage in connection with their trade of business without prior approval from the Chief Executive of the Council.

20. PARKING VEHICLES FOR SALE ON ROADS

- 20.1. No person shall park a vehicle on any road for the purpose of display for sale, unless the vehicle is being used genuinely for travel and is parked, incidentally, in the course of such travel.

21. VEHICLE REMOVAL

- 21.1. An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by the Council, if that vehicle or thing is parked or present in breach of this Bylaw, or any resolution made under this Bylaw.
- 21.2. The Council may recover from any person responsible for committing the breach or offence all expenses incurred by the Council in connection with the removal of the vehicle or thing.
- 21.3. The Council must use reasonable care in the removal and storage of any vehicle removed under this clause but is not liable for any loss or damage arising directly or indirectly from the removal of any vehicle under this clause unless caused by the negligence of its agents or employees.
- 21.4. The powers that may be exercised under this clause are in addition to those provided by any other enactment.

22. BREACHES, OFFENCES AND PENALTIES

22.1. Subject to any provisions to the contrary, any person convicted of a breach or offence against this Bylaw is liable for the penalties set out in the prevailing legislation and may be issued with an infringement notice and proceeded against summarily.

23. LOCAL PARKING CONTROLS AS OUTLINED IN SCHEDULES

23.1. Not limiting any part of this Bylaw, local parking controls are as outlined in Schedule A.

Signed on Behalf of Thames-Coromandel District Council by;

District Mayor

Date

Chief Executive

Date

Table of Amendments

NB: Area of amendment as at time of preparing amendment.

Area of Amendment	Description of Amendment	Date of Council Resolution	Effective Date
<i>Schedule A Amendment</i>	<i>Amendment to Schedule A for Thames</i>	<i>15 December 2004</i>	<i>15 December 2004</i>
<i>Schedule A Amendment</i>	<i>Amendment to Schedule A inserting Whitianga, Hahei, Cooks Beach and Ferry Landing</i>	<i>29 November 2006</i>	<i>29 November 2006</i>
<i>Schedule A Amendment</i>	<i>Amendment to Schedule A inserting changes to Whitianga, Hahei, Cooks Beach, Ferry Landing and inserting Hot Water Beach</i>	<i>5 November 2008</i>	<i>5 November 2008</i>
<i>Bylaw Schedule A Review and Amendment</i>	<i>Addition of clauses following review and amendment. Changes to the schedule to Pollen Street.</i>	<i>9 September 2009</i>	<i>21 September 2009</i>
<i>Clauses 2004 and 2005 Amendment</i>	<i>Insertion of clauses allowing for permit parking and changes to Schedule A identifying areas where trailer boat parking will require a permit.</i>	<i>4 November 2009</i>	<i>4 November 2009</i>
<i>Schedule A Amendment</i>	<i>Removal of requirements to display permits at Tairua, Pauanui, Whitianga, Cooks Beach, Kuaotunu, Matarangi and Whangapoua.</i>	<i>29 June 2011</i>	<i>29 June 2011</i>
<i>Schedule A Amendment</i>	<i>Amendments scheduled for September 2013 for Mercury Bay and Whangamata.</i>	<i>2 October 2013</i>	<i>2 October 2013</i>
<i>Bylaw Schedule A Review and Amendments</i>	<i>Full revision of bylaw and schedule A.</i>	<i>19 November 2014</i>	<i>12 December 2014</i>
<i>Schedule A Amendment</i>	<i>An amendment to Schedule A to restrict parking in identified streets of Hahei to residents only.</i>		