

Waikato District Council

Proposed Traffic Bylaw 2023

Waikato District Council, in exercise of its powers under the Local Government Act 1974, Local Government Act 2002 and its respective amendments, the Land Transport Act 1998 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

1.0 INTRODUCTION

1.1 This Bylaw shall be known as the 'Waikato District Council Traffic Bylaw 2023'.

1.2 This Bylaw shall come into force on (Day) (Month) (Year).

2.0 PURPOSE OF BYLAW

2.1 The purpose of this Bylaw is to regulate parking and the use of vehicles on land which is under the control of Waikato District Council.

3.0 APPLICATION

3.1 This Bylaw applies to all roads under the control and/or management of Waikato District Council.

4.0 DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

Act	Means the Land Transport Act 1998 the regulations and the rules under that Act.
Approved Disabled Person's Parking Permit	Has the same meaning as the Land Transport (Road User) Rule 2004.
Boat	Includes jet skis and other water-borne vessels.
Boat Launching Ramp	Means a place described in the Boat Launching Ramp Schedule of this Bylaw.

Bus	Means a bus as defined in the Land Transport (Road User) Rule 2004.
Bus Lane	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of buses and cycles, transport devices, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
Bus Stop	Means a place where passengers may board or alight from a bus indicated by a sign that includes the text 'bus stop' as specified in Schedule 1 of the Land Transport Rule, Traffic Control Devices 2004 and includes an area of the road in the vicinity of a place that is reserved for a bus stop to allow passengers to board or alight from the bus.
Chief Executive	Means the Chief Executive of Waikato District Council.
Class of Vehicle	<p>Means groupings of vehicles defined by reference to any common feature and includes:</p> <ul style="list-style-type: none"> 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 Waikato District Council.
Cruising¹	Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that:

¹ This definition is as per the Land Transport Act 1998

- a. draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b. creates a convoy that is formed otherwise than in trade and impedes traffic flow.

Council Means the Waikato District Council or any officer authorised to exercise the authority of the Council.

Cycle Means a wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank and includes a power assisted cycle.

Cycle Lane Means a longitudinal strip within a roadway that is reserved for the use of:

- a. cycles; and
- b. transport devices unless specifically excluded from using the lane by a marking or traffic sign and are included in the Cycle Lane Schedule of this Bylaw.

Cycle Path Means part of the road defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians.

It must also include a cycle track formed under section 332 of the Local Government Act 1974 and be included in Cycle Path Schedule of this Bylaw.

Designated Means specified by Council by resolution.

Driver Means a person driving a vehicle and includes the rider of an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or transport device.

Emergency Vehicle Has the same meaning as in the Land Transport (Road User) Rule 2004.

Enactment Has the same meaning as section 29 of the Interpretation Act 1999.

Enforcement Officer	Means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden under the provisions of the Land Transport Act 1998. Also includes police officers.
Engine Brakes	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
Freight Container	Is an article of transport equipment that is: <ul style="list-style-type: none"> a. of a permanent character and strong enough to be suitable for repeated use; b. Specifically designed to facilitate the transport of goods by one or more modes of transport, without intermediate loading; and c. designed to be secured and readily handled having fittings for these purposes.
Freedom Camping	Has the same meaning as the Freedom Camping Act 2011.
Footpath	Means a path or way principally designed for, and used by, pedestrians and includes a footbridge.
Goods Service Vehicle	Means a motor vehicle that is designed exclusively or principally for the carriage of goods or used for the collection or delivery of goods in the course of trade.
Heavy Motor Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Lane	Means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separate from other parts of the roadway by a longitudinal line or lines of paint or raised studs or another method of lane delineation specified in clause 7.12(1) or (1A) of the Land Transport Rule: Traffic Control Devices 2004. It can include a: <ul style="list-style-type: none"> a. cycle lane; and

- b. lane for the use of vehicular traffic that is at least 2.5m wide; and
- c. lane of a two-way road divided by a centre line.

Mobility Device Has the same meaning as the Land Transport (Road User Rule) 2004.

Mobility Parking Space Means a parking place set aside under the provisions of this Bylaw for use by people who hold an approved disabled person's parking permit.

Motor Vehicle Means a vehicle drawn or propelled by mechanical power including a trailer but does not include:

- a. a vehicle running on rails; or
- b. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- c. a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- d. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- e. a pedestrian-controlled machine; or
- f. a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
- g. a mobility device.

Network Utility Operator Has the same meaning given to it by section 166 of the Resource Management Act 1999.

Parking Place Means a place (including a building) where vehicles or any class of vehicles may stop, stand or park and may be situated:

- a. within a road or road reserve (on-street parking);
or
- b. on property owned by Council which is not road reserve (off-street parking).

Parking Warden	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
Passenger Service Vehicle	Has the same meaning as section 2(1) of the Land Transport Act 1998.
Pedestrian	Means a person: <ul style="list-style-type: none"> a. on foot on a road; or b. in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or c. operating a powered wheelchair.
Pedestrian Crossing	Has the same meaning as the Land Transport (Road User Rule) 2004.
Person	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
Power-assisted Cycle	Has the same meaning as the Land Transport (Road User Rule) 2004.
Powered Transport Device	Means a wheeled vehicle (other than a cycle or a mobility device) powered by one or more propulsion motors that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
Powered Wheelchair	Means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface but does not include a mobility device operated by a tiller or handlebar.
Public Work	Has the same meaning as section 2 of the Public Works Act 1981.
Public Place	Includes:

- a. every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare;
- b. any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve;
- c. any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee;
- d. any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee;
- e. any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes;
- f. every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access;
- g. any conservation area within the meaning of the Conservation Act 1987;
- h. any airport within the meaning of section 2 of the Airport Authorities Act 1966;
- i. any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964;
- j. any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person;
- k. any national park constituted under the National Parks Act 1980;
- l. any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Walking Access Act

2008, to which the public has access, whether with or without payment of any fee.

Residential Zone	Any area used predominantly for residential purposes and includes any area which is zoned residential in the Waikato District Council District Plan (Operative or Proposed).
Rider	Means a person riding an animal, an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or a transport device.
Road	Has the same meaning as contained in s2 of the Land Transport Act 1998 and includes any unformed roads.
Roadway	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.
Self-Contained Vehicle	Means a vehicle used for camping which meets the conditions of NZS5465:2001 and displays a NZS5465:2001 Self-Containment Certificate.
School Patrol Crossing	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Shared Path	Means a path that is intended to be used as a path by some or all of the following persons at the same time: <ul style="list-style-type: none">a. Pedestrians;b. Cyclists;c. Riders of mobility devices;d. Riders of transport devices.
Shared Zone	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
Special Vehicle Lane	Has the same meaning as in the Land Transport (Road User) Rule 2004.

State Highway	Means a state highway defined in Part 1 of the Land Transport Management Act 2003.
Stock	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
Traffic Control Device	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.
Transport Corridor	All roads as defined above and includes all land from boundary to boundary (including the berm and carriageway).
Transport Device	Means: <ul style="list-style-type: none"> a. a powered transport device; or b. an unpowered transport device.
Transport Station	Has the same meaning as section 591(6) of the Local Government Act 1974.
Transit Lane	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> a. passenger service vehicles; b. motor vehicles carrying not less than the number of persons (including the driver) specified on the sign; c. cycles; d. transport devices; e. motorcycles; f. mopeds.
Unpowered Transport Device	Means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity.
Vehicle	Has the same meaning as in the Land Transport Act 1998.

Vehicle Crossing

Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road.

Zone Parking

Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

5.0 INTERPRETATION

- 5.1 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.
- 5.2 Explanatory notes are for information purposes only, do not form part of this Bylaw, and may be inserted or changed by Council at any time.

STOPPING, STANDING AND PARKING

6.1 No person shall stop, stand or park a motor vehicle on any footpath, grass berm, flowerbed, shrubbery, median strip, traffic island or any ornamental verge or plot laid out on any street, road or public place, except:

- a. on a specified parking berm or public place as may be identified in Schedule 1; or
- b. on a verge that is not separated from the roadway by kerb and channel, if the vehicle is parked to ensure that the driver's side wheels remain on the roadway and a clear pedestrian passage no less than 1.2m wide is retained between the vehicle and any fence, shrub or other obstruction and the vehicle is not parked on any footpath or contrary to the provision of Clause 10 of this Bylaw.
- c. with the prior written consent of the Council; or
- d. in compliance with a public notification by the Council.

6.2 No person shall stop, stand or park a motor vehicle or motor vehicle combination on any road or parking place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing, or parking of specified vehicles.

6.3 No person shall stop, stand or park a heavy motor vehicle or heavy motor vehicle combination for a period of more than one hour on any parking place adjacent to residential zoned. This clause does not prohibit a vehicle from stopping, standing, or

parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.

- 6.4 No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour on any part of the transport corridor, including any parking place.
- 6.5 No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day-to-day private travel, on any part of the transport corridor, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 6.6 Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle within the transport corridor for any period exceeding three days, if that vehicle cannot be easily moved on at the request of the Council.
- 6.7 No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers within the transport corridor except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of residential waste collection as authorised by the Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.
- 6.8 No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 6.9 No person shall repair, alter or add to a vehicle while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 6.10 Regardless of whether a sign is present, a person must not stop, stand or park a motor vehicle on any part of the transport corridor that is laid out as a cultivated area including a grass plot, a flower bed or shrubbery.
- 6.11 A person may stop, stand, or park a motor vehicle in contravention of clause xx. if:
 - a. That part of the road is designed and constructed to accommodate a parked vehicle; and
 - b. Council has given permission to stop, stand, or park a vehicle in that part of the road.

6.12 No person shall stop, stand, or park a vehicle on any reserve unless:

- a. It is within an area set aside for parking and the parking is associated with the use of the reserve; or
- b. The person has received prior approval from Council.

7 PARKING PLACES

7.1 The Council may with reference to a specified parking place or places by resolution:

- a. Permit or prohibit a class or classes of motor vehicles; and
- b. Permit or prohibit time restrictions on parking; and
- c. Specify and impose conditions of parking in that parking place or in those parking places; and
- d. Specify part or parts that are available for public use; and
- e. Specify part or parts that are available for reserve parking; and
- f. Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
- g. Permit specified parking places to be used for street vending and market purposes.

7.2 The Council may with reference to a specified off-street parking place or places, by resolution delegate to the Chief Executive of the authority, the ability to do any of the things specified in subclauses 7.1 (a) to (g) above.

7.3 Council shall display signs indicating any such prohibition, specification or condition as it applies to any road or parking place.

7.4 The Council may from time to time by resolution:

- a. Declare any road or part of a road, including the days and times, to be a timed parking place;
- b. Declare the number and situation of parking places within a parking place;
- c. Declare the time allowed for parking in such parking places which it shall be unlawful to remain parked;
- d. Add to or amend the parking places schedule of this Bylaw.

7.5 For any timed parking places, limits will apply between 8am and 6pm every day of the week except where signs relating to those places covered by this Bylaw indicate otherwise.

7.6 Any restrictions that apply to a timed parking area do not apply in locations within that area where other specific stopping, standing and parking restrictions apply.

7.7 Where the Council has reserved parking places as mobility parking spaces, the approved Mobility Parking Permit shall be displayed so that it is clearly visible. The permit shall not be displayed if the parking place is not being used for the benefit of the permit holder.

8 TEMPORARY ALTERNATE USE OF PARKING SPACES

- 8.1 Where parking at a timed parking place is to be temporarily halted, the Council may place or erect signs or notices (or authorise the placing or erecting of signs or notices) stating parking is not available in the specified place or area.
- 8.2 It shall be unlawful for any person to park a vehicle in a timed parking place where parking has been temporarily halted, except with the written permission of the Council.

9 UNLAWFUL PARKING

- 9.1 No person shall park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this Bylaw.
- 9.2 No person shall park a vehicle or vehicle combination in a parking place so that any part of that vehicle extends beyond any line defining that place unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking places, the driver shall be liable to pay a parking fee for each place so occupied.
- 9.3 No person shall park for a period greater than the maximum indicated, except where the vehicle is being used for the benefit of an approved mobility parking permit holder.
- 9.4 No person shall obstruct vehicle access to or egress from any parking place.
- 9.5 No vehicle shall be returned to any timed parking place on a road until a period of 20 minutes has elapsed from the time the vehicle previously left the metered parking place.

10 ONE-WAY ROADS

- 10.1 Subject to the erection of the prescribed signs and/or markings, a person may only drive along the roads or parts of roads listed as a 'one-way road' in the One-Way Roads Schedule of this Bylaw, in the direction specified.
- 10.2 The Council may by resolution specify that cycles may travel in the opposite direction on a one-way road.
- 10.3 The Council may by resolution amend the One-Way Roads Schedule to provide for a road, or part of a road, to be a one-way road or to provide that a road should cease to be used as a one-way road.

11. TURNING RESTRICTIONS

- 11.1 Subject to the installation of the prescribed signs and/or markings, no person shall drive a vehicle contrary to any turning restriction listed in the Turning Restrictions Schedule of this Bylaw.
- 11.2 The Council may by resolution amend the Turning Restrictions Schedule to prohibit turns, for vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').

12. CYCLE PATHS

12.1 Subject to the installation of the prescribed signs and/or markings, the roads, parts of roads and places listed in the Cycle Paths Schedule of this Bylaw are cycle paths and are to operate as shared paths. Priority (if any) is indicated in this Schedule.

12.2 The Council may by resolution amend the Cycle Paths Schedule to provide for a road or part of a road to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a cycle path.

13 SHARED ZONES

13.1 Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 24, the roads, parts of road and places listed in Shared Zones Schedule of this Bylaw are 'Shared Zones'.

13.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.

13.3 No person may use a shared zone in a manner contrary to any restriction made by Council.

14 LIGHT MOTOR VEHICLE PROHIBITIONS

14.1 Subject to the installation of the prescribed signs and/or markings, Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am unless specified otherwise in the Light Motor Vehicles Prohibitions Schedule of this Bylaw.

14.2 No person may drive or permit a motor vehicle to be driven in contravention of a resolution made by Council unless:

- a. that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
- b. that motor vehicle is being used for the time being as a passenger service vehicle; or
- c. prior written permission from Council has been obtained.

14.3 Council may by resolution:

- a. specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
- b. prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

14.4 No person shall use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council as set out in the Light Motor Vehicle Prohibitions Schedule.

15 HEAVY MOTOR VEHICLE PROHIBITIONS

15.1 No person shall operate engine brakes on any road where the permanent speed limit does not exceed 70 kilometres per hour.

15.2 No person shall operate engine brakes on any road identified in the Heavy Motor Vehicle Schedule, Part 1 Prohibition of Engine Brakes of this Bylaw due to noise nuisance.

15.3 No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads or parts of roads listed in the Heavy Motor Vehicle Schedule Part 2 Prohibition of Heavy Motor Vehicles of this Bylaw except for the purpose of picking up or delivering goods to an address on those roads when alternative access is not available for this purpose.

15.4 No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in the Heavy Motor Vehicle Schedule 6 of this Bylaw, except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

15.5 The prohibitions set out in this section shall not apply to:

- a. A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation.
- b. Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies.
- c. Residential waste collections carried out by either the local authority or a contractor licensed by the local authority.
- d. Any other class of heavy vehicle the Council may exclude from the prohibitions in 16 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

- 15.7 The Council may amend the Heavy Motor Vehicle Schedules by resolution to prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

File Note: Please note that weight restrictions may be placed on bridges outside the Bylaw through section 11 of the 1974 Heavy Motor Vehicle Regulations. (This file note does not form part of the Bylaw).

16 BOAT LAUNCHING RAMPS

- 16.1.1 No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.

- 16.2 No person shall:

- a. Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
- b. Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.

- 16.2.1 Council may, by resolution, amend the Launching Ramp Schedule to remove or add launching ramps and approaches to launching ramps from this Schedule.

17 DAMAGE TO ROADS

- 17.1 No person shall undertake any activity that causes, or may cause:

- a. damage to any road; or
- b. a safety hazard.

- 17.2 Without limiting the generality of clause 19.1 no person may:

- a. mix any concrete or other material of any kind on the surface of any road;
- b. cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced into any road or into any drain connected with any part of Council's drainage or wastewater system;
- c. use any vehicle whose wheels or tracks causes or may cause damage to the surface or any part of any road;
- d. drag or trail anything whether on a sledge or skids or otherwise so as to damage any road.

18 DAMAGE TO SIGNS

- 18.1 No person may interfere with, damage or remove any traffic sign unless instructed to do so by an Authorised Officer.

19 SEIZURE AND IMPOUNDING

- 19.1 A council enforcement officer authorised to enforce the provisions of this Bylaw, may seize and impound any property used in a manner that breaches this Bylaw if:

- a. the property is materially involved in the commission of an offence; and
- b. it is reasonable in the circumstances to seize and impound the property; and
- c. before seizing and impounding the property, the enforcement officer:
 - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
 - iii. provided the person with a reasonable opportunity to stop committing the offence.

19.2 As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):

- a. to the person in possession of the property at the time it was seized and impounded; or
- b. if paragraph a does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

19.3 Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.

19.4 A notice under this section may be served:

- a. By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
- b. By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

20 REMOVAL OF VEHICLES AND THINGS

20.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing found to be in breach of this Bylaw from any parking place, transport station or road.

20.2 Council may recover from the person who committed the breach of this Bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

21 OFFENCES AND PENALTIES

21.1 Every person who breaches this Bylaw (including any control, restriction, limitation or prohibition made under this Bylaw) commits an offence under the Act, or the Local Government Act 2002, and is liable to the penalties set out in the relevant Act.

21.2 Any person who fails to comply with this Bylaw may have their vehicle moved if a parking warden believes that the vehicle causes:

- (a) an obstruction in the road or to any vehicle entrance to any property; or

(b) the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public.

22 DEFENSES

22.1 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 an enforcement officer, a parking warden or a traffic control device; or
- b. Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

23 EXEMPT VEHICLES

23.1 This Bylaw shall not apply to emergency vehicles being used in an emergency.

23.2 Clauses 3 to 11, 14, 17 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

23.3 This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.

23.4 This Bylaw shall not apply to vehicles operated by utility providers whilst engaged in emergency repair work to a public utility service.

24 POWER TO AMEND SCHEDULES BY RESOLUTION

24.1 Council may from time to time by resolution substitute or make additions or alterations to any schedule or traffic map of this Bylaw.

The foregoing Bylaw was made by the **WAIKATO DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on #####. This Bylaw becomes operative on #####

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year).

The Common Seal of the Waikato District Council
Was hereto affixed in the presence of:

Mayor

Table of Schedules

#	<u>Schedule Title</u>
1	Time Limited Parking Areas
	Special Parking Areas
	Parking Places
	No Stopping Restrictions
2	One-way Street Restrictions
3	Turning Restrictions
4	Cycle Lanes
5	Shared Zones
6	Light Motor Vehicle Prohibitions
	Heavy Motor Vehicle Prohibitions