

	<b>Title:</b>	<b>Traffic Control Bylaw 2017</b> <b><i>Te Ture ā-Rōhe Waka Haere</i></b>
	<b>Date adopted (review date):</b>	12 June 2017
	<b>Date in force:</b>	1 September 2017
	<b>Next review date:</b>	12 June 2022

## 1. Title

1.1. This bylaw is the Thames-Coromandel District Council Traffic Control Bylaw 2017.

## 2. Purpose and Scope

2.1. The purpose of this bylaw is to set the requirements for the control of vehicular or other traffic on any road under the care, control or management of the Thames Coromandel District Council.

2.2. A resolution may be made under this bylaw -

- a) That applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- b) That applies to any road or part of a road under the care, control or management of Thames Coromandel District Council; or
- c) That applies to any specified time or period of time.

2.3. This bylaw shall apply to the entire Thames-Coromandel district unless specified otherwise in this bylaw.

## 3. Commencement

3.1. This bylaw comes into force on 1 September 2017

### ***Explanatory note:***

*This bylaw is not the only legislative document relating to traffic control. Nothing in this bylaw derogates from any duty, power or responsibility arising from any other Act, regulation, bylaw or rule.*

*Words which refer to the singular include the plural and the plural includes the singular.*

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

*Any resolution of Council may be amended, rescinded or reinstated by a further resolution of Council. The most recent resolution of Council shall be the operative resolution. A*

*power for the Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace with another.*

*Notes in italics are for information only and are not part of this bylaw.*

## **4. Definitions**

4.1. In this bylaw, unless the context requires otherwise:

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

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

**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 or shared vehicle; and
- g) vehicles displaying a permit authorised by Thames Coromandel District Council

**Council** means the Thames-Coromandel District Council.

**Cycle lane** means a longitudinal strip within a roadway reserved by a marking or sign for the use of cycles.

### **Cycle path**

- a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists, but which may be used also be pedestrians and;
- b) includes a cycle track formed under section 332 of the Local Government Act 1974.

**District** means the Thames-Coromandel District.

**Emergency vehicle** means a vehicle used for attendance at emergencies and operated -

- a) by an enforcement officer;
- b) by an ambulance service;
- c) as a fire service vehicle;

- d) as a civil defence emergency vehicle
- e) as a defence force emergency vehicle

**Enforcement officer** means any person appointed as an enforcement officer under section 177 of the Local Government Act 2002.

**Motor Vehicle**

- a) means a vehicle drawn or propelled by mechanical power; and
- b) includes a trailer; but
- c) does not include
  - i. a vehicle running on rails; or
  - ii. 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
  - iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
  - iv. 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
  - v. a pedestrian-controlled machine; or
  - vi. a vehicle that the New Zealand Transport Agency (NZTA) has declared under section 168A of the Act is not a motor vehicle; or
  - vii. a mobility device

**Road** has the meaning given in the Land Transport Act 1998.

**Shared Zone** means a length of roadway intended to be used by pedestrians and vehicles.

**Special vehicle lane** means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

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

**Transit Lane** - means a lane reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane) -

- 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) motorcycles;
- e) mopeds

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

**Traffic control device** means a device erected by, or at the direction of, a road controlling authority used on a road for the purpose of traffic control; and includes any:

- a. Sign, signal, or notice;
- b. Traffic calming device (method to slow traffic);
- c. Marking or road surface treatment.

## **5. One-way roads**

- 5.1. Council may by resolution require vehicles on roads to travel in one specified direction only.
- 5.2. Every driver of a vehicle must travel only in the direction specified on a one-way road.
- 5.3. Council may specify by resolution that cycles may travel in the opposite direction on a one-way road.

*Note: See Schedule 1 for the resolutions made under this clause.*

## **6. Left or right turns and U-turns**

- 6.1. Council may by resolution prohibit -
  - 6.1.1. Vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
  - 6.1.2. Vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- 6.2. A person must not turn a vehicle to the left, or to the right, or perform a u-turn, or proceed in any other direction on any road where Council has prohibited or restricted such movements.

*Note: See Schedule 2 for the resolutions made under this clause.*

## **7. Routes and manoeuvres on roads**

- 7.1. Council may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- 7.2. A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Council.

*Note: See Schedule 3 for the resolutions made under this clause.*

## **8. Special Vehicle Lanes**

- 8.1. Council may by resolution prescribe a road, or part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 8.2. A person must not use a special vehicle lane contrary to any restriction made by Council.

*Note: See Schedule 4 for the resolutions made under this clause.*

## **9. Traffic Control by size, nature or goods (including heavy vehicles)**

- 9.1. Council may by resolution prohibit or restrict the use of roads by any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.
- 9.2. A person must not use a road contrary to a prohibition or restriction made by Council.
- 9.3. Notwithstanding any resolution made under clause 9.1, all vehicles regardless of class may use any prohibited or restricted road for the following purposes:
- a) Loading or unloading of goods or passengers at any property whose access is by way of the road; or
  - b) Providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
  - c) Undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
  - d) Undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available
  - e) Refuse Collection Vehicles, while in the act of collecting refuse

*Note: See Schedule 5 for the resolutions made under this clause.*

## **10. Temporary Restrictions on the Use of Roads**

- 10.1. Council may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of a road when it is determined that:
- a) There is, or is likely to arise any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or
  - b) It is necessary for the safety of a special event
- 10.2. Any temporary speed limit will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003 and will display signage in accordance with any rules or standards.
- 10.3. A person must not use a vehicle contrary to any temporary restriction made by Council.
- 10.4. If in the opinion of Council it is safe to do so, Council may permit a vehicle to use any road in contravention of a temporary restriction made under this clause for the purpose of -
- a) Loading or unloading of goods or passengers at any property whose access is by way of the road; or
  - b) Providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
  - c) Undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
  - d) Undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available
  - e) Supporting a special event

## **11. Cycle Paths**

- 11.1. Council may by resolution -
- a) Fix the length, route and location of a cycle path;
  - b) Determine priority for users of a cycle path on a shared path that may be used by some or all of the following persons at the same time -
    - i. Pedestrians;
    - ii. Cyclists;
    - iii. Riders of mobility devices;

iv. Riders of wheeled recreational devices;

11.2. A person must not use a cycle path in a manner contrary to any restriction made by Council.

*Note: See Schedule 6 for the resolutions made under this clause.*

## **12. Shared zones**

12.1. Council may by resolution specify any road to be a shared zone.

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

12.3. A person must not use a shared zone in a manner contrary to any restriction made by Council.

12.4. Any approval issued under this bylaw is not transferable to any other person.

*Note: See Schedule 7 for the resolutions made under this clause.*

## **13. Engine braking**

13.1. Council may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.

13.2. A person must not use engine braking on any road in contravention of a prohibition or restriction made by Council.

*Note: See Schedule 8 for the resolutions made under this clause.*

## **14. Unformed legal roads**

14.1. Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.

14.2. A person must not use a motor vehicle on an unformed road contrary to a restriction made by Council.

*Note: See Schedule 9 for the resolutions made under this clause.*

## **15. Traffic Control Devices**

15.1. Council may by resolution:

- a) Authorise the erection and/or use of such traffic control devices; including but not limited to GIVE WAY or STOP signage and pedestrian crossings.

- b) Revoke, amend or vary any traffic control device

*Note: See Schedule 10 for the resolutions made under this clause.*

## **ENFORCEMENT POWERS**

### **16. Compliance with the bylaw**

- 16.1. The Council may use its powers under any enactment to enforce this bylaw, including but not limited to the Land Transport Act 1998 and the regulations and rules under that Act..

## **EXEMPTIONS, REVOCATIONS AND SAVINGS**

### **17. Exemptions**

- 17.1. A person is not in breach of this bylaw if that person proves that -
  - a) The act or omission complained of took place in response to a situation on a road; and
  - b) The situation was not of the person's own making; and
  - c) The act or omission was taken -
    - i. To avoid the death or injury of a person; or
    - ii. If the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 17.2. Clause 18.1 does not apply if a court is considering, in proceedings for an offence specified in the Act whether or not a person has complied with this bylaw.
- 17.3. Any restrictions under this bylaw do not apply to -
  - a) A vehicle that is actually engaged in urgent repair work to a public utility service;
  - b) A vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
  - c) A vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- 17.4. A person is not in breach of this bylaw if that person proves that the act or omission -
  - a) Took place in compliance with the directions of an enforcement officer; or
  - b) In the case of an act or omission done by an enforcement officer, was necessary in the execution of the person's duty.

## OFFENCES AND PENALTIES

### 18. Bylaw breaches

- 18.1. A person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

**Signed on Behalf of Thames-Coromandel District Council by;**

\_\_\_\_\_  
District Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive

\_\_\_\_\_  
Date

## **BYLAW HISTORY**

<b>Action</b>	<b>Description</b>	<b>Date of Council Resolution</b>	<b>Effective Date</b>
<i>Made new bylaw</i>	<i>Adopted new Traffic Control Bylaw 2017 Revoked Part 22 Heavy Vehicle Restriction, Part 23 Heavy Vehicles and Whangamata Community 2004 of the Thames Coromandel District Council Consolidated Bylaw 2004.</i>	<i>[To be determined]</i>	<i>[To be determined]</i>