

## ROADING BYLAW 2020 - TRAFFIC

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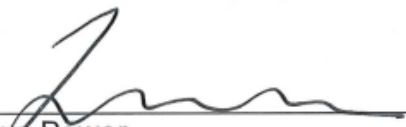
Waitaki District Roading Bylaw 2020 - Traffic  
Published by Waitaki District Council  
Private Bag 50058,  
Oamaru 9444  
New Zealand

The Waitaki District Roading Bylaw 2020 - Traffic were made by the Waitaki District Council at a meeting of the Council held on 6 October 2020.

The Common Seal of the Waitaki District Council was affixed in the presence of:

  
\_\_\_\_\_  
Gary Kircher  
Mayor



  
\_\_\_\_\_  
Fergus Power  
Chief Executive

## **PART I. TITLE**

### **Commencement**

- 1.1 The title of this bylaw shall be the Waitaki District Council Roading Bylaw 2020 - Traffic.
- 1.2 The rules of this bylaw come into force on 1 November 2020.
- 1.3 On 1 November 2020, the bylaws listed in the first schedule are revoked.
- 1.4 All other bylaws established and operated by the Waitaki District Council for control of roads traffic and parking within the Waitaki District are subject to this bylaw.

### **Purpose, Scope and Exemptions**

- 2.1 This bylaw is made pursuant to the powers contained in the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998, the Utilities Access Act 2010, and the Traffic Regulations 1976 or subsequent amendments.
- 2.2 **The purpose of this bylaw is to promote public safety and effectively regulate pedestrian, animal and traffic movements within the road corridors in Waitaki District.**
- 2.3 A person is not in breach of this bylaw if that person proves that the act or omission complained of took place in response to a situation on a road; and the situation was not of the person's own making; and the act or omission was taken—
  - 2.3.1 to avoid the death or injury of a person; or
  - 2.3.2 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.
- 2.4 Paragraph 2.3 does not apply if a court is considering, in proceedings for an offence whether or not a person had complied with this bylaw.
- 2.5 A person is not in breach of this bylaw if that person proves that the act or omission complained of—
  - 2.5.1 took place in compliance with the directions of an enforcement officer, a parking warden, a traffic signal, or a traffic sign; or
  - 2.5.2 in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.
- 2.6 The driver or person in charge of the following vehicles shall be exempt from the provisions of Part III of this Bylaw—
  - 2.6.1 A vehicle used at some emergency or for providing urgent medical services;
  - 2.6.2 A vehicle used by an enforcement officer for attendance at some emergency or urgent public business;
  - 2.6.3 A vehicle being used by an approved roading contractor for roading construction or maintenance functions;
  - 2.6.4 A vehicle being used by a Minister of the Crown on urgent public business, or conveying any other person authorised in that behalf by that minister and engaged on urgent public business in the execution of official duties.

## Interpretation

### 3.1 In this bylaw unless the context otherwise requires:-

Any words or phrases used in this Bylaw shall have the meanings assigned to them by the Land Transport Act 1998, the Local Government Act 1974, the Local Government Act 2002, the Reserves Act 1977, the Transport Act 1962, the Utilities Access Act 2010, and the Land Transport (Road User) Rule 2004 (and subsequent amendments to these acts) will have the meanings as are respectively assigned in those Acts and any subordinate legislation, unless inconsistent with the context in which such words occur.

**Access way** has the same meaning as in section 2 of the Land Transport Act 1998.

viz –

*any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve.*

**Animal** means any species of animal dependent on man for care and sustenance, or which is kept by a person in a state of captivity for use or profit or any other reason and includes but is not limited to: horse, goat, dog, cat, bird, reptile, livestock and household pets.

**Art Work or Works of Art** : the original concepts of artists, executed in any visual art/craft medium including but not limited sculpture, carved, cast, constructed, paintings, landscaping ('earth art'), installations, light works, water or glass features, projected or illuminated prints, drawings, photographs, murals, banners, wall hangings, assemblages, or combinations in media. Artworks may have auditory and/or tactile dimensions as well as visual elements.

**Authorised Period** and/or **Authorised Time** means a period of time controlled by the signage or machine covering the site deemed to be a controlled area by this Bylaw.

**Berm** an area within the road corridor and outside of the carriageway laid out in grass, and verge has the same meaning.

**Boundary Fence** means a fence, as defined in Section 2 of the Fencing Act 1978, which separates a road from adjoining property.

**Caravan** means any vehicle that is equipped with wheels or such like to enable it to be moved and is so designed to render it capable of being used as a human abode.

**Carriageway** means that part of a road reasonably usable for the time being for vehicular traffic in general.

**Cattle** includes dairy cows.

**Chief Executive** means the principal administrative officer of the Council.

**Controlled Area** means an area controlled by signage or device, including but not limited to meters or ticket vending equipment/operator for regulation of parking access.

**Control point** means a position from which a drover can exercise effective control over stock.

**The Council** means the Waitaki District Council.

**Cycle**

(a) means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider; and

(b) includes a power-assisted cycle

**Cycleway** means a path designed primarily for cycle use.

**Dairy Unit** means a farm used for milk production.

**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 a wheeled recreational device.

**Drover** is a person controlling the moving of an animal or a group of animals.

**Drove** and droving shall have the same meaning that is to drive or to move stock in mobs or herds along a road and extends to include the leading of stock either singly or in small groups, but does not include:

- Transportation of stock in a vehicle
- Riding a horse or leading a horse on foot
- The driving of a horse drawn vehicle

**Enforcement officer** means a person appointed by a local authority to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, this Act, including enforcement of the bylaws of the local authority.

**Farm** means any parcel or parcels of land occupied and operated as a single farming unit, irrespective of ownership.

**Footpath** has the same meaning as in section 315 of the Local Government Act 1974.

viz -

*so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof.*

**Gateway** means an entrance which allows entry to or exit from a road located within a boundary fence to a paddock, which contains no buildings and is either fallow, or used exclusively for extensive grazing or cropping.

**Goods** means all kinds of movable personal property; and includes articles sent by post, and animals.

**Goods service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998.

viz –

(a) *means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but*

- (b) *does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules.*

**Grass Verge, Road Verge or Verge** means that part of a road which is not the carriageway excluding the footpath, which is laid out in grass.

**Heavy Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998 and Land Transport Rule: Vehicle Dimensions and Mass 2016 (and its amendments).

*viz –*

*a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500kg.*

**Hours of Darkness** means a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day or any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100m.

**Infringement fee** means the amount prescribed by regulations made under section 259(b) of the Local Government Act 2002 as the infringement fee for the offence.

**Infringement Offence** means an offence specified as such under section 259(a) of the Local Government Act 2002.

**Livestock** means any animal that is not a pet and is farmed or controlled by a person for benefit of personal consumption, profit or financial exchange.

**Marking** means any painted lines, text, or symbols installed on the road surface under the authority of the Council.

**Milking purposes** means the movement of milking stock to or from a shed for milking, but does not extend to the movement of dry cattle or milking stock for any other purpose.

**Mobility device** means a vehicle designed and constructed (not merely adapted) for use by persons who require mobility assistance due to physical and neurological impairment and is powered solely by a motor that has a maximum power output not exceeding 1,500W.

**Motor Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

*viz –*

- (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) *[Repealed]*
  - (iii) *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*
  - (iv) *a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or*
  - (v) *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*

- (vi) a pedestrian-controlled machine; or
- (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
- (viii) a mobility device.

**Officer** means any Police Officer or authorised Officer of the Council.

**Owner** has the same meaning as in section 2(1) of the Land Transport Act 1998.

*viz –*

*the person lawfully entitled to possession, control and operation of an animal or vehicle or conveyance device.*

**Parking** means

- (a) in relation to a portion of a road where parking is for the time being governed by the location of parking meters or vending machines placed under the authority of a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period in excess of a period fixed by a bylaw of a local authority;
- (b) in relation to any other portion of a road, 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 Area** means any land belonging to or controlled by the Council, which is authorised by resolution of Council to be a place where vehicles may be parked.

**Parking Concession** means permission granted to persons from time to time with respect to Parking Areas controlled by the Council.

**Private road** has the same meaning as in section 315 of the Local Government Act 1974.

*viz -*

*private road means any roadway, place, or arcade laid out or formed within a district on private land, whether before or after the commencement of this Part, by the owner thereof, but intended for the use of the public generally*

**Private way** has the same meaning as in section 315 of the Local Government Act 1974.

*viz -*

*private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district*

**Public place** means within the Council's district, every footpath, cycletrack, road, street, lane and thoroughfare which is open to the public or is able to be used by the public as of right and every park, reserve, beach or place of public resort or place to which the public has access and which is under the control of the Council.

**Private Utilities** means any utility that is not owned or operated by a Utility Operator.

**Road** (and **Road Corridor**) means the same as in section 315 of the Local Government Act 1974.

*viz –*

*road means the whole of any land which is within a district, and which—*



- (a) *immediately before the commencement of this Part was a road or street or public highway; or*
- (b) *immediately before the inclusion of any area in the district was a public highway within that area; or*
- (c) *is laid out by the council as a road or street after the commencement of this Part; or*
- (d) *is vested in the council for the purpose of a road as shown on a deposited survey plan; or*
- (e) *is vested in the council as a road or street pursuant to any other enactment; — and includes—*
- (f) *except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:*
- (g) *every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof; — but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989.*

**Roadside drain** is a channel formed on a public road for the purposes of receiving and carrying water.

**Roller skate** or **in-line skate** means a series of small wheels attached to a framework, which can be fitted over the shoe or a shoe with wheels attached and includes any similar recreational device used in a similar way.

**Service lane** has the same meaning as in section 315 of the Local Government Act 1974.  
viz -  
*any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.*

**Shared Path** has the same meaning as Clause 11.1A of the Land Transport (Road User) Rule 2004.

**Sign** means any sign or device of whatever nature for the purpose of specific information of any site or building, for proving directions or information, or for promoting any goods, services or forthcoming events, which is visible from any public place or thoroughfare. Such signs may consist of a specially constructed device, structure, erection or apparatus.

**Skateboard** means a board mounted on sets of small wheels, for recreational use and includes a scooter and wheeled recreational device as defined in the Land Transport Road User Rule 2004.

**Split Dairy Unit** means a dairy unit where parts of that unit are physically separated by a road, river, stream or other natural barrier or by land occupied by another person.

**State Highway** has the meaning attributed to it by the Land Transport Management Act 2003.

**Stock** means livestock.

**Stock Crossing** means the movement of stock directly across a road.

**Stock Droving Race** means land fenced and used for droving stock and includes a stock droving race laid off in whole or in part on a road verge with the permit required from the Council, in its unfettered discretion.

**Storage** means the intentional placement of vehicles and objects excluding structures for a period greater than would be regarded as parking.

**Stormwater** is defined as rainwater which has landed either on the ground, a roof or other impervious area.

**Temporary Fence** means an adequate stock-proof fence erected on the road verge for grazing purposes which is constructed of:

- securely driven or rammed posts or stakes made of fibreglass, plastic, wood of a size not greater than 100mm width and 50mm **breadth**, or any combination thereof (no solid steel posts or standards).
- steel wire or netting or electric fence ribbon wire or netting or any combination thereof adequately strained, battened and stayed.

**Urban Traffic Area** means the same as in Land Transport Rule: Setting of Speed Limits 2017.

**Utility Operator** means the same as in the Utilities Access Act 2010.

**Vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.

*viz —*

- (a) *a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*
- (b) *includes a hovercraft, a skateboard, in-line skates, and roller skates; but*
- (c) *does not include—*
  - (i) *a perambulator or pushchair:*
  - (ii) *a shopping or sporting trundler not propelled by mechanical power:*
  - (iii) *a wheelbarrow or hand-trolley:*
- (iv) *[Repealed]*
- (v) *a pedestrian-controlled lawnmower:*
- (vi) *a pedestrian-controlled agricultural machine not propelled by mechanical power:*
- (vii) *an article of furniture:*
- (viii) *a wheelchair not propelled by mechanical power:*
- (ix) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:*
- (x) *any rail vehicle.*

**Vehicle Entranceway** and vehicle crossings have the same meaning as vehicle crossings as in section 335 of the Local Government Act 1974.

**Waste Bins** means a receptacle or container for waste, refuse or other matter.

**Water table** is a roadside drain.

**Works** means the use of machinery or hand tools to excavate, construct or alter any public or privately owned asset.

## **PART II. GENERAL PROVISIONS**

### **Council Control**

- 4.1 This bylaw applies to all roads or parts of roads which is/are under the control of the Waitaki District Council.
- 4.2 Enforcement of the provisions of this bylaw shall be carried out by the police or Council's enforcement officers.
- 4.3 Council may grant permission for a specified object or activity to occupy a place or places in a road to any person on such terms as it thinks fit. In granting permission Council may impose such terms as it deems appropriate for the benefit of public health, safety and convenience, and for protection of public property.
- 4.4 Council may charge a fee for granting of permission to occupy a road or part of a road.
- 4.5 Where an object or activity occurs in breach of conditions set by Council or the fee payable has not been paid, Council may revoke its permission.
- 4.6 Where anything occupies a road in contravention of any permit required or provisions in the Bylaw, Council may require such objects to be removed by serving notice on the person who left the object on the road or any other person who has an interest or control over the object, requiring that the object be removed within the period stated in the notice.
- 4.7 Any person who acts so as to cause damage to any road, footpath, signage, pavement markings, equipment used to control or regulate a parking area or public place, commits a breach of this Bylaw. Damage includes the deposit of mud, earth, aggregates and faecal matter arising from farming and construction activities which may cause damage, nuisance or affect the safety of other road users. Without prejudice to any other remedy, where such a breach of this bylaw occurs which causes damage, Council may undertake clean up and/or repairs and recover the associated costs from the person or persons who committed a breach of the bylaw in connection with the damage, via direct invoicing. Where it cannot be ascertained who committed the offence, subject to photographic evidence revealing the source of the damage, the adjacent landowner may be considered as the party responsible. Where public safety is compromised, this work may be undertaken without notification.
- 4.8 No person shall undertake works on, over or beneath the road without first obtaining the permit required from Council. The terms and conditions of the permit include but are not limited to the requirements of the Utilities Access Act 2010, the Health and Safety at Work Act 2015, Traffic Control Devices Manual (Part 8: Code of Practice for Temporary Traffic Management) and Waitaki District Council's Code of Practice.

### **PART III. BERMS, CYCLEWAYS, FOOTPATHS AND VEHICLE CROSSINGS**

- 5.1. No person shall operate any vehicle or ride or take any horse on a managed and/or cultivated berm, cycleway or footpath except where the vehicle is a mobility device or where a vehicle is using a vehicle crossing constructed for the purpose of accessing an adjacent property. Any such vehicle crossing shall comply with Council's Standard Specification for Vehicle Crossings and the provisions of the Waitaki District Plan.
- 5.2. No person shall stop, or stand, or park any vehicle, mobility device, skateboard, scooter, roller skate, in-line skate, cart, trolley, toboggan, bicycle or similar recreational device on a berm, cycleway or footpath so as to affect the safety of other road users, cause nuisance, block or impede pedestrians using the berm, cycleway or footpath, except where a cycle rack or similar park is specifically provided. Should such an item compromise the safety of other road user, these may be removed by Council without notification.
- 5.3. No person shall use any cart, cycle, in-line skate, mobility device, roller skate, scooter, skateboard, trolley, toboggan, or similar recreational device in any public place, which is under the control of Council, so as to cause, or is likely to cause damage to any property, or in a manner which is careless, dangerous or causes obstruction or annoyance. Careless or dangerous use includes but is not limited to the use any cart, cycle, in-line skate, mobility device, roller skate, scooter, skateboard, trolley, toboggan, or similar recreational device on any footpath so as to affect the safety of other road users, cause nuisance, block or impede pedestrians.
- 5.4. No person shall use any skateboard, scooter, roller skate, in-line skate, cart, trolley, toboggan or similar recreational device in any area defined in the **second schedule** of this bylaw, unless approved by Council permit.

## **PART IV. STATIONARY ACTIVITIES, OBJECTS ON ROADS AND FOOTPATHS**

### **Scaffolding, Ladders and Cranes**

- 6 No scaffolding shall be erected nor any crane or similar equipment shall be operated on any footpath or road or public place controlled by Council, without the permit required from Council. Council may issue a permit to any person seeking to erect scaffolding or operate a crane or similar equipment, subject to conditions deemed appropriate to protect the public.

### **Advertising on Roads and Footpaths**

- 7 No sign or hoarding shall be displayed on any part of the road reserve or footpath that does not comply with Council's District Plan and/or any other rule established and maintained by Council to control display of signs and hoardings or in such a manner that constitutes a nuisance or obstructs the visibility of other road users.

### **Vehicles for Sale**

- 8 Displaying any parked vehicles for sale is prohibited in the areas listed in the **third schedule**.

### **Abandoned Vehicles**

- 9.1 Abandoned vehicles are as defined as per Section 356 of the Local Government Act 1974.
- 9.2 Where a vehicle is deemed to be abandoned and affect the safety of other road users, cause nuisance, block or impede pedestrians using the footpath or berm it may be removed by Council without notifying the registered owner.
- 9.3 Where a vehicle is deemed to be abandoned and it does not affect the safety of other road users, cause nuisance, block or impede pedestrians using the footpath or berm, Council shall give reasonable notice to the registered owner of the abandoned vehicle to voluntarily remove the vehicle off the road reserve. If the vehicle is not removed by the registered owner, it may be removed by Council and costs recovered from the registered owner as provided by the Local Government Act 1974.
- 9.4 Notwithstanding the provisions of Section 356 and 356A of the Local Government Act 1974, Council may claim reimbursement and recover, via direct invoicing, the costs associated with any towage, storage and disposal of an abandoned vehicle where the current registered owner can be ascertained.

### **Tree Planting and Tree Maintenance**

- 10.1 Planting of trees within the road is prohibited unless the permit required is obtained from the Council. Council shall consider such requests for planting in terms of species, location, potential tree shading issues, appropriateness, safety, and the impact on other utilities.
- 10.2 Private trees and plantings within the road corridor planted by the adjacent landowner, past or present, shall be maintained by the current adjacent landowner. Where such trees constitute a safety issue, cause nuisance or damage, Council may undertake maintenance or removal and claim reimbursement, via direct invoicing, from the current adjacent landowner. Damage includes any damage caused to any existing service utilities.

- 10.3 The owner of any adjacent property shall not allow any vegetation to encroach on any public place that may obstruct or interfere with any person's access to that public place.
- 10.4 No tree trimmings shall be allowed to remain on any footpath or road or public place controlled by Council, without the permit required from Council. Trimmings and any machinery used in the trimming of trees and other vegetation shall be removed as soon as possible.

### **Private Utilities**

- 11 Private utilities including but not limited to irrigation lines and electric fence power supplies shall not be installed ***in or on any footpath or road or public place controlled by Council*** without obtaining the permit required from Council. The installation of pipes and wires through drainage culverts is prohibited.

### **Bus Shelters**

- 12 Private bus shelters shall not be installed without obtaining the permit required from Council.

### **Storage on the Road**

- 13 Storage of items on any road is prohibited without obtaining the permit required from Council. Such items include but are not limited to agricultural machinery, balage, firewood, hay, shipping containers and temporary buildings.

### **Public Art**

14. Placement of Art including but not limited to sculpture, or similar creation shall comply with Council's Policy on Art in Public Places and shall not be installed or erected without the permit required of Council.

## **PART V. REFUSE**

### **Litter**

- 15.1 No person shall permit or suffer anything to fall from a vehicle onto the road or, having so fallen, to remain on the road.
- 15.2 No person shall make use of any street tidy or other public refuse receptacle for the purpose of placing or depositing therein any offensive matter or any household, shop, office, or trade refuse of any description.
- 15.3 No person shall make use of any road reserve or any other public place for the purpose of placing or disposing of any household or trade refuse of any description.

### **Waste Bins and Containers**

- 16.1 The Council may, from time to time, give written permission for a bin, container or similar receptacle exceeding a capacity of 240 litres to be placed and left, for a specified period, on any road or footpath, provided due regard is given to the Code of Practice for Temporary Traffic Management and other such conditions as deemed appropriate.
- 16.2 In areas where parking is for the time being controlled by meters application shall be made to the Council for the issue of a parking reservation sign and if the application is granted, the sign shall be attached to the bin, container or similar receptacle; and the said bin, container or similar receptacle shall be contained within a parking space. Council may require payment for such use of a parking space.



## **PART VI. PUBLIC EVENTS AND ROAD CLOSURES**

### **Traffic Delays**

- 17 Any person intending to hold or organise a public event or demonstration involving a procession of persons or vehicles or both, other than a funeral procession, shall give at least ten working days written notice of application to the Council for its consent. Council has discretion whether to allow an application that it has received that is less than five working days prior to the intended procession. The fee determined by Council shall accompany applications.

### **Road Closures**

- 18.1 Any person intending to close a street or road for any reason should submit an application to Council at least fifty-five days prior to the intended date of the road closure. Council has discretion whether to allow an application that it has received less than forty-two days prior to the intended closure. The fee determined by Council shall accompany applications.
- 18.2 No person shall operate a vehicle on any road that has been closed by Council, unless otherwise permitted by Council as part of the road closure.
- 18.3 No person shall operate a vehicle or class of vehicle on any road where Council has prohibited or restricted the use of said vehicle or class of vehicle.

## **PART VII. ANIMALS**

### **Pets and Livestock**

- 19.1 No driver or person in charge of any vehicle drawn by any animal or animals shall ride on that vehicle without having and holding proper and sufficient reins to guide the animal or animals drawing the vehicle.
- 19.2 No person shall ride or drive any animal recklessly, negligently or at a speed or in a manner which in the circumstances is or might be dangerous to any animal or person.
- 19.3 No person shall drive livestock in any Council controlled public parking area.

### **Wandering Animals**

- 20.1 Every person being the owner or having the care, custody, or control of any stock, shall take all reasonable steps to keep and prevent such livestock from wandering or being without proper control on any road or public place.
- 20.2 The owners of any pets or livestock are liable for any penalties herein and for any damage caused by their animal(s) wandering at large.

### **Roadside Grazing, Temporary Fencing and Tethering**

- 21.1 No person shall allow livestock or pets to abide or graze on any part of any road or reserve or erect any fencing, temporary or permanent, without the permit required from Council. Council may issue permits to enable owners of animals to abide or graze on the road verge or berm subject to conditions, including fencing or tether requirements deemed necessary to contain the animals and protect the public.
- 21.2 No person shall erect and leave temporary fencing, including electric tapes and wire, across any carriageway unattended.

### **Stock Management**

#### **22 Interpretation**

In the context of Part VII of this Bylaw:

Frequent movement means regular movement of stock along or across any road as part of the normal operation of a farm, and includes but is not limited to stock movements across a road occurring more than once on annual average in any one month. Infrequent movement is where stock are crossed over any road once or less than once per month on annual average.

Stock directly crossing a road means a crossing with no greater than 50 meters variance from a direct route across the road.

### **Stock Crossing**

- 23.1 Subject to the provisions of this bylaw, stock may be infrequently driven across a road during the hours of daylight if a person or animal or appropriate signage is clearly visible at a distance of 120 metres from either direction, and shall comply with the general conditions for stock management.
- 23.2 A permit is required for the frequent movement of stock including but not limited to stock crossing any road. The conditions of any such permit shall be complied with.

- 23.3 In the case of emergency or escape the owner shall take adequate steps to ensure that other persons using the road have warning of the presence of stock on the road by use of hazard lights or other warning devices. **A permit is not required in the case of emergency or escape.**

### **Stock Droving**

- 24.1 A permit is required for all stock droving that is not regarded as stock crossing or an emergency under this bylaw. The conditions of any such permit shall be complied with.
- 24.2 In the case of emergency or escape the owner shall take adequate steps to ensure that other persons using the road have warning of the presence of stock on the road by use of hazard lights or other warning devices. **A permit is not required in the case of emergency or escape.**

### **General Conditions for Stock Management**

- 25.1 Council shall not be held responsible in any way for claims and damages arising from stock droving and Council requires the owner of the stock to keep in force Public Liability Insurance to protect their liability for damage to third parties.
- 25.2 The drover of stock shall have due regard for and comply with accepted Temporary Traffic Management practices. A Deed of Grant is required from KiwiRail prior to moving stock on or near railway corridors.
- 25.3 No person shall drove or cross any stock along or across any road depicted or listed in the Seventh **Schedule** except:
- 25.3.1 In the case of emergency; or
  - 25.3.2 If the stock are to be driven from one part of a farm to another part of the same farm, where no other suitable route is reasonably available.
- 25.4 Stock shall be managed so as to cause the least possible disruption to other road users. The drover shall allow any vehicle to proceed along the road with a minimum of delay.
- 25.5 The number of drovers to be shall at all times be sufficient to ensure the stock is under control and other road users are adequately warned that they are approaching stock.
- 25.6 The route taken by any drove shall be the most practicable direct route by road between the point of departure and the destination, subject to the provisions of this bylaw.
- 25.7 All reasonable efforts shall be made to ensure that stock are kept:
- 25.7.1 Moving at all times, so as to make progress towards the destination.
  - 25.7.2 Where available, and, subject the following provision, on the road verge and off any adjoining property.
  - 25.7.3 Away from drainage channels and culverts, trees, shrubs or flowerbeds planted on the road verge.
- 25.8 When stock are drove along or crossed across any road, a temporary sign or a drover shall be suitably placed so as to be clearly visible to, and give adequate warning of stock movements to, other road users as specified in accordance with accepted Temporary Traffic Management practices.

- 25.9 When stock are drove along or crossed across a State Highway or any other road the signage required shall comply in all respects with the requirements of The New Zealand Transport Agency and any other requirements imposed by statute or regulation and this bylaw.
- 25.10 All injured or dead stock shall be removed from the carriageway immediately, and from the road verge as soon as possible thereafter but in any event on the same day.
- 25.11 Any person seeking dispensation from compliance with this bylaw may not less than ten days before the drove is to commence make application to the Council in writing setting out the grounds upon which a dispensation is sought. The Council in its discretion may, but in the case of emergency shall, waive the requirement for a prior application in writing and shall either grant, with or without conditions, or refuse any such application in writing.

### **Power to Restrict Droving and Crossing**

- 26 The Council may by public notice given generally or by notice in writing to an individual person or persons prohibit or restrict for such reasonable period and upon such conditions as Council may prescribe the use of any road for the droving or crossing of stock. Any such prohibition or restriction may from time to time in like manner be altered or revoked.

### **Additional Provisions Relating to the Frequent Movement of Stock**

- 27.1 Frequent movement of stock including but not limited to milking stock shall not be driven along or crossed across any road in circumstances where those stock units may be lawfully and reasonably driven to their destination over other land.
- 27.2 No road or any part of a road may be used for the purpose of the frequent movement of stock including but not limited to moving milking stock for milking purposes without the permit required from Council. In considering an application under this section, Council shall apply its Assessment Criteria as described in the Waitaki District Council Code of Practice for Stock Crossing.
- 27.3 Any new dairy conversions and expansions that occur from the operative date of this bylaw that have a property that is operated as a split dairy unit shall, if deemed necessary in the Waitaki District Council Code of Practice for Stock Crossing require a stock underpass or overpass.
- 27.4 Upon receipt of an application the Council shall, either approve said application (which may be subject to such reasonable conditions as the Council thinks fit) or refuse to issue a permit. Where the application relates in whole or in part to a State Highway, the applicant shall obtain the approval of The New Zealand Transport Agency.

### **Damage to Road**

- 28.1 Where damage can be identified as having been caused by the droving or crossing of stock including but not limited to: the carriageway, verge, any roadside marker post or sign, bridge railings or decking; ditches; boundary fences; gateways or mailboxes, the owner(s) of the stock responsible for that damage shall take all reasonable steps to repair such damage in a manner and to a standard approved by the Council. In default thereof the Council may undertake such work on the owner's behalf and recover the costs incurred from the owner as a debt.

- 28.2 If as a result of the droving or crossing of any stock on the road there is a build up of faecal matter or mud on the surface of the carriageway sufficient to cause:
- 28.2.1 Damage to the carriageway, or
  - 28.2.2 Loss of traction for vehicular traffic, or
  - 28.2.3 A nuisance to other road users;
- Then Council may, by written notice, require the owner of the stock responsible for that build up to remove the same within such reasonable period as the Council may specify in its notice. If the notice is not complied with, in the time specified in the notice, the owner shall commit an offence under this bylaw and without prejudice to any right of prosecution the Council may undertake that work on the owner's behalf and recover the costs incurred from the owner as a debt.

### **Animal Health**

- 29.1 No person shall drove any stock on a road, or tether or graze any stock on a road verge in circumstances where such droving, tethering or grazing is in contravention of any statute, including T.B. status, or other lawful directive relating to animal health and/or the droving of stock.
- 29.2 No person shall drove any animal under movement control classification on any road reserve.

### **Permit To Drove**

- 30.1 A permit to drove, when issued, shall be subject to the provisions of this Bylaw and subject to such dispensations and conditions as may be noted on the permit, in the Council's discretion.
- 30.2 The applicant shall apply in writing to the Council for a permit to drove in the form required by Council before commencing droving and specify (as appropriate):
- Property owner's name and address
  - Stock owner's name and address
  - Head Drover's name and address
  - Number of stock
  - Type(s) of stock
  - Identification marks of stock
  - Bovine Tuberculosis status
  - Movement Control classification
  - Number of drovers
  - Intended route through the district (as marked on a map)
  - Use of signage.
  - Traffic management plan
  - Evidence of Public Liability Insurance
- 30.3 If a drove can not reasonably be expected to be completed during the hours of daylight of the day on which the drove is commenced, the owner of the stock or his agent shall detail the distance of daily stages, location of holding paddocks and approval from owners of holding paddocks.
- 30.4 Application for a droving permit shall be made notwithstanding that a drove commences outside the district and shall be made before any stock enters the district.

- 30.5 Where the application relates to the droving of stock along or across a State Highway, before issuing the permit the applicant shall obtain the approval of The New Zealand Transport Agency.
- 30.6 Permit fees shall be payable before the drove commences.
- 30.7 Any person who drives without a permit, where a permit is required, or who fails to produce a permit to drove upon demand by an authorised officer of the Council, or an authorised officer of The New Zealand Transport Agency or a Police Officer commits an offence under this Bylaw.
- 30.8 Any applicant may appeal to Council to reconsider the conditions or non-issue of a droving permit.

### **Duration and Transferability of Permits And Dispensations**

- 31.1 A permit to drove or cross stock issued by Council shall be valid only for the date, dates or period specified in the permit, is personal to the applicant and shall not be assigned.
- 31.2 Where a permit is required for frequent movement of stock on roads including but not limited to for milking purposes (typically a stock crossing), a permit or a dispensation under this bylaw:
- 31.2.1 Ownership of the permit shall apply to the owner of the farm or dairy unit to which it relates; and
  - 31.2.2 The permit holder shall notify Council of any changes that may affect the permit conditions and shall notify Council of any changes in the owners of the stock who are operating under the permit conditions.
  - 31.2.3 An applicant need only apply for one permit in situations where more than one crossing site is necessary.

## **PART VIII. OFFENCES**

### **Offences**

- 32.1 Every person who breaches this bylaw commits an offence and may be issued with an infringement notice (unless otherwise stated) or is liable, on summary conviction, to the penalties set out in section 242 (4) of the Local Government Act 2002.
- 32.2 Every person who operates a vehicle in excess of the speed limits set by this bylaw commits an offence and is liable for the penalties and fees provided for in the relevant provisions of the Land Transport Act 1998 and the Transport Act 1962 or Land Transport (Offences and Penalties) Regulations.

### **Proceedings for Infringement Offences**

- 33 A person who is alleged to have committed an infringement offence may either—
- 33.1 be proceeded against under the Summary Proceedings Act 1957; or
- 33.2 be served with an infringement notice under section 245 of the Local Government Act 2002.

### **Issue of Infringement Notices**

- 34.1 An infringement notice may be served on a person if an enforcement officer—
- 34.1.1 observes a person committing an infringement offence; or
- 34.1.2 has reasonable cause to believe that an infringement offence is being or has been committed by that person.
- 35.2 An infringement notice may be served—
- 35.2.1 by an enforcement officer (not necessarily the person who issued the notice) personally delivering it (or a copy of it) to the person alleged to have committed the infringement offence; or
- 35.2.2 by post addressed to that person's last known place of residence or business.
- 36.3 For the purposes of the Summary Proceedings Act 1957, an infringement notice sent to a person at that person's last known place of residence or business shall be treated as having been served on that person when it was posted.
- 36.4 An infringement notice must be in the prescribed form and must contain the following particulars:
- 36.4.1 details of the alleged infringement offence sufficient to inform fairly a person of the time, place, and nature of the alleged offence;
- 36.4.2 the amount of the infringement fee specified for that offence;
- 36.4.3 the time within which the infringement fee must be paid;
- 36.4.4 the address of the place at which the infringement fee must be paid;
- 36.4.5 a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957;
- 36.4.6 a statement that the person served with the notice has a right to request a hearing;
- 36.4.7 a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing;
- 36.4.8 any other particulars that are prescribed from time to time.

- 37.5 If an infringement notice has been issued under this section,—
- 37.5.1 proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and
  - 37.5.2 the provisions of that section apply with all necessary modifications.

### **Impounding**

- 38.1 An enforcement officer may seize and impound property that is not on private land if—
- 38.1.1 the property is materially involved in the commission of an offence; and
  - 38.1.2 it is reasonable in the circumstances to seize and impound the property; and
  - 38.1.3 before seizing and impounding the property, the enforcement officer—
    - 38.1.3.1 directed (orally or in writing) the person committing the offence to stop committing the offence; and
    - 38.1.3.2 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
    - 38.1.3.3 provided the person with a reasonable opportunity to stop committing the offence.
- 38.2 However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with clause **38.1.3**.
- 38.3 As soon as practicable after seizing and impounding property, an enforcement officer must give a notice in the prescribed form—
- 38.3.1 to the person in possession of the property at the time it was seized and impounded; or
  - 38.3.2 to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

### **Seizure of Property from Private Land**

- 39.1 A judicial officer may issue a warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.
- 39.2 A warrant may be issued only if—
- 39.2.1 the application for it is made in writing and on oath; and
  - 39.2.2 the judicial officer is satisfied that—
    - 39.2.2.1 the property is materially involved in the commission of an offence; and
    - 39.2.2.2 it is reasonable in the circumstances for the property to be seized; and
    - 39.2.2.3 the enforcement officer has directed the person committing the offence to stop committing the offence and has advised the person that, if he or she fails to do so, the enforcement officer intends to apply for a warrant; and
    - 39.2.2.4 the enforcement officer has given the person committing the offence a reasonable opportunity to stop committing the offence.



- 40.3 A warrant—
- 40.3.1 may be issued subject to any terms and conditions imposed by the judicial officer issuing the warrant; and
  - 40.3.2 authorises an enforcement officer, subject to aforementioned terms and conditions to—
    - 40.3.2.1 use any assistance that is necessary in the circumstances; and
    - 40.3.2.2 use any force that is reasonably necessary to enter the land and seize and impound the property.
- 40.4 In this section, "judicial officer" means—
- 40.4.1 a District Court Judge, duly authorised Justice of the Peace, community magistrate, or Registrar of a District Court; but
  - 40.4.2 does not include a Justice of the Peace who is the mayor, an elected member, or an employee, of Council.

### **Conditions for Exercise of Warrant to Seize Property on Private Land**

- 41.1 An enforcement officer executing a warrant issued under **section 165(1) of the Local Government Act 2002** must—
- 41.1.1 be accompanied by a member of the police; and
  - 41.1.2 when entering the land and when reasonably requested to do so afterwards, produce for inspection by any person occupying the land at the time—
    - 41.1.2.1 the warrant; and
    - 41.1.2.2 evidence of the officer's identity; and
  - 41.1.3 if requested, whether at the time or later, provide a copy of the warrant within 7 days after receiving the request.
- 41.2 If no person is present and occupying the land when an enforcement officer executes the warrant, the enforcement officer must—
- 41.2.1 leave a copy of the warrant—
    - 41.2.1.1 affixed to a building or fixture on the land; or
    - 41.2.1.2 in a prominent place on the land; and
  - 41.2.2 on a copy of the warrant, endorse—
    - 41.2.2.1 the date and time of the execution of the warrant; and
    - 41.2.2.2 the name of the enforcement officer executing the warrant; and
    - 41.2.2.3 a description of any property seized and impounded in sufficient detail to enable the property to be identified.

### **Return of Property Seized and Impounded**

- 42.1 The owner of property that has been seized and impounded, or the person from whom the property was seized, may request Council to return the property.
- 42.2 Council must return the property if—
- 42.2.1 the property is not likely to be involved in an offence for which it was seized; and
  - 42.2.2 the owner or person has paid, or tenders with the request payment of, the costs of Council in seizing, impounding, transporting, and storing the property.
- 42.3 If Council refuses to return the property, the owner or person from whom it was seized may apply to a District Court to review Council's decision.

- 42.4 The District Court may—
  - 42.4.1 confirm Council's decision; or
  - 42.4.2 order that the property be returned.

### **Power to Dispose of Property Seized and Impounded**

- 43.1 Council may dispose of property that has not been returned within six months after it was seized and impounded.
- 43.2 Council must not dispose of property before making reasonable attempts to locate the owner and give the owner of the property and the person it was seized from not less than 14 working days' notice of the authority's intention to dispose of the property.
- 43.3 Council may dispose of the property by way of sale or otherwise as it thinks fit.
- 43.4 Any proceeds from the disposal of the property must be applied to pay,—
  - 43.4.1 first, the costs incurred in seizing, impounding, transporting, and storing the property:
  - 43.4.2 second, the costs of disposing of the property:
  - 43.4.3 third, any surplus to the owner of the property or the person from whom it was seized.

### **Costs of Remedying Damage Arising from Breach of Bylaw**

- 44.1 A person who has been convicted of an offence against a bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence.
- 44.2 The costs of remedy may include the administration and inspection costs incurred by Council in terms of this offence.
- 44.3 The costs must be assessed by a District Court Judge and are recoverable summarily as if they were a fine.
- 44.4 Costs recoverable under this section are in addition to any penalty for which the person who committed the offence is liable.

### **Issue of Notices**

- 45.1 In the event of breach, (including an alleged breach) of the provisions concerning animals in Part X of this bylaw Council may give written notice of the breach to the owner of the stock and/or the temporary fence, specifying the steps which the Council requires to be taken to remedy that breach and the reasonable time period within which those steps are to be taken.
- 45.2 An owner who fails to take the steps set out in the notice within the time period specified in the notice shall commit an offence under this bylaw and shall;
  - 45.2.1 Forthwith remove the stock and/or the temporary fence; and
  - 45.2.2 Not be at liberty for a period of up to six months after the expiry of the notice to exercise any of the rights conferred by permit under this bylaw.

### **Review of Infringement Notice**

- 46 Any person who is issued with an infringement notice and, thereby liable for an infringement fee, may lodge a request that Council review the infringement notice.

## ROADING BYLAW SCHEDULES

<b>Subject</b>	<b>Part Reference</b>	<b>Schedule #</b>
Revoked Bylaws	Part I	1
Skateboards or Similar Recreational Devices Prohibited	Part IV	2
Vehicles for sale	Part VI	3
One Way Streets	Part IX	4
Droving of Stock Prohibited	Part X	5
Shared Paths	Part I	6

**FIRST SCHEDULE**

**Bylaws Revoked**

Waitaki District Council Roding Bylaw 2005

Waitaki District Council Roding Bylaw 2013

**Sections and Parts of Bylaws pertaining to matters covered in the Roding Bylaw, to be revoked.**

## **SECOND SCHEDULE**

### **Skateboards or Similar Recreational Devices Prohibited**

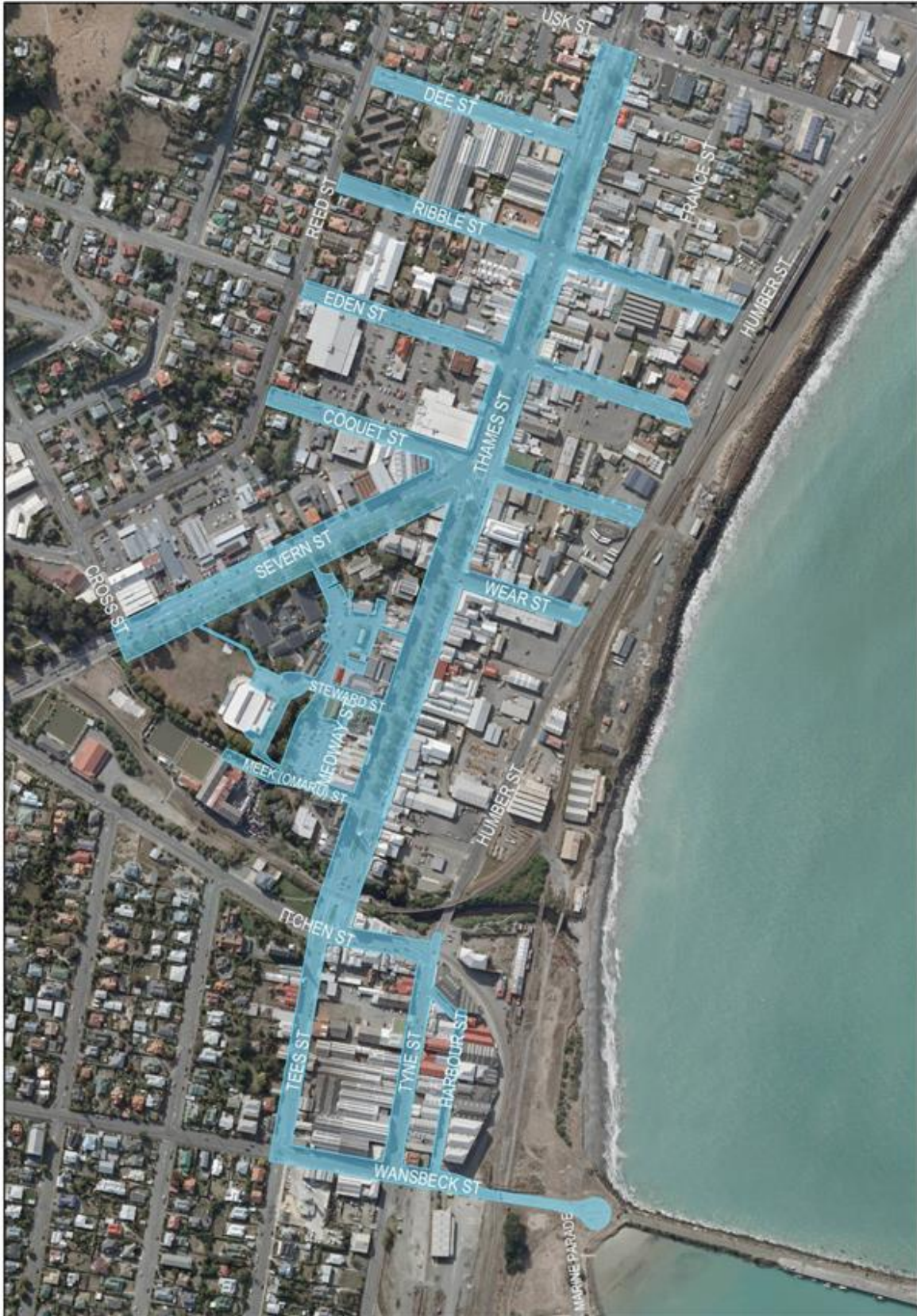
No person shall use any skateboard, motorised recreational scooter, roller skate, inline skate, cart, trolley, toboggan or similar recreational device in any area defined in the areas described and as are also shown on the map below.


Oamaru North End Shopping Centre.

***As per maps appended.***

Oamaru Central Commercial Business District and Historic Precinct

***As per maps appended.***



 Roding Bylaw 2020 - Traffic; Second Schedule



 Roading Bylaw 2020 - Traffic; Second Schedule

### **THIRD SCHEDULE**

#### Displaying Vehicles for Sale Prohibited

State Highways.

### **FOURTH SCHEDULE**

#### One Way Streets

Harbour Street, Oamaru.

Medway Street, Oamaru.

Aln Street, Oamaru, Eastern (lower) section.

Papakaio Road, Papakaio, between Cameron Road and Bypass Road.

### **FIFTH SCHEDULE**

#### Droving of Stock Prohibited

All areas restricted to less than 100 km/hr including the Oamaru Urban Area without the required permit from Council.

### **SIXTH SCHEDULE**

#### Shared Paths

All Alps 2 Ocean (A2O) signposted routes within road corridor.

Sale Yards Road (From Weston Road to Chelmer Street Bridge).

Severn Street (Eastern side opposite Public Gardens to Public Hospital to Steward Street).

Cycle Track (From Waitaki Avenue to Orwell Street, and its subsequent extensions).

Oamaru Harbour (From Holmes Wharf to Oamaru Blue Penguin Colony).