

ROADING BYLAW 2020 - SPEED LIMITS

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Waitaki District Roding Bylaw 2020 - Speed Limits
Published by Waitaki District Council
Private Bag 50058,
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New Zealand


The Waitaki District Roding Bylaw 2020 - Speed Limits 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 – Speed Limits.
- 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 Land Transport Act 1998 and the Land Transport Rule: Setting of Speed Limits 2017 or subsequent amendments. Reference is also made to the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Utilities Access Act 2010, and the Traffic Regulations 1976.
- 2.2 **The purpose of this bylaw is to promote public safety and effectively regulate traffic speeds 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 an 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, the Land Transport (Road User) Rule 2004 and the Traffic Regulations 1976 (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.

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

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

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.

The Council means the Waitaki District Council.

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.

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.

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.

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

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.

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

viz –

any roadway, place, or arcade laid out or formed within the district on private land, 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 -

any way or passage whatsoever over private land within the 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.

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.

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.*

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.

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.

Speed Limit means the same as in Land Transport Rule: Setting of Speed Limits 2017.

viz -

(a) *means—*

(i) an urban, rural, permanent, holiday, temporary, emergency, or variable speed limit; and

(ii) the maximum speed at which a vehicle may legally be operated on a particular road; but

(b) does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation, or rule

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

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

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.

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.
- 4.3 Any person who tampers with or acts so as to cause damage to any road, footpath, signage, pavement markings, equipment used to control or regulate any speed limit commits a breach of this Bylaw. Without prejudice to any other remedy, where such a breach of this bylaw occurs which causes damage, Council may undertake repairs and recover the associated costs from the person or persons who committed a breach of the bylaw in connection with the damage.

PART III. SPEED AND DIRECTIONAL LIMITS

Consultation and Decision Making

- 5.1 Pursuant to the Land Transport Rule: Setting of Speed Limits 2017 the Waitaki District Council has set speed limits as specified herein.
- 5.2 Before setting a speed limit (including variable speed limits), or designating or changing an urban traffic area, or making or changing one-way streets, Council shall consult with persons who may be affected by the proposed change in accordance with the Land Transport Rule Setting of Speed Limits 2017.

Speed Limits

- 6.1 The roads or areas described in the **second schedule** or as shown on a map referenced in the **second schedule** are declared to have the speed limits specified in the **second schedule** and maps, which are part of this bylaw.
- 6.2 Roads identified on the speed limit schedule as having a 50km/h speed limit are designated as urban traffic areas.
- 6.3 Any speed limits identified on the speed limit schedule (other than 50 km/h on roads within an urban traffic area and 100 km/h on roads within a rural area) are validated.
- 6.4 Pursuant to the Land Transport Rule Setting of Speed Limits 2017, the Council may from time to time by resolution make additions to or alterations to the **fifth schedule** where it is in the interest of the safety of the public or for the better preservation of any road, off-street parking area, bridge, culvert or reserve. The Council may set speed limits of 20, 30, 40, 50, 60, 70, 80 or 100km/h on any road or area in its district or such other speed limit as may from time to time be set by the Land Transport Rule Setting of Speed Limits 2017 and its amendments.
- 6.5 Areas to which Roading Bylaw Speed Limits imposed under this clause apply shall be marked by notices or signs in the prescribed form.

Temporary, Seasonal, Variable and School Zone Speed Limits

- 7.1 Areas subject to variable speed limits are described in the **third schedule** to this Bylaw.
- 7.2 The part-time speed limit shall be in force when the required temporary signs are displayed.
- 7.3 No person shall, on any part of the road described in the **third schedule** of this Bylaw, exceed the part-time speed limit in force for that part of a road during the period that the part-time speed limit applies.
- 7.4 Areas subject to seasonal speed limits are described in the **third schedule** to this Bylaw.
- 7.5 The seasonal limit shall be in force when the required signs are displayed.
- 7.6 No person shall, on any part of the road described in the **third schedule** of this Bylaw, exceed the seasonal speed limit in force for that part of a road during the time that the seasonal speed limit applies.

- 7.7 Areas subject to variable speed limits are described in the **third schedule** to this Bylaw.
- 7.8 The seasonal speed limit shall be in force when the required variable signs are displayed.
- 7.9 No person shall, on any part of the road described in the **third schedule** of this Bylaw, exceed the variable speed limit in force for that part of a road during the time that the variable speed limit applies.
- 7.10 Areas subject to school zone speed limits are described in the **fourth schedule** to this Bylaw.
- 7.11 The school zone speed limit shall be in force when the required signs are displayed.
- 7.12 No person shall, on any part of the road described in the **fourth schedule** of this Bylaw, exceed the school zone speed limit in force for that part of a road during the time that the school zone speed limit applies.

ROADING BYLAW SCHEDULES

Subject	Part Reference	Schedule #
Revoked Bylaws	Part I	1
Speed Limits	Part III	2
Temporary, Seasonal and Variable Speed Limits	Part III	3
School Zones Speed Limits	Part III	4

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

Speed Limits

As per maps appended.

THIRD SCHEDULE

Temporary, Seasonal and Variable Speed Limits

As per maps appended.

FOURTH SCHEDULE

School Zone Speed Limits

A speed limit set by the Ministry of Transport and/or its agencies which applies at the extents of a School Zone (e.g. 300m from the main school entrance unless otherwise defined) and is demarcated by signs that comply with Land Transport Rule: Traffic Control Devices 2004 and its amendments.