

The Queenstown Lakes District Council Traffic and Parking Bylaw 2018

Queenstown Lakes District Council

Date of making: [Insert]

Commencement: [Insert]

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998 and Part 8 of the Local Government Act 2002.

Contents

	Page		Page
1	Title and Commencement	2	
2	Area within which Bylaw applies	2	
3	Purpose	2	
4	Bylaw to bind the Crown	2	
5	Delegation	2	
6	Interpretation	2	
8	Enforcement	3	
9	Offences and penalties	3	
10	Revocations	3	
11	Savings	3	
	Schedule 1 – [Insert schedule name]	4	
	Additional Information to [Insert Bylaw name]	5	

Part 1 – Preliminary

1 Title and commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Traffic and Parking Bylaw 2018”.
- 1.2 This bylaw comes into force on [insert date].

2 Area within which Bylaw applies

This bylaw applies to the area of the Queenstown Lakes District.

3 Purpose

The purpose of this bylaw is to regulate parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District.

4 Interpretation

- 4.1 Any word used in this bylaw that is defined in the Act or the Rules has the same meaning as in the Act or the Rules, unless the context otherwise requires or a different definition is given in clause 4.2.

Explanatory note: for convenience, some of these definitions are reproduced below, in their form as at the date this bylaw was made. However, the Act and Rules are subject to change, and the wording of the definitions at any particular time should be confirmed in the Act or Rules themselves.

Goods service vehicle means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules

Heavy motor vehicle means 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 3 500 kg

Large passenger service vehicle means any passenger service vehicle that is designed or adapted to carry more than 12 persons (including the driver).

Motorcycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but does not include a moped

Motor vehicle means a vehicle drawn or propelled by mechanical power; and includes 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 1 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 Land Transport Act 1998 is not a motor vehicle; or
- (g) a mobility device

Parking means,—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

and **park** has a corresponding meaning.

Parking place means a place (including a building) where vehicles or any class of vehicles may wait or park

Parking warden means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998

Passenger service vehicle means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include—

- (a) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- (b) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules

Rental service vehicle means a vehicle used or available for use in a rental service for letting on hire for the carriage of passengers or goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include a vehicle specified as an exempt vehicle in the Land Transport Act 1998 or the regulations or the rules made under that Act.

Road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

Small passenger service vehicle means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

Transport station means a place where transport service vehicles or any class of transport service vehicles may wait between trips.

Vehicle means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include—

- (a) a perambulator or pushchair;
- (b) a shopping or sporting trundler not propelled by mechanical power;
- (c) a wheelbarrow or hand-trolley;
- (d) a pedestrian-controlled lawnmower;
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power;

- (f) an article of furniture:
- (g) a wheelchair not propelled by mechanical power:
- (h) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
- (i) any rail vehicle

Zone parking, in relation to a road, means a parking restriction imposed by the Council:

- (a) that applies to an area comprising a number of roads; and
- (b) in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
 - (i) the nature of the area; or
 - (ii) the nature of the parking restriction; or
 - (iii) traffic patterns into and within the area; or
 - (iv) the nature and number of entry points to the area; and
- (c) that the Council specifically declares to be a zone parking control.

Zone restriction means an area of roadway the use of which is restricted to a specified class or classes of vehicle or class or classes of road user (with or without a time restriction).

4.2 In this bylaw, unless the context otherwise requires,-

Act means the Land Transport Act 1998.

Authorised officer means any person appointed or authorised by the Council to act on its behalf under this bylaw and includes any Parking Warden or Enforcement Officer.

Council means the Queenstown Lakes District Council.

Driver in relation to a vehicle, includes the rider of a motorcycle or moped or bicycle; and **drive** has a corresponding meaning.

Enforcement officer means-

- (a) in relation to powers exercised under the Land Transport Act 1998:
 - (i) a sworn member of the Police
 - (ii) a non-sworn member of the Police who is authorised for the purpose by the commissioner of Police.
 - (iii) a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act and any parking warden appointed by the Council and warranted accordingly.
- (b) in relation to powers exercised under the Local Government Act 2002, an enforcement officer appointed under section 177 of the Local Government Act 2002

Infringement offence has the same meaning as it has in section 2(1) of the Land Transport Act 1998.

Operate, in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle; and **operator** has a corresponding meaning

Mobility parking permit means a mobility parking permit issued by CCS Disability Action.

Owner in relation to a motor vehicle, means the person lawfully entitled to possession of the vehicle, except where-

- (a) the motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire pursuant to the terms of a rental- service licence.-

in which case owner means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and

owned and **ownership** have corresponding meanings

Parking machine means a machine which is used to facilitate the payment of charges for parking, and includes a parking meter, pay and display machine or other device.

Person has the meaning given in the Interpretation Act 1999.

Public place means all or part of a place -

- (a) that is under the control of the Council; and
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes:
- (c) a road, whether or not the road is under the control of the Council.

Road means a road as defined in the Act which is under the control of the Council.

Rule means the Land Transport Rule: Traffic Control Devices 2004.

Use in relation to a vehicle, includes driving, drawing or propelling on a road by means of such vehicle, and includes permitting to be on any road; and to **use** and **user** have corresponding meanings.

4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended or revoked without any formality.

4.4 The Interpretation Act 1999 applies to this bylaw.

5 Resolutions made under this Bylaw

- 5.1 In making a resolution under this bylaw, the Council will take into account the following considerations, if and to the extent they are relevant and in proportion to the significance of the decision:
- (a) the purpose of this bylaw;
 - (b) the statutory context of the relevant bylaw-making power under section 22AB of the Land Transport Act 1998 and/or Part 8 of the Local Government Act 2002, as the case may be;
 - (c) the public interest in a safe and efficient road transport system and the Council's contribution to that objective in relation to roads under its control;
 - (d) the likely effect of the decision on members of the public or categories of the public;
 - (e) the nature and extent of the problem being addressed by the proposed decision and the reasonably available options for addressing the problem (if any) apart from making a resolution under this bylaw;
 - (f) the public interest in protecting from damage land and assets which are owned or under the control of the Council.
- 5.2 A resolution made under this bylaw may:
- (a) regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case;
 - (b) apply to all vehicles or traffic or to any specified class of vehicles or traffic;
 - (c) apply to any road or part of a road under the care, control or management of the Council;
 - (d) apply at any specified time or period of time;
 - (e) be made subject to any such conditions as are reasonable in the circumstances;
 - (f) amend, revoke or revoke and replace any previous resolution made under this bylaw or any equivalent former bylaw.

Part 2 – Vehicle and road use

6 One-way roads

- 6.1 No person shall drive any vehicle on any of the roads specified in Schedule 1 of this Bylaw, except in the direction specified in that schedule.
- 6.2 The Council may by resolution:
- (a) require vehicles on a specified road to travel in one specified direction only;
 - (b) specify that cycles may travel in the opposite direction on a one-way road.

- 6.3 A person must not drive a vehicle on a one-way road in a direction contrary to that specified in Schedule 1 or pursuant to clause 6.2.

7 Left or right turns and U-turns

- 7.1 The Council may by resolution prohibit on any specified road:
- (a) any vehicle generally or any specified class of vehicle from turning to the left or turning to the right of the path of travel;
 - (b) any vehicle turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).
- 7.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, where that movement has been prohibited pursuant to this clause.

8 Traffic control because of size, nature or goods

- 8.1 The Council may by resolution prohibit or restrict the use of a road as unsuitable for any specified class of traffic or any specified class of vehicle due to its size or manner of operation or the nature of the goods carried.
- 8.2 Unless the resolution says otherwise, no prohibition or restriction made under clause 8.1 applies to a waste collection vehicle collecting waste pursuant to a waste collection contract.
- 8.3 A person must not use a road in a manner contrary to a prohibition or restriction made under this clause.
- 8.4 The Chief Executive of the Council may issue permits to contractors in respect of specified construction contracts or projects, authorising vehicles of the permit-holder to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, and to load and unload materials and supplies for such projects, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.
- 8.5 The Chief Executive Officer of the Council may issue permits to events organisers in respect of specified events, authorising vehicles of the permit-holder to occupy parking spaces, and to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.
- 8.6 A person is not in breach of clause 8.3 if they are acting pursuant to, and in accordance with, a permit issued under clause 8.4 or clause 8.5.

9 Special vehicle lanes

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

10 Cycle paths

- 10.1 The Council may by resolution regulate the use of cycle paths including by:

- (a) prohibiting the use of the cycle path by specified vehicles or classes of vehicle;
- (b) determining priority for users of the cycle path by some or all of the following persons:
 - (i) pedestrians;
 - (ii) cyclists;
 - (iii) riders of mobility devices;
 - (iv) riders of wheeled recreational vehicles.

10.2 A person must not use a cycle path in a manner contrary to any prohibition or restriction made under this clause.

11 Engine braking

11.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed does not exceed 70 km/hr.

11.2 A person must not use engine braking on any road contrary to a prohibition or restriction made under this clause.

12 Cruising

12.1 The 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 a driver to avoid being regarded as cruising.

12.2 A person must not use a motor vehicle contrary to a control, prohibition or restriction made under this clause.

13 Unformed legal roads

13.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purpose of protecting the environment, the road and adjoining land, and/or the safety of road users.

13.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made under this clause.

14 Temporary restrictions on the use of roads

14.1 The Council may temporarily restrict the use of, or class of vehicles which may use, any road or part of a road when the Council's Chief Executive considers that:

- (a) there is, or is likely to arise, at 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.
- 14.2 A person must not drive or use the vehicle contrary to any restriction made under clause 14.1.
- 14.3 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with the permission of an authorised officer, be driven or parked in a manner contrary to any restriction made under clause 14.1, provided it is driven or parked with due consideration to other road users.

Part 3 – Parking

15 Stopping, standing and parking

- 15.1 The Council may by resolution:
 - (a) prohibit or restrict the stopping, standing or parking of vehicles on any road; or
 - (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description, and limit the period of time that such vehicles may stop, stand or park on the road.
- 15.2 For the purposes of clause 15.1(b):
 - (a) a class or description of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to stop, stand or park the vehicle on that road; and
 - (b) the Council may by resolution establish a permit or approval system which may include, without limitation, specifying or providing for:
 - (i) the criteria for obtaining the permit or approval;
 - (ii) the process for applying for the permit or approval including the provision of any information to the Council;
 - (iii) the payment of any application fee to the Council, and the amount of that fee;
 - (iv) the procedure for determining applications;
 - (v) the imposition of conditions on any permit or approval issued by the Council;
 - (vi) the duration of the permit or approval;
 - (vii) the revocation of approvals or permits;
 - (viii) any other matter relevant to the approval or permit system.
- 15.3 A person must not stop, stand or park a vehicle on a road in contravention of a prohibition, restriction or limitation made under this clause, including any condition attaching to a permit or approval referred to in clause 15.2(a).

16 Parking restrictions - parking places and transport stations

16.1 The Council may by resolution:

- (a) prescribe the times, manner (such as angle parking only) and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
- (b) specify the vehicles or classes of vehicles that may or must not use a parking place or transport station, such classes including but not limited to:
 - (i) motorcycles;
 - (ii) cycles, including electric bicycles;
 - (iii) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
 - (iv) goods service vehicles;
 - (v) passenger service vehicles, including large passenger service vehicles and small passenger service vehicles;
 - (vi) vehicles in the course of loading or unloading goods or passengers (“loading zone”);
 - (vii) vehicles used by disabled persons;
 - (viii) vehicles used by pregnant women or by persons accompanied by infants or young children.
- (c) prescribe:
 - (i) any charges to be paid for the use of the parking place or transport station; and
 - (ii) the manner by which parking charges may be paid, through the use of parking machines or by way of electronic payment or in any other specified manner, and the way in which proof of payment must be demonstrated (such as display of a receipt);
- (d) make any other provision for the efficient management and control of the parking place or transport station.

16.2 For the purposes of clause 16.1(a) and (b):

- (a) a class of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to park the vehicle in the parking place or transport station; and
- (b) clause 15.2(b) applies, with any necessary changes, to the establishment of the permit or approval system.

16.3 To avoid doubt, the restrictions in clause 16.1 may be imposed, in the case of a road, by way of zone parking or a zone restriction.

16.4 Any restrictions that apply generally to a zone do not apply to locations within that zone where other specific stopping, standing or parking restrictions apply.

- 16.5 Where the conditions of parking require display in or on the vehicle of a ticket or receipt for payment or other similar document, then the requirement of display is not satisfied if the ticket, receipt or document:
- (a) is torn, defaced, or mutilated to such an extent that any material particular is not legible; or
 - (b) has been tampered with so that it differs from the original document; or
 - (c) is not used in accordance with the instructions (if any) relating to its use given on the ticket, receipt or document or on any sign relating to the parking; or
 - (d) is not prominently displayed in the vehicle or is obscured or cannot easily be read and inspected by any person outside the vehicle.

16.6 A person must not park a vehicle in a parking place or transport station in contravention of a prohibition or restriction made under this clause, or without complying with a condition prescribed or applying under this clause. This includes, without limitation:

- (a) failing to pay a prescribed parking charge, either in the prescribed manner or at all;
- (b) failing to demonstrate proof of payment in the prescribed manner;
- (c) parking for a time period which is in excess of the time period for which payment has been made;
- (d) parking for a time period which is in excess of any maximum authorised period of parking prescribed by the Council.

17 Method of parking

17.1 Where individual parking spaces within a parking place or transport station are indicated by painted lines or other markings:

- (a) each vehicle must be parked entirely within a single parking space;
- (b) where the parking spaces are to be used for angle parking only, vehicles must be parked on the angle indicated;
- (c) where the parking spaces comprise bays for angle parking of motorcycles, no motorcycle (other than a motorcycle with a sidecar attached) shall be parked across any line marking the edge of the bay.

18 Mobility parking

18.1 A person may not park a vehicle in a parking place set aside for mobility parking unless:

- (a) a current mobility parking permit is prominently displayed in the vehicle; and
- (b) the vehicle is being used to convey the holder of that permit or to pick up or drop off that person.

19 Residents' parking

19.1 The Council may by resolution:

- (a) if it considers it reasonable to do so, reserve any specified parking place or places as a residents' parking area, for the exclusive use of persons residing in the vicinity;
- (b) prescribe:
 - (i) the criteria for qualifying to use the residents' parking area, and any conditions attaching to such use such as a requirement to display an approved resident's parking permit;
 - (ii) any fees to be paid for the use of the residents' parking area including the manner in which the fees are calculated and the manner of payment;

19.2 A person must not park a vehicle in a resident's parking area in contravention of a prohibition or restriction made, or a condition imposed, under this clause.

20 Passenger service vehicles, goods service vehicles, rental service vehicles

20.1 No small passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for the use of small passenger service vehicles, unless the vehicle:

- (a) is in the course of hire; or
- (b) is not available for hire.

20.2 No large passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is in the process of loading or unloading passengers.

20.3 No passenger service vehicle exceeding 2,000 kilograms in tare weight or goods service vehicle exceeding 4,000 kilograms in tare weight shall be parked on any road between midnight and 5.00am, except where such overnight parking has been specifically authorised by the Council.

20.4 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle parked on any road shall be washed down or cleaned in such a way that any water, sludge or other liquid flows from the vehicle onto any road or into a culvert, ditch or drain associated with the road.

20.5 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle shall be parked on any road with its engine running for a period in excess of 5-minutes.

20.6 No rental service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is under hire at the time of the parking.

21 Parking off a roadway

- 21.1 A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.
- 21.2 A person must not stop, stand or park a vehicle off a roadway in any reserve, park or similar land used for public recreation, and which is under the Council's control, except:
- (a) in an area designed and constructed to accommodate a parked vehicle; or
 - (b) where the Council has given specific permission to stop, stand or park the vehicle in that place.

22 Miscellaneous

- 22.1 A person must not drive or park a vehicle on any road or in any public place in a manner that causes a nuisance.
- 22.2 A person must not:
- (a) chain or otherwise attach a bicycle or other vehicle to street furniture or public infrastructure;
 - (b) leave such a vehicle in a way which unreasonably obstructs the footpath.
- 22.3 A person must not, without the prior written consent of the Council:
- (a) leave or place on a road any thing other than a vehicle (for example, but without limitation, any machinery, equipment, containers or materials), except that this prohibition does not apply to containers which are placed off the roadway and are used solely for a council-authorised kerbside collection of waste or diverted material, if such containers do not remain on the road for more than 24 hours;
 - (b) stop, stand or park a vehicle on a road or parking place for the purpose of advertising a good or service or offering the vehicle for sale, unless the vehicle is being used for bona fide travel and is parked, incidentally, in the course of such travel.
 - (c) leave a vehicle (including a vehicle which is broken down) parked on a road or parking place for a continuous period of more than 7 days other than in a designated long term parking area;
 - (d) carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.
- 22.4 A person must not:
- (a) remove, deface, or otherwise interfere with any notice, board, sign, picture or device which has been erected or placed by the Council in relation to parking or the control of vehicles on any road or in any public place;
 - (b) misuse, damage, interfere or tamper with any parking machine.

Part 4 – General Provisions

23 Inspection

- 23.1 Any parking warden or any enforcement officer may, for the purposes of this bylaw:
- (a) inspect any parked vehicle;
 - (b) take any action to assist in determining or proving the period for which a vehicle is parked including marking the tyres of the vehicle;
 - (c) inspect any ticket or receipt for payment or similar document demonstrating payment for parking, or any parking machine;
 - (d) require the driver, or any person appearing to be in charge of a parked vehicle, to produce for inspection any ticket or receipt for payment or similar document (including an electronic document) demonstrating payment for parking;
 - (e) retain, for the purposes of any enforcement action under this bylaw, any such document where the parking warden or enforcement officer believes on reasonable grounds that it may be evidence relevant to a breach of this bylaw in relation to parking.

24 Offences and penalties

- 24.1 The operation, driving, using or parking of any vehicle in breach of any of the provisions of this bylaw or any resolution made under this bylaw is a breach of this bylaw.
- 24.2 Without limiting the liability of any person under any enactment, every person commits an offence who:
- (a) commits a breach of this bylaw.
 - (b) causes or permits to be done, anything contrary to this bylaw.
 - (c) omits, fails or refuses to do anything required by this bylaw.
 - (d) operates any vehicle contrary to this bylaw.
 - (e) as the owner of anything parked or left on any road or in any public place does any act contrary to the provisions of this bylaw.
 - (f) is the driver, operator, person in charge, or user of any vehicle, which is driven, operated, used or parked in breach of this bylaw.
- 24.3 Nothing in clause 24.2 limits the liability of any person for an infringement offence as defined in the Act.
- 24.4 Any person breaching a provision of this bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.
- 24.5 Subject to any provision to the contrary, any person convicted of an offence of breaching a provision of this bylaw made under the Local Government Act 2002 is liable for the penalties set out in section 242 of the Local Government Act 2002.

- 24.6 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence together with any applicable towage fee.

25 Exceptions

- 25.1 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.
- 25.2 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 a parking warden, constable, traffic signal or traffic sign; or
 - (b) in the case of an act or omission done by an enforcement officer, constable or parking warden, was necessary in the execution of the person's duty.
- 25.3 Any restrictions made under Part 2 and 3 of this bylaw do not apply to:
- (a) a vehicle that is 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 (including a civil defence emergency);
 - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- 25.4 Any restrictions made under Part 3 of this bylaw do not apply to the parking of a branded Council vehicle, but only when being used by an officer of the Council on specific Council business away from the premises where that officer customarily works.

26 Revocation

The Queenstown Lakes District Council Traffic and Parking Bylaw 2012, including all amendments, is revoked.

27 Savings

Any resolutions, approvals, permits or other acts of authority made pursuant to the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, or any previous traffic and parking bylaw made by the Council, and in force as at the date of revocation of the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, remains in force and is deemed to have been made under this bylaw, until revoked or amended by the Council.

DRAFT