

ROADING BYLAW 2020



Approved by:	Council		
Date approved:	28 July 2020		
Date of effect:	1 August 2020	Reviewed:	28 July 2020
Next review date:	1 August 2030	DOC ID:	

This bylaw is made by the Dunedin City Council pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

SHORT TITLE

This bylaw is the Roading Bylaw 2020.

COMMENCEMENT

This bylaw comes into force on 1 August 2020.

PURPOSE

This bylaw provides reasonable controls to protect health and safety, to protect the public from nuisance and to regulate and manage roads in Dunedin.

BYLAW

1. Interpretation

1.1. In this bylaw, unless the context otherwise requires definitions are the same as the Land Transport Act 1998 and Land Transport Rules.

2. Things in roads

2.1. No person shall without the consent of the Council or in accordance with the provisions of this Bylaw place or leave anything on any road other than a vehicle lawfully parked.

2.2. Without limiting the generality of 2.1 no person shall:

- a) Leave on any road for any period greater than four hours any vehicle which is not in complete and working order; or
- b) On any road construct or rebuild or repair or make alterations to any vehicle, except for repairs rendered necessary by reason of accident or breakdown; or
- c) Display any article or articles whatsoever outside any shop, shop window, or doorway or in any other place so as to encroach on any road; or
- d) Place, pack or unpack any goods on any road, or
- e) Erect any scaffolding, fence or structure of any kind on or over any road; or
- f) Use any hoist or crane on or above any road; or

- g) Erect or install or cause to be erected or installed any gates or doors capable of being swung over or across any roads; or
- h) Being a person in charge of a vehicle or machine permit any clay, gravel or other material to be carried on to any road; or
- i) Permit or suffer anything to fall from any vehicle into the road or having so fallen to remain in the road.

3. The Council may allow things in roads

- 3.1. The Council may grant to any person on such terms as it thinks fit permission for a specified thing or things to occupy a place or places in a road.
- 3.2. The Council may in granting permission under clause 3.1 impose conditions on the grant of permission in relation to the health, safety and convenience of users of the road and for the protection of the road and for any other relevant matter. The Council may charge such fee as it may fix in respect of the grant of permission for the thing to occupy roads.
- 3.3. If a thing is left in the road in breach of conditions imposed pursuant to clause 3, or the fee payable under the clause has not been paid, the Council may require the thing to be removed.

4. The Council may require things to be removed

- 4.1. Where any thing is on the road contrary to the provisions of clauses 2 or 3, the Council may serve notice on the person who left the thing on the road or any other person who has any interest in or control over the thing requiring that the thing be removed within the period stated in the notice.

5. Activities that damage roads

- 5.1. No person shall undertake any activity that causes or may cause damage to any road.
- 5.2. Without limiting the generality of clause 5.1, no person shall:
 - a) Mix any concrete or other material of any kind on the surface of any road.
 - b) Cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced into any road or into any drain connected with any part of the council's drainage or sewerage system.
 - c) Use any vehicle whose wheels or tracks causes or may cause damage to the surface or any part of any road.
 - d) Drag or trail anything whether on a sledge or skids or otherwise so as to damage any road.

6. Costs of repair or reinstatement

- 6.1. Without prejudice to any other remedy it may have where there has been any breach of this Bylaw which results in damage to any road the Council may undertake repairs to the road and recover the costs of and associated with the repair from the person causing the damage or from any person who has committed a breach of the Bylaw in connection with the damage.

7. Cellar doors

- 7.1. The owner and occupiers of any building with cellar doors or windows whether opening or not or any similar structures in any road shall ensure that they are properly maintained and in a safe condition at all times.
- 7.2. All such doors, windows or other structures shall be used at all times in a manner that does not unnecessarily obstruct the use of the road by any persons or endanger any person using the road. The Council may at any time by notice in writing impose restrictions or conditions upon the use of any such door, window or other structure.

8. Fences

- 8.1. No barbed wire may be used in the construction of any fence within one metre of any road except at a height of not less than two metres above ground level or in any case where the Council is satisfied that the fence has been designed and constructed in a way that prevents any likelihood of injury to persons or damage to clothing through accidental contact with the barbed wire. This Clause shall not apply to any area zoned for rural purposes under the Council's District Plan except where the barbed wire is on a fence abutting a public footpath or a recreation reserve.

Explanatory note: footpath has the same meaning as rule 1.6 of the Land Transport (Road User) Rule 2004.

- 8.2. No person shall construct or allow to remain on any property of which they are the owner or occupier:
 - a) Any fence which is in breach of clause 8.1; or
 - b) Any fence which by reason of its design or state of repair is or may be a hazard for users of any road.

9. Stock driving

- 9.1. In any part of the city, other than those parts zoned for rural purposes under the Council's District Plan, no animal may be driven in any road, other than in a yoke or harness, unless the consent of the Council has been obtained. Any consent given by the Council may be limited by conditions as to the number of animals that may be permitted on the road and any other conditions reasonably necessary for the protection of the health, safety and convenience of users of the road and for the protection of the road.
- 9.2. In any part of the city zoned for rural purposes, no animal, other than in a yoke or harness, may be on any road except for such periods and under such adequate control as is necessary for the protection of the road and the health, safety and convenience of users of the road.

10. Road numbers

- 10.1. The owners and occupiers of all buildings shall ensure that they are marked with such number as the Council shall direct or approve. The number displayed on the building shall be such as to be clearly legible from the road.
- 10.2. Where any building is not numbered or where the number is not sufficiently legible the Council may require, by notice in writing, that the building be numbered in accordance with this Bylaw within a period of 14 days.

11. Vehicle crossings

- 11.1. No vehicle may be driven or ridden from a road to an adjacent property except by means of a vehicle crossing constructed for that purpose to the satisfaction of the Council.
- 11.2. The owner or occupier of any premises wishing to have a vehicle crossing installed shall apply to the Council. The Council may require such information reasonably necessary for the proper consideration of the application.
- 11.3. The Council may require that it be engaged to carry out the construction of any vehicle crossing or may require that the crossing be constructed by a contractor approved by it.
- 11.4. All of the costs of and associated with the construction of vehicle crossings shall be borne by the person applying for the vehicle crossing. Any crossing constructed shall be the property of the Council which on completion of the crossing shall, without prejudice to its rights to recover against any person for damage to the crossing, assume liability for the maintenance of the crossing. Such maintenance shall exclude any structures supporting the crossing or the adjacent land.
- 11.5. Where a temporary vehicle crossing is required whether in connection with construction, repair or excavation work or otherwise such crossing shall not be constructed, laid in place or used unless and until the consent of the Council has been obtained. The Council may impose such conditions as it thinks fit on the design and use of temporary crossings and in particular having regard to the safety and convenience of users of the crossing and the road and the protection of the road.

12. Opening in roads

- 12.1. No opening may be made in any road whether to construct, repair or remove any service or for any other reason unless and until the consent of the Council has been obtained.
- 12.2. The Council may require that it be engaged to carry out the work or any part of the work involved in the opening of the road and its reinstatement, or that the work be carried out by a contractor approved by it.
- 12.3. All of the costs of and associated with the opening of any road shall be borne by the person applying for the permission to open the road.
- 12.4. The Council may impose such conditions as it thinks fit on the opening of any road and in particular having regard to the safety and convenience of the users of the road and the protection of the road.