

12. TRAFFIC AND PARKING BYLAW

| | |
|------------------|---------------|
| Chief Executive: | Tony Marryatt |
| Author: | Tony Marryatt |

PURPOSE OF REPORT

1. The purpose of this report is to recommend to the Council reimbursement to motorists of infringement tickets issued since 27 February 2005 for infringements where the required signage was not erected to notify motorists that their actions would constitute an offence.

EXECUTIVE SUMMARY

2. The City Council has recently been involved in the process to make a new Traffic and Parking Bylaw as required by the Local Government Act 2002.
3. Submissions for the bylaws were publicly notified in February of this year. The Council received many submissions on the bylaw and the bylaw is before the Council at its meeting on Thursday 19 June 2008.
4. One of the issues that arose during the course of the bylaw making process was that of the new signage requirements contained in the Land Transport Rule: Traffic Control Devices 2004 requiring signage to be erected to control the following offences:
 - Displaying vehicles on street
 - Advertising on road
 - Displaying vehicles on street (sale)
 - Vehicles in parks and flower beds, grass plots and landscaped areas
 - Vehicles on grass verges/berms
 - Immobile vehicle on road more than 7 days
 - Special vehicle - cycle lanes.
5. This new rule for the first time provided detailed description as to the design of signs and their construction and installation, the wording on the sign and in particular that the signs were to be placed no more than 100 metres apart on the grass berms. This new rule came in to force on 27 February 2005.
6. As a result of legal advice provided to the Council earlier this year that the Council's berms did not comply with these new signage requirements the decision was made on 12 February 2008 to cease issuing infringement notices for vehicles parked on such berms by the Council.
7. This signage issue has now been addressed in the new Traffic and Parking bylaw by a requirement for signage to be erected on such grass berms.
8. This requirement for signage is quite onerous for both in terms of visual amenity and also the financial costs of such signs. This is a national issue and the Council understands that a number of other councils are also not enforcing their equivalent grass berm bylaws and are looking to address this issue. The new Land Transport Rule has also been the subject of submission to select committees by the New Zealand Parking Association (a group representing Council Parking Enforcement Teams from throughout New Zealand) regarding the need to reconsider the need for such an onerous sign requirement in relation to grass berms.
9. As a result of the Council's decision to discontinue issuing infringement tickets earlier this year the question has arisen as to how the Council should address the 1,946 tickets which it has received payment for since the signage requirement came in. The amount involved is \$77,840. The Local Government Act has a principle that the Council should ensure prudent stewardship of its resources and the Council needs to take that principle into account when making a decision on this matter.
10. It is considered that the most appropriate step would be for the Council to agree that it should offer those members of the public, who have paid infringement tickets for parking on such grass berms, an opportunity to obtain a refund from the Council for the \$40 which was the relevant infringement fee in the period 2005/08.

11. Accordingly one of the recommendations below is to this effect. Staff advise that operationally they are able to check the parking enforcement records for this period upon the receipt of a vehicle registration number.
12. Also considered appropriate is that the Council take steps with relevant national bodies, such as Local Government New Zealand and Land Transport New Zealand, to seek a change to the Land Transport Rule: Traffic Control Devices 2004 in relation to grass berms so that the bylaw proposed before the Council today can be enforced, in conjunction with a less onerous signage requirement.

STAFF RECOMMENDATION

It is recommended that:

- (a) That the Council offer a refund to those persons who paid an infringement fee in the period between 27 February 2005 and 12 February 2008, upon confirmation by the Council that the person requesting the refund was the registered owner of the vehicle who paid an infringement ticket in Christchurch for an offence listed above.
- (b) That the Council make recommendations to Local Government New Zealand and Land Transport New Zealand to seek a change to the Land Transport Rule: Traffic Control Devices 2004 to vary the signage requirement regarding these offences.