

**CHRISTCHURCH CITY COUNCIL CRUISING AND PROHIBITED  
TIMES ON ROADS BYLAW 2014**

Pursuant to section 22AB of the Land Transport Act 1998 and section 145 of the Local Government Act 2002 the Christchurch City Council makes this bylaw.

**1. SHORT TITLE AND COMMENCEMENT**

This bylaw is the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014. This bylaw comes into force on 1 December 2014

**2. INTERPRETATION**

In this bylaw, unless the context otherwise requires,

**Act** means the Land Transport Act 1998.

*The following definitions come from the Act:*

**Cruising** means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that -

- (a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) Creates a convoy that -
  - (i) Is formed otherwise than in trade; and
  - (ii) Impedes traffic flow.

**Motor vehicle—**

- (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 ...
  - .. (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 one 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.

***[The following note is explanatory and is not part of the Bylaw: The New Zealand Police, in its submission on the 2010 bylaw, stated how the Police will interpret the terms ‘convoy’ and ‘repeatedly’, as used in the definition of “cruising”:***

*“... ‘repeatedly’ will be interpreted as more than once, and the driver will have to be driving in a manner that draws attention to the power or sound of their vehicle, or be driving in a ‘convoy’, which we will interpret as two or more vehicles with a common purpose.” ]*

## PART 1: CRUISING

### 3. PURPOSE

The purpose of this part of the bylaw is to control and restrict the cruising of motor vehicles by prohibiting cruising on certain roads at specified days and times.

### 4. CRUISING PROHIBITED

(1) Cruising is prohibited on all roads for which the Council makes a resolution under clause 4(2), at the days and times specified in clause 4(3).

(2) The Council may, by resolution, specify that any road or part of a road will be subject to a prohibition on cruising at the days and times specified in clause 4(3).

(3) On any road where the Council has prohibited cruising the prohibition applies 7 days a week between the hours of 10pm and 5am.

(4) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2).

(5) Before making a resolution under clause 4(2) (or the amendment or revocation of a resolution under clause 4(4)) the Council will consider the views and preferences of persons affected by the decision, which may include:

- (a) The occupiers of any properties adjoining the proposed road or part of the road;
- (b) Any local community, road user group or other organisation the Council considers may be affected;
- (c) Any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;
- (d) The Commissioner of Police;
- (e) The New Zealand Transport Agency; and
- (f) Local Community Boards

*[The following note is explanatory and is not part of the Bylaw: The Council may obtain views and preferences by using the special consultative procedure in section 83 of the Local Government Act 2002, or may carry out more targeted consultation applying the principles in section 82 of that Act. Any road for which a resolution is made under this clause will be listed in the No Cruising Roads Register <http://resources.ccc.govt.nz/files/TheCouncil/policiesreportsstrategies/bylaws/ProhibitedRoadsRegister-CruisingBylaw2010.pdf> which is available on the Council's website]*

### 5. COUNCIL MAY RESOLVE THE TIME PERIOD THAT APPLIES TO CRUISING

The Council may, by resolution, prescribe the period of time that must elapse between each time a driver drives on a road described in a resolution made under clause 4(2) of this Bylaw, to avoid being regarded as cruising.

*[The following note is explanatory and is not part of the Bylaw: The current time period that was resolved on by the Council on 13 November 2014 is 4 hours] The Council will erect signs to indicate "no cruising" roads, as provided for in the Land Transport Rule: Traffic Control Devices 2004].*

## PART 2: PROHIBITED TIMES ON ROADS

### 6. PURPOSE

The purpose of this part of the bylaw is to restrict the racing of motor vehicles, and activities associated with the racing of motor vehicles that may cause a nuisance to the public, by prohibiting motor vehicles weighing less than 3,500 kilograms from being on certain roads at specified days and times.

### 7. RESOLUTIONS TO PROHIBIT CARS ON ROADS AT CERTAIN TIMES

(1) The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on that road or part of that road or roads.

(2) The Council may by resolution subsequently amend or revoke any resolution made under clause 7(1).

(3) Before making a resolution under clause 7(1) (or the amendment or revocation of a resolution under clause 7(2)) the Council will consider the views and preferences of persons affected by the decision, which may include:

- (a) The occupiers of any properties adjoining the proposed road or part of the road;
- (b) Any local community, road user group or other organisation the Council considers may be affected;
- (c) Any other road controlling authority that may be affected because the proposed road or part of the road adjoins, or is located near a road controlled by that other road controlling authority;
- (d) The Commissioner of Police;
- (e) The New Zealand Transport Agency; and
- (f) The local Community Boards

***[The following note is explanatory and is not part of the Bylaw: The Council may obtain views and preferences by using the special consultative procedure in section 83 of the Local Government Act 2002, or may carry out more targeted consultation applying the principles in section 82 of that Act.***

***All resolutions made under this clause (or any previous prohibited times on roads clause) will be recorded in the Prohibited Times on Roads Register <http://resources.ccc.govt.nz/files/TheCouncil/policiesreportsstrategies/bylaws/ProhibitedRoadsRegister-CruisingBylaw2010.pdf>***

***which is available on the Council's website.***

***The Council also has an operational policy <http://resources.ccc.govt.nz/files/ProhibitedTimesOnRoads-docs.pdf> that sets out a framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register under this clause of the Bylaw.]***

### 8. CARS PROHIBITED ON ROADS AND EXCEPTIONS

No person may use a motor vehicle weighing less than 3,500 kilograms on any road or part of a road described in a resolution made under clause 7(1) during the times and on the days specified in the resolution, unless –

- (a) the vehicle is conveying the owner or occupier of any land having a frontage to the road described in a resolution made under clause 7(1) or the owner or occupier's bona fide visitors; or
- (b) the vehicle is an emergency vehicle being used in the execution of duty; or

- (c) the vehicle is a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the road; or
- (d) the vehicle is operated by the Council and being used in the execution of duty; or
- (e) the vehicle is operated by a security service and being used in the execution of duty.

**9. SIGNS**

The Council must erect signs on any road described in a resolution made under clause 7(1) advising –

- (a) the times and days of the prohibition under clause 7(1); and
- (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.

### **PART 3: GENERAL**

#### **10. OFFENCES AND PENALTIES**

(1) Every person who breaches clause 4 of this Bylaw commits an offence under section 22A(3A) of the Act and is liable on summary conviction to a fine not exceeding \$1,000, or an infringement fee of \$150, as set out in the Land Transport (Offences and Penalties) Regulations 1999.

(2) Every person who breaches clause 8 of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999

(3) Nothing in this Bylaw limits the exercise of any enforcement powers available in any Act or Regulations, including the issue of warning notices under section 22AF of the Act, and the offences and penalties related to non-compliance with any warning notices.

#### **11. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW**

The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

#### **12. REVOCATION AND SAVINGS**

(1) Clauses 15 and 16(2) of the Traffic and Parking Bylaw 2008 are revoked.

(2) The Christchurch City Council Cruising Bylaw 2010 is revoked.

(3) Despite clause 12(2), the cruising prohibition on the roads specified in clause 4(1) of the Christchurch City Council Cruising Bylaw 2010 continues to have full force and effect for the purposes of this Bylaw, as if it had been a resolution made by the Council under clause 4(2) of this Bylaw.

(4) Any resolutions made under the bylaws revoked by clauses 12(1) and 12(2) continue to have full force and effect for the purposes of this Bylaw, but are subject to the application of any relevant clauses in this Bylaw.

(5) The revocation of any bylaws under clauses 12(1) and 12(2) does not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council held on 26 June 2014 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 13 November 2014.