

Review of the Cruising and Prohibited Times on Roads Bylaw 2014: Clause-by-clause analysis

Introduction, Short Title and Commencement

Wording in the 2015 bylaw	Comment	Suggested changes
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.	<p>We have considered whether the prohibited times on roads clauses should continue to be made under the LGA, or whether the new power provided in section 22AB(1)(zk) of the Land Transport Act should be used - ...<i>enhancing or promoting road safety or providing protection for the environment</i>.</p> <p>Our conclusion is that we should continue to regulate using the power provided by s.145 of the LGA as it contains better coverage for the issues this part of the bylaw is seeking to address (healthy and safety, nuisance and offensive behaviour). Making part of the bylaw under s.145 has an impact on enforcement tools, covered later in this analysis. Suggest modernising the wording (remove pursuant to).</p>	<p>Replace with</p> <p>The Christchurch City Council makes this bylaw under section 22AB(1)(a) of the Land Transport Act 1998 and section 145 of the Local Government Act 2002.</p>
This bylaw is the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014. This bylaw comes into force on 1 December 2014	<p>We considered whether to retain the year 2014 in the title of the bylaw, or to update it as a result of the review. We concluded that due to the number of proposed changes and insertion of the bylaw into the updated Council bylaw template, the revised bylaw can be updated to be known as the Cruising and Prohibited Times on Roads Bylaw 2023.</p> <p>Add new date for any changes to come into force.</p>	<p>Replace with</p> <p>This bylaw is the Cruising and Prohibited Times on Roads Bylaw 2023.</p> <p>This bylaw comes into force on [date] 2023.</p>

Definitions / interpretation

Wording in the 2015 bylaw	Comment	Suggested changes
In this bylaw, unless the context otherwise requires, Act means the Land Transport Act 1998. The following definitions come from the Act:		No change, retain as is

Wording in the 2015 bylaw	Comment	Suggested changes
<p>Cruising means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that –</p> <ul style="list-style-type: none"> (a) Draws attention to the power or sound of the engine of the motor vehicle being driven; or (b) Creates a convoy that – <ul style="list-style-type: none"> (i) Is formed otherwise than in trade; and (ii) Impedes traffic flow. 	<p>Important to include in the bylaw - the cruising part of the bylaw and its intent relies on this definition</p>	<p>No change, retain as is</p> <p>Move explanatory note from below: <i>Explanatory note: This bylaw is enforced by the Police. In interpreting the definition of ‘cruising’, the Police have advised that they interpret ‘repeatedly’ to mean ‘more than once’, and ‘convoy’ to mean ‘two or more vehicles with a common purpose’</i></p>
<p>Motor vehicle—</p> <ul style="list-style-type: none"> (a) Means a vehicle drawn or propelled by mechanical power; and (b) Includes a trailer; but (c) Does not include – <ul style="list-style-type: none"> (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. 	<p>This definition can be summarised to the parts relevant to the bylaw, while referring to the primary legislation for clarity. This does not change the definition, but is intended to make the bylaw clearer and easier to understand.</p>	<p>Replace with</p> <p>Motor vehicle has the same meaning as the Act, and generally applies to all motorised vehicles intended for use on New Zealand roads, including motorcycles</p>
<p><i>[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.”]</i></p>	<p>The explanatory note wording was added as a result of the consultation and hearings process on the 2010 version of the bylaw. Police have confirmed the interpretation remains the same. Suggest re-wording to update and simplify the explanatory note, and move below the definition of cruising.</p>	<p>Move to definition of cruising (above)</p>

Wording in the 2015 bylaw	Comment	Suggested changes
Add a new definition - qualifying bylaw	<p>This links to the stated purpose of the two parts of the bylaw, and to the enforcement powers being used.</p> <p>The Land Transport Act 1998 defines qualifying bylaw, and section 22AF of the Act enables warning notices to be issued for a breach of a qualifying bylaw. It requires that the warning notice is attached to the vehicle, and that it is in effect for 90 days. Section 96(1AA) of the Act then requires the mandatory seizure and impoundment of vehicles used in a second breach of the bylaw within the 90-day period.</p>	<p>Add</p> <p>Qualifying bylaw has the same meaning as the Act, and enables warning notices to be issued under section 22AF of the Act for a breach of a qualifying bylaw.</p>
Add new clause – re explanatory notes	<p>Update the wording to align with other Council bylaws. This wording is standard across Council bylaws and is updated as bylaws are reviewed.</p> <p>This does not change the bylaw, but is intended to make it clearer and easier to understand.</p>	<p>Add new clause:</p> <p>(2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.</p> <p>Explanatory note: <i>Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.</i></p>

Part 1: Cruising

Clause	Comment	Proposed change
Clause 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.	<p>Aligns with the empowering clause in the LTA (section 22AB(1)(a)).</p> <p>This wording also makes the bylaw a “qualifying bylaw” under the Land Transport Act 1998, enabling warning notices to be issued under section 22AF Land Transport Act 1998</p>	No change, retain as is
Add new clause – qualifying bylaw	This links to the enforcement powers, and clarifies that the bylaw is a qualifying bylaw for the purposes of the Land Transport Act (see definition of qualifying bylaw for more information)	<p>Add new clause</p> <p>(2) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.</p>
Clause 4: Cruising Prohibited		

Clause	Comment	Proposed change
(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).	This enables the Council to prohibit cruising by resolution. We suggest combining subclause 4(1) with 4(3). This does not change the bylaw, but is intended to make it clearer and easier to understand.	Replace clause with (1) Cruising is prohibited on all roads for which the Council makes a resolution under clause 4(2). On any such road the prohibition on cruising applies 7 days a week between the hours of 10pm and 5am.
(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).	This enables the Council to specify roads where cruising is prohibited, by resolution. Proposed change is to align with proposed change to 4(1)	Replace to update clause reference (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(1).
(3) On any road where the Council has prohibited cruising the prohibition applies 7 days a week between the hours of 10pm and 5am.	No evidence to suggest changing the times. Any change would have signage cost implications. Suggest combining with clause 4(1).	Remove (see change to clause 4(1))
(4) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2).	This enables the Council to amend or revoke where cruising is prohibited, by resolution	No change, retain as is (will become clause 4(3))
(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	This gives assurance that, in exercising its discretion, the Council will consider the views of those affected. This is a normal approach to decision-making, as required by the Local Government Act 2002 (s.83), as well as by the Council's Significance and Engagement Policy. When resolutions have been made to add new roads to the register, this clause has provided guidance for staff, the public and the Council about the approach. We suggest updating the wording slightly for clarity, and the clause reference based on the changes above. Recommend a slight change: <ul style="list-style-type: none"> • changing (d) to New Zealand Police, rather than Commissioner of Police • update (e) to Waka Kotahi NZ Transport Agency • adjust (f) to affected Community Boards, rather than local 	Replace the start of the clause wording with: (5) Before making a resolution under clause 4(2), or amending or revoking a resolution under clause 4(3), the Council will consider the views and preferences of persons affected by the decision, which may include: Replace (d), (e) and (f) with: (d) New Zealand Police (e) Waka Kotahi NZ Transport Agency (f) affected Community Board(s).

Clause	Comment	Proposed change
<p>[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]</p>	<p>Update explanatory note style</p> <p>Update wording to better reflect the requirements of the Local Government Act (the LGA was amended in 2014 to place less emphasis on using the special consultative procedure (SCP) in relation to bylaws). The LGA now states that an SCP is required only if a council's Significance and Engagement Policy identifies the matter as being of significant interest to the public. If not, consultation needs to be undertaken in a way that gives effect to section 82 of the LGA, principles of consultation.</p> <p>No cruising signs wording moved here with the other explanatory notes.</p> <p>Change "No Cruising Roads Register" – current name is "Register of roads on which cruising is prohibited"</p> <p>Improve reference to website location for the register and update once bylaw is adopted</p>	<p>Replace explanatory note with:</p> <p><i>Explanatory note: The Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002.</i></p> <p><i>The Council will install "No cruising zone" signs, where needed, to indicate these roads, as provided for in the Land Transport Rule: Traffic Control Devices 2004, and in accordance with the Traffic Control Devices Manual</i></p> <p><i>Any road specified in a resolution made under this clause will be listed in a register (the Register of roads on which cruising is prohibited). The register can be accessed... [Reference to the register will be updated in the explanatory note to the bylaw once bylaw is adopted]</i></p>
Clause 5: Council may resolve the time period that applies to cruising		
<p>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.</p>	<p>This enables the Council to specify a time period for cruising, by resolution.</p>	<p>No change, retain as is</p>
<p>[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].</p>	<p>Update explanatory note style. Update explanatory note wording.</p> <p>The time period was part of the consultation when the bylaw was last considered in 2014, and was supported by the Police. Current Police advice is that four or five hours is an appropriate duration.</p> <p>Suggest moving the second part of the explanatory note on signs to under clause 4(1).</p>	<p>Replace with:</p> <p><i>Explanatory note: On 13 November 2014, the Council resolved that the time period that must elapse is 4 hours.</i></p> <p>Move the explanatory note about signs to above (under clause 4(4))</p>

Part 2: Prohibited Times on Roads

Clause	Comment	Proposed change
Clause 6: Purpose		
<p>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.</p>	<p>Suggest changing the purpose to more clearly align with legislation and to clarify that this part of the bylaw is a qualifying bylaw</p> <p>The purpose of this part of the bylaw links to legislation. Where the stated purpose of a bylaw made under section 145 of the Local Government Act 2002 is “to restrict or place conditions on the racing of motor vehicles or any associated activities”, then that bylaw is considered a “qualifying bylaw” under the Land Transport Act 1998.</p> <p>The second part of clause (1) relates to the bylaw-making power provided by section 145 of the Local Government Act 2002.</p> <p>Weighing less than 3.500kg: The vehicle weight covers vehicles that are considered “light vehicles” in the Land Transport Act 1998 (s.2). This includes cars, SUVs, vans, people movers and motorcycles.</p> <p>Anything over 3,500kg is considered a “heavy vehicle” and is more likely to be for commercial purposes, such as heavy goods vehicles, trucks and buses.</p> <p>Qualifying bylaw: This links to the enforcement powers, and clarifies that the bylaw is a qualifying bylaw for the purposes of the Land Transport Act (see definition of qualifying bylaw for more information) and new explanatory note in the offences and penalties section below.</p>	<p>Replace with:</p> <p>(1) The purpose of this part of the bylaw is to restrict the racing of motor vehicles, and any activities associated with the racing of motor vehicles in order to protect the public from nuisance, protect public health and safety, and minimise the potential for offensive behaviour in public places.</p> <p>(2) This part of the bylaw enables the Council to prohibit motor vehicles weighing less than 3,500 kilograms from being on certain roads on specified days and within specified times in order to reduce activities associated with the racing of motor vehicles.</p> <p>(3) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.</p>
Clause 7: Resolutions to prohibit cars on roads at certain times		
<p>(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.</p>		<p>No change, retain as is</p>
<p>(2) The Council may by resolution subsequently amend or revoke any resolution made under clause 7(1).</p>		<p>No change, retain as is</p>

Clause	Comment	Proposed change
<p>(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:</p> <p>(a) The occupiers of any properties adjoining the proposed road or part of the road;</p> <p>(b) Any local community, road user group or other organisation the Council considers may be affected;</p> <p>(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;</p> <p>(d) The Commissioner of Police;</p> <p>(e) The New Zealand Transport Agency; and</p> <p>(f) The local Community Boards</p>	<p>This gives assurance that, in exercising its discretion, the Council will consider the views of those affected. This is a normal approach to decision-making, as required by the Local Government Act 2002 (s.83), as well as by the Council's Significance and Engagement Policy.</p> <p>When resolutions have been made to add new roads to the register, this has provided guidance for staff, the public and the Council about the approach.</p> <p>Align with changes to the equivalent clause in part 1 of the bylaw. Recommend a slight change:</p> <ul style="list-style-type: none"> changing (d) to New Zealand Police, rather than Commissioner of Police update (e) to Waka Kotahi NZ Transport Agency adjust (f) to affected Community Boards, rather than local <p>Additional guidance is also contained in the Prohibited Times on Roads Policy, and we are recommending some changes to the policy as part of this review.</p>	<p>Replace (d), (e) and (f) with:</p> <p>(d) New Zealand Police</p> <p>(e) Waka Kotahi NZ Transport Agency</p> <p>(f) affected Community Board(s).</p>
<p><i>[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.</i></p> <p><i>All resolutions made under this clause (or any previous prohibited times on roads clause) will be recorded in the Prohibited Times on Roads Register</i></p> <p><i>[http://resources.ccc.govt.nz/files/TheCouncil/policiesreportsstrategies/bylaws/ProhibitedRoadsRegister-CruisingBylaw2010.pdf which is available on the Council's website.</i></p>	<p>Update explanatory note style</p> <p>Update wording to better reflect the requirements of the Local Government Act (the LGA was amended in 2014 to place less emphasis on using the special consultative procedure (SCP) in relation to bylaws). The LGA now states that an SCP is required only if a council's Significance and Engagement Policy identifies the matter as being of significant interest to the public. If not, consultation needs to be undertaken in a way that gives effect to section 82 of the LGA, principles of consultation.</p> <p>Update content, name and reference to the register. Move reference to below exceptions / at the end of this part</p>	<p>Replace explanatory note with:</p> <p><i>Explanatory note: Prior to considering a resolution to add, revoke or alter roads on which prohibited times on roads apply, the Council will assess the appropriate form of consultation to undertake based on the nature of the proposal and in relation to its Significance and Engagement Policy. The Council may obtain views and preferences by carrying out targeted consultation (applying the principles in section 82 of the Local Government Act 2002), or by using the special consultative procedure in section 83 of the Local Government Act 2002</i></p> <p>Move reference to register to below clauses in this part</p>
<p><i>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.]</i></p>	<p>The updated operational policy for assessing and processing requests should be packaged online with the bylaw. One of its purposes is to "assist the community in understanding the process and criteria"</p>	<p>Move explanatory note to below, with other notes</p>
<p>Clause 8: Cars prohibited on roads and exceptions</p>		

Clause	Comment	Proposed change
<p>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 –</p> <p>(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</p> <p>(b) the vehicle is an emergency vehicle being used in the execution of duty; or</p> <p>(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</p> <p>(d) the vehicle is operated by the Council and being used in the execution of duty; or</p> <p>(e) the vehicle is operated by a security service and being used in the execution of duty.</p>	<p>Update road frontage reference to refer to properties accessible from the road (for example, it may be a back section, without road frontage, but only accessible from a regulated road).</p> <p>Add exceptions for couriers or other delivery drivers.</p> <p>Note that in considering passenger services vehicles (taxis and rideshare providers), they would be permitted to access the road if they are either conveying the owners or occupiers, or conveying bona fide visitors (so would be covered by the proposed wording).</p>	<p>Replace with:</p> <p>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:</p> <p>(a) the vehicle requires access to a property that can only be accessed from that road (or most conveniently from that road); and</p> <ol style="list-style-type: none"> i. the vehicle is conveying the owners or occupiers of any such property; or ii. the vehicle is conveying bona fide visitors to any such property; or iii. the vehicle is delivering goods to any such property; or <p>(b) the vehicle is:</p> <ol style="list-style-type: none"> i. an emergency vehicle being used in the execution of duty; or ii. a trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage or otherwise on accessible from the road; or iii. operated by the Council and being used in the execution of duty; or iv. operated by a security service and being used in the execution of duty
<p>Clause 9: Signs (removed – all subsequent clause numbers alter by one ie old clause 10 becomes new clause 9)</p>		

Clause	Comment	Proposed change
<p>The Council must erect signs on any road described in a resolution made under clause 7(1) advising –</p> <p>(a) the times and days of the prohibition under clause 7(1); and</p> <p>(b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms</p>	<p>Change from clause to explanatory note.</p> <p>Combine with other explanatory notes for this section – operational policy and reference to the register</p>	<p>Explanatory note: <i>The Council has an operational policy 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, which can be accessed at [link to policy on website once bylaw is adopted].</i></p> <p><i>The roads regulated by this part of the Bylaw are listed in the Prohibited Times on Roads Register, which can be accessed at [link to register on website once bylaw is adopted]</i></p> <p><i>The Council will install signs, where needed, in accordance with the Land Transport Rule: Traffic Control Devices 2004, and the Traffic Control Devices Manual, on any road described in a resolution made under clause 7(1) advising –</i></p> <p><i>(a) the times and days of the prohibition; and</i></p> <p><i>(b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms; and</i></p> <p><i>(c) that there are exemptions.</i></p>

Part 3: General

Clause	Comment	Proposed change
<p>Clause 10: Offences and penalties (new clause 9)</p>		
<p>(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.</p>	<p>Reword so the infringement fine is first, as this is the most likely enforcement penalty to apply</p>	<p>Replace with:</p> <p>(1) Every person who breaches clause 4 of this bylaw commits an offence under section 22A(3A) of the Act and is liable to an infringement fee of \$150, or to a fine not exceeding \$1,000 on conviction, as set out in the Land Transport (Offences and Penalties) Regulations 1999.</p>

Clause	Comment	Proposed change
<p>(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</p>	<p>Reword so the infringement fine is first, as this is the most likely enforcement penalty to apply</p> <p>Include reference to section 113 of the Land Transport Act 1998 (Enforcement officers may enforce transport legislation), as this enables the Police to enforce breaches of bylaws made under the Local Government Act 2002, where they relate to transport.</p> <p>The fine the Police can issue is listed in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999 (Failure to comply with relevant bylaw)</p>	<p>Replace with:</p> <p>(2) Every person who breaches clause 8 of this bylaw commits an offence and is liable to an infringement fee of \$750, as set out in the Land Transport (Offences and Penalties) Regulations 1999 and in accordance with section 113 of the Land Transport Act 1998, or may be liable to a fine not exceeding \$20,000 on conviction, as set out in the Local Government Act 2002.</p>
<p>(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.</p>	<p>Reword to make it clearer that warning notices can be issued, and include a new explanatory note explaining the relevant parts of the Land Transport Act 1998</p>	<p>(3) Every person who operates a motor vehicle in a manner that breaches this bylaw may be liable to a warning notice issued in accordance with section 22AF of the Land Transport Act 1998.</p> <p>Explanatory note: A Police officer may affix a warning notice to the motor vehicle instead of, or in addition to, issuing an infringement notice. A further breach of the same part of the bylaw during the 90-day period during which the warning notice is affixed may result in seizure and impoundment of the vehicle for 28-days in accordance with section 96(1AA) of the Land Transport Act 1998.</p>
<p>Clause 11: Christchurch City Council General Bylaw (new clause 10)</p>		
<p>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.</p>	<p>Bylaw is still 2008</p>	<p>No change, retain as is</p>
<p>Clause 12: Revocation and savings (new clause 11)</p>		
<p>(1) Clauses 15 and 16(2) of the Traffic and Parking Bylaw 2008 are revoked.</p>	<p>These clauses have been revoked by the 2014 bylaw and this does not need to be included in the 2023 replacement bylaw</p>	<p>Remove</p>
<p>(2) The Christchurch City Council Cruising Bylaw 2010 is revoked.</p>	<p>The 2010 bylaw has been revoked by the 2014 bylaw and this 2023 replacement bylaw will revoke the 2014 bylaw</p>	<p>Update and replace with:</p> <p>(1) The Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014 is revoked and replaced by this bylaw.</p>
<p>(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.</p>	<p>No longer needed. The clause below carries over all resolutions made under previous versions of the bylaw.</p>	<p>Remove</p>

Clause	Comment	Proposed change
(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.	Only needs to reference the one 2014 bylaw, so should refer only to the new clause 11(1).	<p>Update and replace with:</p> <p>(1) Any resolutions made under the bylaw revoked by clause 11(1) 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.</p>
(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	As above. Update clause reference	<p>Update and replace with:</p> <p>(2) The revocation of the bylaw under clause 11(1) does not prevent any legal proceedings, criminal or civil, being taken to enforce this bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.</p>
<p><i>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.</i></p>	Update with full decision-making references	<p><i>The initial resolution to make the Cruising Bylaw 2010 was passed by the Christchurch City Council on 11 February 2010 and was confirmed, following consideration of submissions, by a resolution of the Council on 27 May 2010.</i></p> <p><i>The Cruising Bylaw was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2014.</i></p> <p><i>The initial resolution to make the Cruising and Prohibited Times on Roads Bylaw 2014 was passed by the Christchurch City Council on 26 June 2014 and was confirmed, following consideration of submissions, by a resolution of the Council on 13 November 2014.</i></p> <p><i>The Cruising and Prohibited Times on Roads Bylaw 2014 was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2023.</i></p> <p><i>The initial resolution to make Cruising and Prohibited Times on Roads Bylaw 2023 was passed by the Christchurch City Council at a meeting on 21 June 2023, and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on <date>.</i></p>

Prohibited Times on Roads Policy

Policy wording	Comments
<p>Introduction</p> <p>The purpose of this policy is to set out the framework for assessing and processing requests for roads to be added to the Prohibited Times on Roads Register as set out in Clause 15 of the CCC Traffic and Parking Bylaw 2008. This is to ensure a transparent and consistent approach in applying this policy.</p>	<p>The current policy is out of date and needs to be updated. The policy has been rewritten and included in the Council's policy template, so a clause-by-clause analysis is not practical for comparison.</p>
<p>Scope and Definitions</p> <p>This policy only apply to roads under the care, control and management of the Christchurch City Council and does not apply to roads which are State Highways unless an agreement have been entered into to apply this policy on State Highways. Clause 15 aims to mitigate the adverse effect of street racing and its associated behaviours.</p>	<p>General points that have been retained include:</p> <ul style="list-style-type: none"> • That it only applies to roads where the Council is the road controlling authority
<p>Where a "Prohibited Times on Roads" request is for well-defined industrial areas with no through function, the prohibition should be seven days a week, from 10pm to 5am the following morning.</p>	<ul style="list-style-type: none"> • That different days and times should apply, depending on the type of road / situation
<p>Where a "Prohibited Times on Roads" request is for an area where people live or where the roads have a through function then the prohibition is to apply only during limited times, in particular: – Thursday to Friday 10pm-5am; Friday to Saturday 10pm-5am; Saturday to Sunday 10pm-5am; Sunday to Monday 10pm-5am; and from 10pm on the day preceding any public holiday until 5am on that statutory holiday; and from 10pm on the public holiday to 5am the following morning.</p>	<ul style="list-style-type: none"> • That it links to the (replacement) bylaw • That the final decisions rests with Council (there is no delegation for adding, amending or removing roads), but road can be recommended by Community Boards
<p>Alignment This policy should be used in conjunction with Clause 15 of the CCC Traffic and Parking Bylaw 2008.</p>	<ul style="list-style-type: none"> • The owner of the policy (updated)
<p>Policy details The flow chart attached sets out the process when assessing/considering a request.</p>	<p>Flow chart – see below</p>
<p>Delegations No delegations have been given in relation to approving whether a road will be added to the Prohibited Times on Roads Register. The authority remains with the Council.</p>	<p>General issues to be included from the flow chart to the new policy (criteria):</p>
<p>Approval Date 22 April 2010</p>	<ul style="list-style-type: none"> • There is a known problem
<p>Owner Network Operations and Traffic Systems team, Transport and Greenspace Unit.</p>	<ul style="list-style-type: none"> • The problem has persisted
<p>Flowchart Amended by Council, 22 April 2010</p> <p>(b) That the issues to be considered section of the flowchart (Attachment 2 to the agenda) in the "Prohibited Times on Roads" policy be amended so that the second bullet point reads "The problem has persisted for a considerable period of time, even though other enforcement has been carried out."</p> <p>(c) That the issues to be considered section of the flowchart in the "Prohibited Times on Roads" policy be amended so that the fourth bullet point reads "No arterial roads, or collector roads, are included."</p>	<ul style="list-style-type: none"> • Other approaches have not worked • No arterial roads are included • Police support it • New Zealand Bill of Rights Act 1990 implications assessment is required

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