
From: official information
Sent: Wednesday, 16 June 2021 11:27
To: [REDACTED]
Cc: official information
Subject: Response PT 2 - LGOIMA 21179 - [REDACTED] / Living Streets - Council Responsibility regarding Cars on Footpaths.

Kia Ora [REDACTED],

As per your further enquiries, please see our comments below for response:

1. how parking wardens issue warnings or infringement notices when the front part of a vehicle, the rest of which is parked over the footpath, is on private property since the response indicated that wardens do not generally enter private property (Response 2d) especially if the vehicle's license registration and WoF label needs to be cited as indicated in Response 2f?

If the front of a vehicle was on private property with the rear extending over a footpath, an infringement would not generally be issued as details of the registration and warrant of fitness need to be sighted to complete the infringement. However the vehicle may be issued a warning with use of the rear registration plate details.

2. In connection with response 2h, are warnings ever recorded or was it just that none were recorded during the period in question? If they are never recorded how are wardens to know if the vehicle owner is a repeat offender?

Warnings are recorded automatically in the infringement management system, vehicle registrations are flagged if prior warnings exist. Our records show no warnings were issued for the offence of parking on a footpath for the specified time outlined in response 2h. Many warnings are issued for a variety of offences, such as parking on a berm, however no warnings have been issued for parking on a footpath.

I hope that this response is sufficient for your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind regards,

Tatiana Taunoa (*Pronouns: she/her*)

Official Information & Legal Support Advisor | Legal Services & Risk
People and Organisational Performance

DDI: +6478386455 | Tatiana.Taunoa@hcc.govt.nz or officialinformation@hcc.govt.nz

Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

 [Like us on Facebook](#)  [Follow us on Twitter](#)

From: [REDACTED]

Sent: Friday, 11 June 2021 5:11 pm

To: official information <officialinformation@hcc.govt.nz>

Subject: Re: Response - LGOIMA 21179 - [REDACTED] / Living Streets - Council Responsibility regarding Cars on Footpaths.

Thank you Tatiyana for these responses.

Could you please clarify how parking wardens issue warnings or infringement notices when the front part of a vehicle, the rest of which is parked over the footpath, is on private property since the response indicated that wardens do not generally enter private property (Response 2d) especially if the vehicle's license registration and WoF label needs to be cited as indicated in Response 2f?

In connection with response 2h, are warnings ever recorded or was it just that none were recorded during the period in question? If they are never recorded how are wardens to know if the vehicle owner is a repeat offender?

Thank you.

--

Regards [REDACTED]

On 11/06/21 4:23 pm, official information wrote:

Kia Ora,

I refer to your **information request attached**, Hamilton City Council is able to provide the following response.

Request (1)

Does your Council have responsibility for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 (see appendix 1) which relates to parking on footpaths?

Response (1)

Hamilton City Council is responsible for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 relating to parking on footpaths.

6.14 Parking on footpaths or cycle paths

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

(2) Subclause (1) does not apply to cycles if a road controlling authority indicates otherwise by means of signs or markings or if it installs facilities for the parking, standing, or storage of cycles on a footpath or cycle path.

(3) Nothing in subclause (1) prevents a person from stopping, standing, or parking a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.

Request (1a)

If so, by which clause(s) of which statute(s) is this responsibility conferred?

Response (1a)

The responsibility Land Transport Act 1998 is conferred under Section 128D and 128E.

Section 128D of the Land Transport Act 1998 – Appointment of parking wardens.

Section 128E – Powers of parking Wardens.

128D Appointment of parking wardens

(1) A local authority may appoint a person to hold the office of parking warden.

(2) A person who holds the office of parking warden at the commencement of this section is to be treated as having been appointed under subsection (1).

(3) A parking warden may perform the functions and duties, and exercise the powers, of a parking warden that are conferred or imposed by or under this or any other Act only on a road within the district or region of the local authority that appointed the parking warden.

(4) A local authority that appoints a person under subsection (1) is liable for the actions of that person as a parking warden in all respects as if—

(a) that person were an officer or employee of the local authority (whether or not that is the case); and

(b) any directions given or control exercised by any other person over the parking warden in that capacity were directions given or control exercised by the local authority.

128E Powers of parking wardens

(1) A parking warden in uniform or in possession of a warrant or other evidence of authority as a parking warden—

(a) may enforce the provisions of any stationary vehicle offence or special vehicle lane offence:

(b) may, in relation to enforcing the provisions of any stationary vehicle offence or special vehicle lane offence, direct any person on any road, and apparently in charge of or in any vehicle, to—

(i) provide the person's full name and full address and give any other identifying particulars required as to the person's identity (for example, the person's date of birth, occupation, and telephone number):

(ii) give any information that is within the person's knowledge and that may lead to the identification of the driver or person in charge of any vehicle (for example, the other person's full name, full address, date of birth, occupation, and telephone number):

(c) may direct the driver or person in charge of any vehicle on any road to remove the vehicle from the road or any specified part of any road, if the parking warden believes on reasonable grounds that—

(i) the vehicle causes an obstruction in the road or to any vehicle entrance to any property; or

(ii) the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public:

(d) may, if the parking warden believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property or that the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public,—

(i) enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and

(ii) move, or authorise another person to move, the vehicle to any place where it does not constitute a traffic hazard.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who—

(a) fails to comply with any direction given under subsection (1)(b); or

(b) gives, in response to a direction given under subsection (1)(b), any information that the person knows to be false.

(3) Every person to whom any direction is given under the authority of subsection (1) must comply with the direction, and no person may do any act that is for the time being forbidden by any direction given under the authority of subsection (1).

(4) A person who is authorised by a parking warden to enter a vehicle for the purpose of moving it or preparing it for movement or to move a vehicle to a place where it does not constitute a traffic hazard may do so, but must do everything reasonably necessary to ensure that the vehicle is not damaged while doing so.

(5) Every person commits an offence and is liable on conviction for a fine not exceeding \$1,000 if the person—

(a) has possession of a vehicle as a result of its being moved under subsection (1)(d); and

(b) fails to deliver possession of the vehicle, as soon as practicable, to a person who produces satisfactory evidence, at any reasonable time, to the effect that the person was lawfully entitled to possession of the vehicle immediately before it was moved.

Request (2)

If your Council does have responsibility for enforcement, could you please state: How it publicizes the law?

Response (2)

Hamilton City Council, as the road controlling authority has the responsibility to enforce both national legislation and local bylaws. Hamilton City Council does not publicize national legislation, but information can be found at the following links:

- [Land Transport act 1998](#)
- [Land Transport \(Road User\) Rule](#)
- [Waka Kotahi website and road code](#)

The [Hamilton Traffic Bylaws](#) are available on our Hamilton City Council website.

National legislation and the Traffic Bylaws enables Hamilton City Council as the Road Controlling Authority (RCA), to enforce when noncompliance is observed by an appropriately warranted person.

Request (2a)

What provision it makes for people to report vehicles parked over footpaths?

Response (2a)

Hamilton City Council has a call center which operates 24-hour seven day a week where the public can report parking concerns. A service request is raised on behalf of the public where they see significant issues requiring a Parking Warden to attend. Service requests will record the call and in the case of “parking on a footpath”, will initiate an event to be assessed by a Parking Warden.

Request (2b)

What amount of time it sets for responding to reports of vehicles parked over footpaths? ('responding' meaning a parking warden or other authorized officer attends the scene)

Response (2b)

There is no allocated time expectation for parking wardens to respond to reports of vehicles parked over footpaths. Other variables that may affect the response time can include: location of a parking warden at the time, workload and perceived criticality of the event.

Request (2c)

To what degree a vehicle has to be positioned over a footpath to be considered to be illegally parked? (this is of special interest to people who have vision-impairments)

Response (2c)

No part of a vehicle should be parked on a footpath that impedes the safe passage of pedestrians.

A vehicle is not illegally parked if the footpath has been identified as part of a works area within an approved Corridor Access Request (CAR). If a footpath is impacted during works, an alternative footpath route for pedestrians should be identified as part of the CAR and the Temporary Management Plan (TMP).

Parking on a footpath is identified as an offence, however operators have may have a defence under the Land Transport (Road User) Rule 2004 clauses 1.8 and 6.20 (Exceptions).

1.8 General exceptions

(1) A person is not in breach of this rule 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.

(2) Subclause (1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this rule.

(3) A person is not in breach of this rule if that person proves that the act or omission complained of—

(a) took place in compliance with the directions of an enforcement officer, a parking warden, or a traffic control device; or

(b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

(4) A person is not in breach of [clauses 2.1 to 2.9](#), [2.13](#), or [5.3](#), or [Part 6](#), in relation to a vehicle, if that person proves that—

(a) the vehicle was, at the time of the act or omission complained of, actually engaged in a public work on a road; and

(b) the vehicle was being used on the road with due consideration for other road users; and

(c) the act or omission complained of was reasonably necessary for the purposes of that work; and

(d) he or she took all reasonable care to prevent the occurrence of any accident, mishap, collision, or damage, or any injury to or interference with any person, animal, or property arising because of the act or omission.

6.20 Exceptions under this Part

(1) This clause contains exceptions to this Part that are in addition to the exceptions in [clause 1.8](#).

(2) A driver or person in charge of any goods vehicle is not in breach of [clause 6.11](#) or [clause 6.12](#) if he or she proves that the act or omission complained of—

(a) took place in accordance with the directions of a notice, traffic sign, or marking on the roadway; or

(b) was necessary for the loading or unloading of the vehicle in the course of trade, and took place with due consideration for the safety and convenience of other road users, and either—

(i) that alternative access for the purpose of loading or unloading the vehicle was unavailable; or

(ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require the alternative access to be used.

(3) A driver of any small passenger service vehicle is not in breach of [clause 6.11](#) if the driver proves that—

(a) the act or omission complained of took place during the picking up or setting down of passengers in connection with their carriage for hire or reward and took place with due consideration for the safety and convenience of other road users; and

(b) either—

(i) alternative access for the purpose of picking up or setting down passengers was unavailable; or

(ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require such access to be used.

Request (2d)

How it issues 'tickets' when part of a vehicle is parked over the footpath and part is parked over private property?

Response (2d)

An infringement ticket or a warning may be issued depending on the assessment by the parking warden. There is no set criteria as to how much of the vehicle is on public or private property. It depends on if the vehicle is impeding the footpath. Hamilton City Council parking wardens generally do not enter private property.

Request (2e)

What provision it makes for enforcement of the law outside of normal working hours?

Response (2e)

Parking wardens normal working hours are Monday to Saturday from 7.30am to 5.30pm. There is no current provision to enforce the law outside of the normal working hours, however, Hamilton City Council would respond to an emergency if required.

Request (2f)

What instructions your enforcement officers receive concerning

- enforcing this law and
- issuing warnings and 'tickets' for breach of the law?

Response (2f)

Parking wardens are instructed to educate and give drivers the opportunity to move the vehicle to be compliant. Infringements are issued to drivers who refuse to comply or are absent. To issue an infringement for parking on a footpath, the vehicle license registration label and warrant of fitness label needs to be cited.

Request (2g)

How many reports of vehicles parked over footpaths has the Council received during the last 12 months.

Response (2g)

During the last 12 months ending 31 May 2021, Hamilton City Council has received 759 service requests relating to vehicle parked over footpaths.

Request (2h)

How many 'tickets' and warnings has it issued? (please enumerate tickets and warnings separately)

Response (2h)

During the last 12 months ending 31 May 2021, 184 infringement tickets have been issued for parking on a footpath. No warnings have been recorded.

Request (2i)

Any difficulties or issues it has with enforcing the law?

Response (2i)

One of the difficulties in enforcing this legislation is that the offence of parking on a footpath can be occurring at the time of the public contacting Hamilton City Council, however, once the parking warden arrives, the vehicle may no longer be present.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Tatiyana | Official Information & Legal Support Advisor

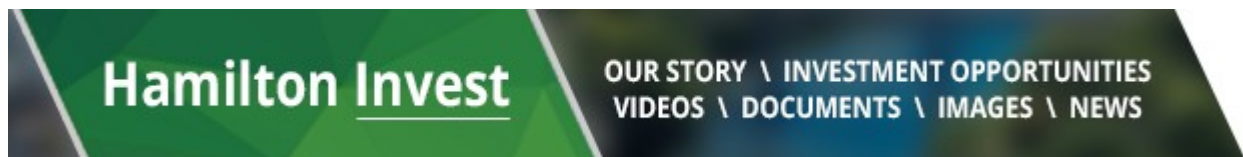
Legal Services & Risk | People and Organisational Performance

Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

 [Like us on Facebook](#)  [Follow us on Twitter](#)



--



From: official information
Sent: Friday, 11 June 2021 16:23
To: [REDACTED]
Cc: official information
Subject: Response - LGOIMA 21179 - [REDACTED] / Living Streets - Council
Responsibility regarding Cars on Footpaths.
Attachments: 20210528 letter to Hamilton CC about footpath parking.docx

Kia Ora,

I refer to your **information request attached**, Hamilton City Council is able to provide the following response.

Request (1)

Does your Council have responsibility for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 (see appendix 1) which relates to parking on footpaths?

Response (1)

Hamilton City Council is responsible for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 relating to parking on footpaths.

6.14 Parking on footpaths or cycle paths

- (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.*
- (2) Subclause (1) does not apply to cycles if a road controlling authority indicates otherwise by means of signs or markings or if it installs facilities for the parking, standing, or storage of cycles on a footpath or cycle path.*
- (3) Nothing in subclause (1) prevents a person from stopping, standing, or parking a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.*

Request (1a)

If so, by which clause(s) of which statute(s) is this responsibility conferred?

Response (1a)

The responsibility Land Transport Act 1998 is conferred under Section 128D and 128E.

Section 128D of the Land Transport Act 1998 – Appointment of parking wardens.

Section 128E – Powers of parking Wardens.

128D Appointment of parking wardens

- (1) A local authority may appoint a person to hold the office of parking warden.*
- (2) A person who holds the office of parking warden at the commencement of this section is to be treated as having been appointed under subsection (1).*
- (3) A parking warden may perform the functions and duties, and exercise the powers, of a parking warden that are conferred or imposed by or under this or any other Act only on a road within the district or region of the local authority that appointed the parking warden.*
- (4) A local authority that appoints a person under subsection (1) is liable for the actions of that person as a parking warden in all respects as if—*

- (a) that person were an officer or employee of the local authority (whether or not that is the case); and*
- (b) any directions given or control exercised by any other person over the parking warden in that capacity were directions given or control exercised by the local authority.*

128EPowers of parking wardens

- (1) A parking warden in uniform or in possession of a warrant or other evidence of authority as a parking warden—*
 - (a) may enforce the provisions of any stationary vehicle offence or special vehicle lane offence:*
 - (b) may, in relation to enforcing the provisions of any stationary vehicle offence or special vehicle lane offence, direct any person on any road, and apparently in charge of or in any vehicle, to—*
 - (i) provide the person’s full name and full address and give any other identifying particulars required as to the person’s identity (for example, the person’s date of birth, occupation, and telephone number):*
 - (ii) give any information that is within the person’s knowledge and that may lead to the identification of the driver or person in charge of any vehicle (for example, the other person’s full name, full address, date of birth, occupation, and telephone number):*
 - (c) may direct the driver or person in charge of any vehicle on any road to remove the vehicle from the road or any specified part of any road, if the parking warden believes on reasonable grounds that—*
 - (i) the vehicle causes an obstruction in the road or to any vehicle entrance to any property; or*
 - (ii) the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public:*
 - (d) may, if the parking warden believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property or that the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public,—*
 - (i) enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and*
 - (ii) move, or authorise another person to move, the vehicle to any place where it does not constitute a traffic hazard.*
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who—*
 - (a) fails to comply with any direction given under subsection (1)(b); or*
 - (b) gives, in response to a direction given under subsection (1)(b), any information that the person knows to be false.*
- (3) Every person to whom any direction is given under the authority of subsection (1) must comply with the direction, and no person may do any act that is for the time being forbidden by any direction given under the authority of subsection (1).*
- (4) A person who is authorised by a parking warden to enter a vehicle for the purpose of moving it or preparing it for movement or to move a vehicle to a place where it does not constitute a traffic hazard may do so, but must do everything reasonably necessary to ensure that the vehicle is not damaged while doing so.*
- (5) Every person commits an offence and is liable on conviction for a fine not exceeding \$1,000 if the person—*
 - (a) has possession of a vehicle as a result of its being moved under subsection (1)(d); and*
 - (b) fails to deliver possession of the vehicle, as soon as practicable, to a person who produces satisfactory evidence, at any reasonable time, to the effect that the person was lawfully entitled to possession of the vehicle immediately before it was moved.*

Request (2)

If your Council does have responsibility for enforcement, could you please state: How it publicizes the law?

Response (2)

Hamilton City Council, as the road controlling authority has the responsibility to enforce both national legislation and local bylaws. Hamilton City Council does not publicize national legislation, but information can be found at the following links:

- [Land Transport act 1998](#)
- [Land Transport \(Road User\) Rule](#)
- [Waka Kotahi website and road code](#)

The [Hamilton Traffic Bylaws](#) are available on our Hamilton City Council website.

National legislation and the Traffic Bylaws enables Hamilton City Council as the Road Controlling Authority (RCA), to enforce when noncompliance is observed by an appropriately warranted person.

Request (2a)

What provision it makes for people to report vehicles parked over footpaths?

Response (2a)

Hamilton City Council has a call center which operates 24-hour seven day a week where the public can report parking concerns. A service request is raised on behalf of the public where they see significant issues requiring a Parking Warden to attend. Service requests will record the call and in the case of “parking on a footpath”, will initiate an event to be assessed by a Parking Warden.

Request (2b)

What amount of time it sets for responding to reports of vehicles parked over footpaths? ('responding' meaning a parking warden or other authorized officer attends the scene)

Response (2b)

There is no allocated time expectation for parking wardens to respond to reports of vehicles parked over footpaths. Other variables that may affect the response time can include: location of a parking warden at the time, workload and perceived criticality of the event.

Request (2c)

To what degree a vehicle has to be positioned over a footpath to be considered to be illegally parked? (this is of special interest to people who have vision-impairments)

Response (2c)

No part of a vehicle should be parked on a footpath that impedes the safe passage of pedestrians.

A vehicle is not illegally parked if the footpath has been identified as part of a works area within an approved Corridor Access Request (CAR). If a footpath is impacted during works, an alternative footpath route for pedestrians should be identified as part of the CAR and the Temporary Management Plan (TMP).

Parking on a footpath is identified as an offence, however operators have may have a defence under the Land Transport (Road User) Rule 2004 clauses 1.8 and 6.20 (Exceptions).

1.8 General exceptions

(1) A person is not in breach of this rule 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.
- (2) Subclause (1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this rule.
- (3) A person is not in breach of this rule if that person proves that the act or omission complained of—
 - (a) took place in compliance with the directions of an enforcement officer, a parking warden, or a traffic control device; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.
- (4) A person is not in breach of [clauses 2.1 to 2.9](#), [2.13](#), or [5.3](#), or [Part 6](#), in relation to a vehicle, if that person proves that—
 - (a) the vehicle was, at the time of the act or omission complained of, actually engaged in a public work on a road; and
 - (b) the vehicle was being used on the road with due consideration for other road users; and
 - (c) the act or omission complained of was reasonably necessary for the purposes of that work; and
 - (d) he or she took all reasonable care to prevent the occurrence of any accident, mishap, collision, or damage, or any injury to or interference with any person, animal, or property arising because of the act or omission.

6.20 Exceptions under this Part

- (1) This clause contains exceptions to this Part that are in addition to the exceptions in [clause 1.8](#).
- (2) A driver or person in charge of any goods vehicle is not in breach of [clause 6.11](#) or [clause 6.12](#) if he or she proves that the act or omission complained of—
 - (a) took place in accordance with the directions of a notice, traffic sign, or marking on the roadway; or
 - (b) was necessary for the loading or unloading of the vehicle in the course of trade, and took place with due consideration for the safety and convenience of other road users, and either—
 - (i) that alternative access for the purpose of loading or unloading the vehicle was unavailable; or
 - (ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require the alternative access to be used.
- (3) A driver of any small passenger service vehicle is not in breach of [clause 6.11](#) if the driver proves that—
 - (a) the act or omission complained of took place during the picking up or setting down of passengers in connection with their carriage for hire or reward and took place with due consideration for the safety and convenience of other road users; and
 - (b) either—
 - (i) alternative access for the purpose of picking up or setting down passengers was unavailable; or
 - (ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require such access to be used.

Request (2d)

How it issues 'tickets' when part of a vehicle is parked over the footpath and part is parked over private property?

Response (2d)

An infringement ticket or a warning may be issued depending on the assessment by the parking warden. There is no set criteria as to how much of the vehicle is on public or private property. It depends on if the vehicle is impeding the footpath. Hamilton City Council parking wardens generally do not enter private property.

Request (2e)

What provision it makes for enforcement of the law outside of normal working hours?

Response (2e)

Parking wardens normal working hours are Monday to Saturday from 7.30am to 5.30pm. There is no current provision to enforce the law outside of the normal working hours, however, Hamilton City Council would respond to an emergency if required.

Request (2f)

What instructions your enforcement officers receive concerning

- enforcing this law and
- issuing warnings and 'tickets' for breach of the law?

Response (2f)

Parking wardens are instructed to educate and give drivers the opportunity to move the vehicle to be compliant. Infringements are issued to drivers who refuse to comply or are absent. To issue an infringement for parking on a footpath, the vehicle license registration label and warrant of fitness label needs to be cited.

Request (2g)

How many reports of vehicles parked over footpaths has the Council received during the last 12 months.

Response (2g)

During the last 12 months ending 31 May 2021, Hamilton City Council has received 759 service requests relating to vehicle parked over footpaths.

Request (2h)

How many 'tickets' and warnings has it issued? (please enumerate tickets and warnings separately)

Response (2h)

During the last 12 months ending 31 May 2021, 184 infringement tickets have been issued for parking on a footpath. No warnings have been recorded.

Request (2i)

Any difficulties or issues it has with enforcing the law?

Response (2i)

One of the difficulties in enforcing this legislation is that the offence of parking on a footpath can be occurring at the time of the public contacting Hamilton City Council, however, once the parking warden arrives, the vehicle may no longer be present.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Tatiyana | Official Information & Legal Support Advisor
Legal Services & Risk | People and Organisational Performance
Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

[Like us on Facebook](#) [Follow us on Twitter](#)

Living Streets Aotearoa



Mr. Richard Briggs

Chief Executive

Hamilton City Council

CEO@hcc.govt.nz

28th May 2021

Dear Richard

Living Streets Aotearoa is concerned about the increasing frequency with which footpaths are being blocked by vehicles being parked on them.

Such parking forces pedestrians out onto the street which is dangerous especially for children, people with impaired ability to move and people who are vision-impaired, have brain damage or live with degenerative brain conditions.

Sometimes getting around a vehicle means having to navigate kerbs or having to go back to find a kerb cut down which can be difficult or impossible for these members of our communities.

Allowing vehicles to be parked on footpaths is inconsistent with the Vision Zero and Safe Systems approaches to road safety and the NZ Road Safety Strategy 2020-30.

We would like to work with you to help improve the situation but in the first instance we require some information.

We would appreciate it if you would answer the following questions:

1. Does your Council have responsibility for enforcing Clause 6.14 of the Land Transport (Road User) Rule 2004 (see appendix 1) which relates to parking on footpaths?

2. If so, by which clause(s) of which statute(s) is this responsibility conferred?

If your Council does have responsibility for enforcement, could you please state:

3. How it publicises the law?

4. What provision it makes for people to report vehicles parked over footpaths?

5. What amount of time it sets for responding to reports of vehicles parked over footpaths? ('responding' meaning a parking warden or other authorised officer attends the scene)

6. To what degree a vehicle has to be positioned over a footpath to be considered to be illegally parked? (this is of special interest to people who have vision-impairments)

7. How it issues 'tickets' when part of a vehicle is parked over the footpath and part is parked over private property?

8. What provision it makes for enforcement of the law outside of normal working hours?

9. What instructions your enforcement officers receive concerning

a) enforcing this law and

b) issuing warnings and 'tickets' for breach of the law?

10. How many reports of vehicles parked over footpaths has the Council received during the last 12 months.

11. How many 'tickets' and warnings has it issued? (please enumerate tickets and warnings separately)

12. Any difficulties or issues it has with enforcing the law?

We look forward to receiving your responses to these questions.

Thank you.

Sincerely,



Living Streets Executive Council Member

parking@livingstreets.org.nz

Appendix 1

Land Transport (Road User) Rule 2004

6.14 Parking on footpaths or cycle paths

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

(2) Subclause (1) does not apply to cycles if a road controlling authority indicates otherwise by means of signs or markings or if it installs facilities for the parking, standing, or storage of cycles on a footpath or cycle path.

(3) Nothing in subclause (1) prevents a person from stopping, standing, or parking a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.

About Living Streets

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly planning and development around the country.

Our vision is "More people choosing to walk more often and enjoying public places".

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.

For more information, please see: www.livingstreets.org.nz or contact Andy Smith, President, 021 474 740.

