

Note: This version of the bylaw is for consultation purposes. Blue background indicates where changes have been made from the 2014 bylaw. For detail on the changes, see the clause-by-clause analysis document. Grey background indicates information to be updated once the bylaw is adopted.

Cruising and Prohibited Times on Roads Bylaw 2023

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.

1. Short title and commencement

- (1) This bylaw is the Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2023.
- (2) This bylaw comes into force on [date] 2023.

2. Interpretation

- (1) In this bylaw, unless the context otherwise requires:

TERM	DEFINITION
Council	means the Christchurch City Council
District	means the district of the Council
Act	means the Land Transport Act 1998
Cruising	means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that – <ol 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 –<ol style="list-style-type: none">(i) is formed otherwise than in trade; and(ii) impedes traffic flow.
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

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’

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.

- (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.

***Explanatory note:** 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.*

PART 1: CRUISING

3. Purpose

- (1) 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.
- (2) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.

4. Cruising Prohibited

- (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(1).
- (3) The Council may, by resolution, subsequently amend or revoke any resolution made under clause 4(2).
- (4) 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:
- (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) New Zealand Police;
 - (e) Waka Kotahi NZ Transport Agency;
 - (f) affected Community Board(s).

***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.*

The Council will install “No cruising zone” signs to indicate these roads, where needed, as provided for in the Land Transport Rule: Traffic Control Devices 2004, and in accordance with the Traffic Control Devices Manual.

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 at [Reference to the register will be updated in the explanatory note to the bylaw once bylaw is adopted]

5. Council may resolve the time period that applies to cruising

- (1) 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.

Explanatory note: On 13 November 2014, the Council resolved that the time period that must elapse is 4 hours.

PART 2: PROHIBITED TIMES ON ROADS

6. Purpose

- (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.
- (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.
- (3) This bylaw is a qualifying bylaw for the purposes of section 22AF of the Land Transport Act 1998.

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 to 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) New Zealand Police;

- (e) Waka Kotahi NZ Transport Agency;
- (f) affected Community Board(s).

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.

8. Cars prohibited on roads and exceptions

- (1) 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 requires access to a property that can only be accessed from that road (or most conveniently from that road); and

- (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

(b) the vehicle is:

- (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
- (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.

Explanatory note: 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 [\[link to policy on website once bylaw is adopted\]](#).

The roads regulated by this part of the Bylaw are listed in the Prohibited Times on Roads Register, which can be accessed at [\[link to register on website once bylaw is adopted\]](#)

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 –

- (a) the times and days of the prohibition; and
- (b) that the prohibition applies to motor vehicles weighing less than 3,500 kilograms; and
- (c) that there are exemptions.

9. 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 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.
- (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.
- (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.

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.

10. Christchurch City Council General Bylaw

- (1) 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.

11. Revocation and savings

- (1) The Christchurch City Council Cruising and Prohibited Times on Roads Bylaw 2014 is revoked and replaced by this bylaw.
- (2) 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.
- (3) 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.

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.

The Cruising Bylaw was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2014.

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.

The Cruising and Prohibited Times on Roads Bylaw 2014 was then reviewed and replaced by the Cruising and Prohibited Times on Roads Bylaw 2023.

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>.
