

Tasman District Council

Tasman's Great Taste Trail Bylaw 2012

Pursuant to Section 145 of the Local Government Act 2002

1. TITLE

1.1 This Bylaw shall be known as the Tasman's Great Taste Trail Bylaw 2012.

2. MEANING OF TRAIL

2.1 In this Bylaw, Trail means the path formed by or on behalf of the Council along the route delineated on the map in Schedule 1 of this Bylaw, whether on private land, Road or on other land vested in or under the control of the Council, that is intended for the use of Cyclists but which may be used also by Pedestrians, riders of Mobility Devices and riders of Wheeled Recreational Vehicles;- and includes:

- (a) all the land within 2.1 metres on either side of the centre-line of the formed path; and
- (b) every bridge, culvert and ford within the Trail,

but does not include a cycle lane within a Roadway.

3. COMMENCEMENT and APPLICATION

3.1 This Bylaw shall come into force on [REDACTED] and applies to all parts of the Trail.

4. PURPOSE

4.1 The purpose of this Bylaw is to protect, promote and maintain the safety of the public using the Trail, and to protect the public using the Trail from nuisance.

4.2 Nothing in this Bylaw shall derogate from any provision of the Land Transport (Road User) Rule 2004.

5. INTERPRETATION

5.1 In this Bylaw, unless the context otherwise requires, -

Council means Tasman District Council.

Cycle

- (a) means a Vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider; and
- (b) includes a power-assisted cycle.

Cyclist is a person who rides a Cycle.

Driveway includes a place used as a vehicle entrance to or exit from land fronting a Road, and includes a driveway on private land that crosses the Trail.

Hours of darkness means

- (a) a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or

- (b) any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.

Mobility Device means a Vehicle that-

- (a) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment: and
- (b) is powered solely by a motor that has a maximum power output not exceeding 1500 W

Motor Vehicle has the same meaning as in Section 2(1) of the Land Transport Act 1998, but does not include a Mobility Device or a Wheeled Recreational Device.

Pedestrian means a person on foot and includes a person in a wheelchair not propelled by mechanical power, and a person in or on a contrivance equipped with wheels or revolving runners that is not a Vehicle.

Road has the same meaning as in section 315 (1) Local Government Act 1974.

Roadway means that portion of the Road used for the time being for vehicular traffic in general.

Stock includes any horse, cattle, deer, ass, mule, sheep, pig, goat, goose, duck, turkey, emu, ostrich, or domestic fowl, of any description.

Trail has the meaning given in clause 2.1 of this Bylaw.

User means a person that uses the Trail and includes a Pedestrian, a Cyclist, the rider of a Mobility Device, and the rider of a Wheeled Recreational Device.

Vehicle has the same meaning as in Section 2(1) of the Land Transport Act 1998.

Wheeled Recreational Device

- (a) means a Vehicle that is a wheeled conveyance (other than a Cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

5.2 In this Bylaw words in the singular include the plural and words in the plural include the singular.

6. USE OF THE TRAIL

6.1 The Trail may be used at the same time by Cyclists, Pedestrians, riders of Mobility Devices, and riders of Wheeled Recreational Devices.

6.2 No person shall drive a Motor Vehicle on or along the Trail except:

- (a) to drive across the Trail for the purposes of entering or exiting private land via a Driveway; or
- (b) to construct, maintain, repair, or replace, any part of the Trail, or to carry out drain cleaning, tree trimming, or mowing on, or in the vicinity of the Trail, if such works have been authorised by the Council; or
- (c) if that person is authorised by the Council to drive a Motor Vehicle on the Trail.

6.3 No person shall stop, stand, or park a Motor Vehicle on the Trail.

6.4 No person shall use the Trail for an organised event, including a race or time trial, without the prior written approval of the Council.

- 6.5 A User must at all times keep to the left side of the formed path on the Trail so that oncoming, or following, Users can pass on their right.
- 6.6 Cyclists, riders of Mobility Devices, and riders of Wheeled Recreational Devices must give priority to Pedestrians on the Trail.
- 6.7 Cyclists and riders of Wheeled Recreational Devices must give priority to riders of Mobility Devices on the Trail.
- 6.8 No person shall unduly impede the passage of a User along the Trail.
- 6.9 A person must not ride, or be carried on, a Cycle on the Trail unless that person is wearing a safety helmet of an approved standard that is securely fastened. The approved standards for safety helmets are those prescribed by the Rule 11.8 Land Transport (Road User) Rule 2004.
- 6.10 A person must not ride a Cycle on the Trail, or ride a Mobility Device on the Trail, during the Hours of darkness without using a steady or flashing white or yellow forward-facing light that is sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres when it is switched on, and a steady or flashing rear-facing red light that is sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres when it is switched on.
- 6.11 No person shall ride a Cycle through Spooners Tunnel. All Cyclists must dismount from their Cycle and walk through Spooners Tunnel for the complete length of the tunnel, while operating the lighting described in clause 6.10 at any time of the day or night.
- 6.12 No person shall ride or lead any horse on the Trail except for the purpose of crossing the Trail at a Driveway.
- 6.13 No person shall drive Stock from any land onto the Trail except for the purpose of crossing the Trail at a Driveway and, if the Trail is within Road, in accordance with the Council's Stock Control and Droving Bylaw 2005.
- 6.14 No person shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any Stock to stray or wander on to the Trail or otherwise wilfully cause any Stock to stray or wander on to the Trail.
- 6.15 No person shall leave litter on the Trail unless the person leaves the litter in a bin on the Trail that is provided by the Council for the purpose of disposing of litter.
- 6.16 No person shall place or leave on the Trail any object or thing that may obstruct or in any way interfere with the passage of Users along the Trail, unless authorised by the Council.
- 6.17 No person shall cause or permit to be done any act whatsoever by which any damage is caused to the Trail, unless such act is authorised by the Council.
- 6.18 No person shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to Cyclists, to escape on to any part of the Trail having a sealed or paved surface.

7. GIVING WAY AT DRIVEWAYS

- 7.1 A driver of a Vehicle on, or entering into, a Driveway must give way to Users approaching or crossing the intersection of the Driveway and the Trail.

8. ACCESS OFF TRAIL

8.1 No access to private land shall be taken off or onto the Trail without the prior written approval of the Council.

9. OFFENCES

9.1 Every person who breaches this Bylaw commits an offence under section 239 Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000 under section 242(4) of the Local Government Act 2002.

10. DATE BYLAW MADE

10.1 This Bylaw was made by Tasman District Council on [] 2012.

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