

SELWYN DISTRICT COUNCIL

CHRISTCHURCH TO LITTLE RIVER RAILTRAIL: PREBBLETON TO LINCOLN BYLAW

Pursuant to Section 145 of the Local Government Act 2002

1. TITLE

- 1.1 The Bylaw shall be known as the Selwyn District Council Christchurch to Little River Railtrail: Prebbleton to Lincoln Bylaw 2007.

2. LOCATION OF RAILTRAIL

- 2.1 For the purposes of this bylaw, the Railtrail is the sealed shared-use path from Prebbleton to Lincoln which travels along Birchs Road and James Street (from Springs Road to East Belt) as shown on the location map in Appendix A.

3. DATE OF COMMENCEMENT

- 3.1 This Bylaw shall come into force on 23 May 2007.

4. OBJECTIVES

- 4.1 To preserve the Railtrail as a recreational shared-use path by maintaining public safety and protecting the public from nuisance when using the Railtrail.

5. DEFINITIONS

- 5.1 In this Bylaw, except where inconsistent with the context:

“Carriageway” means that part of road constructed or laid out for use primarily by motor vehicles, and includes: any sealed area and associated metal shoulder edging, kerbing and channelling thereof.

“Cycle”

- (a) means a vehicle that has at least two 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” means a place used as a vehicle entrance or exit across the Railtrail to private property between the carriageway and the property boundary.

“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 is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment, and is powered solely by a motor that has a maximum power output not exceeding 1,500 W.

“Motor vehicle” has the same meaning as in Section 2 of the Land Transport Act 1998.

“Pedestrian” means a person on foot on a road.

“Railtrail” means that section of the Christchurch to Little River Railtrail described in clause 2.1.

“Road” is that defined and controlled by the Selwyn District Council under Sections 315 and 317 respectively of the Local Government Act 1974.

“Road verge” is that area between the carriageway and the property boundary.

“Shared-use path” is a path provided for use by both cyclists and pedestrians within the road verge.

“Stock” means any horses, cattle, sheep, goats, pigs, deer or other hoofed animals, and shall also include ostriches, emus and all types of poultry including geese, ducks, turkeys and domestic fowl of all descriptions.

“Wheelchair” is a chair mounted on large wheels for the use of a sick or disabled person.

“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 200 W.

6. USE OF THE RAILTRAIL

- 6.1 The Railtrail is a recreational shared-use path, predominantly for use by cyclists and pedestrians. Wheeled recreational devices, wheelchairs and mobility devices can also be used on the Railtrail.
- 6.2 Motor vehicles are not permitted on the Railtrail or on the road verge adjacent to the Railtrail, except:
 - (a) to cross the Railtrail for the purposes of entering or exiting private property via a driveway
 - (b) to undertake maintenance such as drain cleaning, tree trimming, or roadside mowing alongside the Railtrail in accordance with clause 9.3.
- 6.3 Stock are only permitted on the Railtrail or on the road verge adjacent to the Railtrail under the following conditions:
 - (a) to cross the Railtrail for the purposes of entering or exiting private property via a driveway; or
 - (b) to drive stock in accordance with a permit or consent issued under the provisions of the Selwyn District Council Stock Control Bylaw.
- 6.4 The Railtrail shall not be used without the prior approval of the Selwyn District Council for organised events such as competitive cycle races or time trials.

7. RAILTRAIL USER RULES

- 7.1 Railtrail users must keep to the left of the shared-use path so that oncoming or following Railtrail users can pass on the right.
- 7.2 Cyclists and persons on wheeled recreational devices must give way to pedestrians and persons on mobility devices.
- 7.3 Pedestrians or slow or stopped cyclists should not unnecessarily impede the passage of other Railtrail users.
- 7.4 Cyclists must wear a securely fastened approved safety helmet.
- 7.5 Cyclists using the Railtrail during the hours of darkness must have a steady or flashing white or yellow forward-facing light that can be seen from a distance of 100 metres, and a steady or flashing rear-facing red light that can be seen from a distance of 100 metres.
- 7.6 Dogs must be on a leash when on the Railtrail.

8. RIGHTS OF WAY

- 8.1 Any motor vehicle or other vehicle entering or exiting a driveway must give way to Railtrail users.
- 8.2 Railtrail users must give way to traffic when crossing the road at intersections.

9. GENERAL CONDITIONS

- 9.1 No person shall place or leave any object or material on or alongside the Railtrail in a way that may interfere with the normal and safe usage of the Railtrail.
- 9.2 The depositing of rubbish or litter on the Railtrail, or on the adjacent road verge, is prohibited.
- 9.3 Approval must be given by Selwyn District Council prior to the undertaking of any maintenance or construction work alongside the Railtrail that could otherwise create a hazard for Railtrail users or damage the Railtrail.
- 9.4 Damage caused to the Railtrail shall be repaired by Selwyn District Council and those repairs shall be paid for by the person(s) responsible for causing such damage.

10. OFFENCES

- 10.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty provisions outlined in Section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000 or such other amount as may be subsequently provided for in that Act if amended.

**THE COMMON SEAL of the
SELWYN DISTRICT COUNCIL**
was hereunto affixed, in accordance
with the Special Order made by the
Council on 28 May 2007
in the presence of:



 Mayor

 Chief Executive

Appendix A

Map of Christchurch to Little River Railtrail: Prebbleton to Lincoln

