



# City of Wanneroo

13 January 2004, Gazette No. 10

*Amendments shown in red are those resolved at the Council Meeting on 01 February 2005 (Gazette No. 51)*

## **LOCAL GOVERNMENT ACT 1995**

### **CITY OF WANNEROO**

#### **PARKING AND PARKING FACILITIES LOCAL LAW 2003**

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Wanneroo resolved to make the following Local Law on the sixteenth day of December 2003.

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## PART 1 - DEFINITION AND OPERATION

### Commencement

- 1 This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

### Repeal

- 2 The Shire of Wanneroo Parking Local Law 1998 published in the Government Gazette on 9 November 1998 is repealed.

### Interpretation

- 3 In this Local Law unless the context otherwise requires:

“Act” means the *Local Government Act 1995*;

“appointed place” means a place appointed by the local government or Chief Executive Officer to which vehicles causing an obstruction may be removed;

“AS” means Australian Standard published by Standards Australia;

“authorised person” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this Local Law;

“authorised vehicle” means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a road or parking facility;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications –

- (a) for a two-way carriageway - placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of such lines, marks or other indications – the middle of the main traveled portion of the carriageway;

“CEO” means the Chief Executive Officer of the local government;

“City” means the City of Wanneroo;

“Code” means the *Road Traffic Code 2000*;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the City;

“driver” means any person driving or in control of a vehicle;

“expired meter indicator” means a plate, digital display, indicator or device on a parking meter which appears on the face of the meter indicating that the time during which a vehicle may occupy the metered space to which the parking meter relates has expired;

“flush island” means an area of road surrounded by a line or lines (whether marked or made of concrete flush kerbing or line of bricks), in which the interior of the island may be either sealed with an aggregate of contrasting colour or texture, brick paved, or consist of diagonal or chevron markings, or pavement bars;

“foreshore” means all the land in the district of the City which lies between the low water mark and the high water mark of the Indian Ocean;

“gopher” means a motorised wheelchair;

“local government” means the City of Wanneroo;

“metered stall” means a parking stall within a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any part of a road or reserve, in which parking meters regulate the stopping or parking of vehicles;

“motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

“nature strip” means the portion of a road which lies between the boundary of a carriageway and the front boundary of adjacent land, but does not include a path;

“obstruct” means to interfere with, impede or hinder the passage of any vehicle or person;

“occupier” means the person who has the right of exclusive possession of any land and without affecting the generality of the foregoing –

- (a) in the case of a residential property means a person who resides in and appears to be in control of the property; and
- (b) in the case of any property other than residential property means a person who appears to be the proprietor or manager or to be in control of the land or a building on the land, or to be in control of the use thereof;

“owner” where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle license under the *Road Traffic Act 1974* in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land means the registered proprietor of the land for the purpose of the *Transfer of Land Act 1893*;

“parking facility” includes land, buildings, shelters, metered zones, metered spaces, ticket zones, parking stalls and any other facility open to the public generally for the

parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles;

“parking region” means the area described in the First Schedule;

“parking stall” means a section or part of a road or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked whether on pavement or not;

“parking station” means any land, building or structure provided for the purpose of accommodating vehicles with or without charge but does not include a metered zone or ticket zone or space on a private garage;

“property line” means the lateral boundary of a road;

“public place” means any place to which the public has access whether or not that place is on private property;

“reserve” means any land –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“road” means a highway, road, street, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land reserved for such a use or which is so used whether the land is part of the carriageway as defined under the Code or not including, without limiting the generality of the foregoing, the nature strip and paths appurtenant thereto;

“Road Traffic Act” means the *Road Traffic Act 1974*;

“Schedule” means a Schedule to this Local Law;

“sign” includes a traffic sign, a parking control sign, an inscription, mark, structure or device approved by the local government on which may be shown or which may be used to show words, numbers, expressions or symbols, and which is placed on or near a road or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

“special event parking” means parking requirements for any event or occurrence considered by the CEO to be special or likely to attract a substantial number of persons driving vehicles;

“symbol” includes any symbol specified by Australian Standard 1742.11 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be deemed to also include a reference to the corresponding symbol;

“ticket parking stall” means a stall to which payment of a fee for parking is required by the purchase of a ticket;

“traffic island” means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

“ticket zone” means any part of a road or reserve in which a ticket issuing machine is installed to regulate the parking of vehicles in that zone;

“vehicle” includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means and where the *context* permits, an animal being driven or ridden.

*(Resolved at Council Meeting 01 February 2005 – Gazette No. 51)*

### **Application of particular definitions**

- 4 For the purposes of interpreting the meaning and application of permissive parking signs and signs prohibiting stopping and parking –
  - (a) an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary; and
  - (b) the abbreviations and symbols listed in the Fifth Schedule, shall have the meaning ascribed to them in that schedule.
- 5 Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning as in that Act or the Code.

### **Application of Local Law**

- 6 Subject to clause 7, this Local Law applies to the parking region.
- 7 This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.
- 8 The agreement referred to in clause 7 may be made on such terms and conditions as the parties may agree.
- 9 Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this Local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in clause 7.
- 10 A sign that –
  - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
  - (b) relates to the parking or stopping of vehicles within the parking region,shall be deemed for the purposes of this Local Law to have been erected by the Local Government under the authority of this Local Law.

- 11 The provisions of Parts 2 to 10 do not apply to a bicycle parked at a bicycle rail or bicycle rack.
- 12 An inscription or symbol on a sign referred to in clause 10 operates and has effect according to its tenor and a person who contravenes the directions of the inscription on a sign commits an offence.

### **Classes of vehicles**

- 13 For the purpose of this Local Law, vehicles are divided into classes as follows -
- (a) buses and public buses;
  - (b) commercial vehicles;
  - (c) motorcycles and bicycles;
  - (d) tow trucks;
  - (e) caravans;
  - (f) trailers;
  - (g) tractors;
  - (h) heavy vehicles;
  - (i) taxis; and
  - (j) all other vehicles.

### **Part of road to which sign applies**

- 14 Where under this Local Law the stopping or parking of vehicles in a road is controlled by a sign, the sign shall be read as applying to that part of the road which –
- (a) lies beyond the sign;
  - (b) lies between the sign and the next sign beyond that sign; and
  - (c) is on that side of the road nearest to the sign.

### **Powers of the Local Government**

- 15 The local government may by resolution prohibit or regulate by signs or otherwise the stopping or parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

## **PART 2-METERED AND TICKET ZONES**

### **Establishing Metered and Ticket Zones**

- 16 (1) The local government may, by resolution:
- (a) establish;
  - (b) indicate by signs; and
  - (c) vary from time to time;
- metered zones, metered stalls and ticket zones.
- (2) In relation to metered zones, metered stalls and ticket zones, the local government may prescribe:

- (a) conditions and permitted times of parking;
- (b) the manner of parking; and
- (c) the classes of vehicles permitted to park,

but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.

### **Parking within Parking Stalls in Metered or Ticket Zones**

- 17 Unless otherwise directed by an authorised person, a person shall not park a vehicle in a metered zone or ticket zone, other than within a metered stall or a ticket parking stall.

### **Fees in Metered Zones and Ticket Zones**

- 18 The fees payable for the stopping and parking of vehicles in metered zones and ticket zones shall, in accordance with section 6.16 of the Act, be the fees set by a resolution of the local government

### **Parking Limits in Metered Stalls and Expired Meters**

- 19 (1) A person shall not park or stop a vehicle in a metered stall during the prescribed times:
- (a) unless the appropriate fee has been inserted in the parking meter adjacent to the metered space; or
  - (b) if the parking meter has expired.
- (2) In this clause:
- (a) “appropriate fee” is the fee set by local government under clause 18; and
  - (b) “prescribed times” means any day or period of time prescribed by the local government as a day or period of time during which a parking meter controls a metered stall.
- (3) For the purposes of this clause a parking meter has expired if the meter displays an expired meter indicator.
- (4) The local government may, by resolution, declare that the provisions of this clause shall not apply during any periods or days specified in that resolution.

### **Time Limits and Restrictions**

- 20 (1) A person shall not stop a vehicle in a metered stall or ticket parking stall during a period which the stopping of vehicles in that stall is prohibited by a sign.
- (2) A person shall not park a vehicle in a metered stall or ticket parking stall:

- (a) during a period in which the parking of vehicles in that stall is prohibited by signs; or
  - (b) if a sign, on or adjacent to the stall, sets that stall apart for the parking of vehicles of a different class.
- (3) A person shall not park a vehicle in a metered zone or ticket zone for more than the maximum time specified by a sign as the maximum time for which the continuous parking of a vehicle in the zone is permitted.

### **Display of Tickets in Ticket Zones**

- 21 A person shall not stop or park a vehicle in a ticket zone during any permitted period unless:
- (a) an unexpired ticket; and
  - (b) the date, expiry time and the number (if any) printed on the ticket,

are displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while that vehicle remains standing or parked in that zone.

### **Operation of Parking Meters and Ticket Issuing Machines**

- 22 A person shall not operate or attempt to operate a parking meter or ticket issuing machine except in accordance with the operating instructions appearing on the meter or the ticket issuing machine.

### **Use of Coins in Parking Meters and Ticket Issuing Machines**

- 23 (1) A person shall not insert or cause to be inserted or attempt to insert into the coin slot of a parking meter or a ticket issuing machine anything other than the coin appropriate for that slot;
- (2) A person shall not insert or cause to be inserted or attempt to insert into a parking meter or ticket issuing machine anything other than the token or card appropriate for that parking meter or ticket issuing machine.

### **Defacing a Parking Ticket**

- 24 A person shall not display in a vehicle a ticket purchased from a ticket issuing machine or from any place authorised by the local government if that ticket has been altered, added to or defaced in any way.

## **PART 3 - PARKING STALLS AND PARKING STATIONS**

### **Determination of parking stalls and parking stations**

- 25 The local government may by resolution constitute, determine and vary and also indicate by signs –

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of stopping or parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles that may stop or park in parking stalls and parking stations;
- (e) permitted classes of persons who may stop or park in specified parking stalls or parking stations; and
- (f) the manner of stopping in parking stalls and parking stations.

### **Vehicles to be within parking stall in parking station**

- 26 Unless otherwise directed by an authorised person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

### **Parking and stopping prohibitions and restrictions**

- 27 (1) A person shall not –
- (a) stop a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
  - (b) except with the permission of the local government or an authorised person, stop or park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to stop or park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
  - (d) stop or attempt to stop a vehicle in a parking stall in which another vehicle is stopped but this paragraph does not prevent the stopping of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is stopped in accordance with subclause (2).
- (2) A person shall not park any bicycle –
- (a) in a parking stall other than in a stall marked “M/C”; and
  - (b) in such a stall other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1) (b) a driver may park a vehicle in a parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that –
- (a) the driver’s vehicle displays an ACROD sticker; and
  - (b) a person with a disability meeting the requirements for the issue of an ACROD sticker is either the driver or a passenger in the vehicle.

- (4) A person shall not stop or park a vehicle in a parking stall in a road, or part of a parking station –
- (a) if by a sign the parking stall is set apart for the stopping or parking of vehicles of a different class;
  - (b) if by a sign the parking stall is set apart for the stopping or parking of vehicles by persons of a different class; or
- during any period when the stopping or parking of vehicles is prohibited by a sign.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, stop a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

### **Parking Station Fees**

- 28 The fees payable for the stopping and parking of vehicles in parking stations shall, in accordance with section 6.16 of the Act, be such fees as shall be set by a resolution of the local government.

### **Conditions of Parking in a Parking Station**

- 29 A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station during any permitted period unless, in the case of a parking station being equipped with meters or ticket issuing machines, the appropriate fee is inserted in the meter or the ticket issuing machine.

### **Display of Tickets**

- 30 (1) A person shall not stop or park a vehicle in a parking station equipped with a ticket issuing machine during any permitted period unless:
- (a) an unexpired parking ticket applicable to that parking station; and
  - (b) the date, expiry time and the number (if any) printed on the ticket,
- are displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains standing or parked in a parking station.
- (2) In this clause “permitted period” means the period stated on the ticket issuing machine during which the parking of a vehicle is permitted only upon the purchase of a parking ticket.

### **Removal of Vehicles**

- 31 A person shall not remove a vehicle, which has been parked in a parking station, unless the fee appropriate to the period for which the vehicle has been parked has been paid.

## **Behaviour in Parking Stations and Facilities**

- 32 (1) A person shall not remain in or on a parking station or parking facility after having been required to leave that parking station or parking facility by a member of the Police Force or an authorised person.
- (2) A person shall not loiter in a parking station or parking facility.
- (3) A person shall not drive a vehicle in a parking station in a direction other than the direction indicated by arrows on signs or marked on the surface of the road.

## **Parking Stations May be Locked**

- 33 At the expiration of the hours of operation of a parking station the local government whether or not any vehicle remains parked in a parking station may lock the parking station or otherwise prevent the movement of any vehicle within or to or from the parking station ~~without the local government being responsible for any loss of or damage to any such vehicle or its accessories or contents or for any other loss, claim or liability.~~

*(Resolved at Council Meeting 06 April 2004 on advice received from the Delegated Legislation Committee" not to enforce Clause 33 relating to the City's protection from liability". Council will apply these changes to this local law at its next review)  
(Resolved at Council Meeting 01 February 2005 – Gazette No. 51)*

## **Selling and Hiring in Parking Stations**

- 34 No person shall at or on any part of a parking station, sell, hire, give away or offer or expose for hire anything of any nature, unless that person has the written permission of the local government to do so.

## **Damage to Parking Stations**

- 35 A person shall not attempt to, and shall not remove, damage, deface, misuse or interfere with any part of a parking station or parking facility.

## **Damage to Parking Meters or Ticket Issuing Machines**

- 36 A person shall not attempt to, and shall not remove, damage, deface, misuse or interfere with any parking meter or ticket-issuing machine.

## **Affixing Signs and Notices**

- 37 A person shall not without the permission of the local government affix any board, sign, placard, notice, cover or other thing to or paint or write upon any part of parking station or parking facility.

## **PART 4 - PARKING AND STOPPING GENERALLY**

### **No stopping and no parking signs, and yellow edge lines**

- 38 (1) A person shall not stop or park a vehicle on a road or reserve unless the vehicle is stopped or parking in accordance with this Local Law.
- (2) A vehicle is not stopped or parked in accordance with this Local Law if:
- (a) it is stopped or parked in any place to which a “no stopping” sign applies.
  - (b) it is stopped or parked in any place to which a “no parking” sign applies;
  - (c) it is stopped or parked in contravention of any provision of this Local Law;
  - (d) it is stopped or parked in contravention of any sign; or
  - (e) it is stopped or parked on a carriageway with yellow edge lines.

### **Vehicles to be within a parking stall on a road**

- 39 (1) Subject to subclauses (2), (3), (4) and (5), a person shall not park a vehicle in a parking stall in a road otherwise than –
- (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) faced in the direction of the movement of traffic on the side of the road in which the stall is situated.
- (2) Where a parking stall in a road is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within the stall.
- (3) A person shall not stop a motorcycle without a trailer, or a bicycle in a parking stall unless the stall is designated by signs or road marking for the parking of motorcycles.
- (4) Subclause (1) (a) does not apply to the rider of a motorcycle without a trailer if the rider positions the motor cycle so at least one wheel is as near as practicable to the far left or far right side of the carriageway.
- (5) Subclause (1) (b) does not apply if a vehicle is too large to fit entirely within a single parking stall in which case it shall be parked to occupy the minimum number of stalls necessary.

### **Stopping near intersections**

- 40 (1) ~~A person shall not stop a vehicle so that any portion of the vehicle is~~ *Subject to any law relating to intersections with traffic control signals a person shall not stop a vehicle so that any portion of the vehicle is* in an intersection, unless permitted to do so by this clause.  
*(Resolved at Council Meeting 01 February 2005 – Gazette No. 51)*
- (2) A person shall not stop a vehicle on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and a driver is permitted to stop at that place under these Local Laws.
- (3) A person shall not stop a vehicle so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops the vehicle—
- (a) at a place on a carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop a vehicle at that place under these Local Laws; or
- (b) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection.
- (4) For this clause, distances are measured in the direction in which the person is or was driving.

### **Stopping on or near a children's crossing or pedestrian crossing**

- 41 (1) This clause does not apply to a pedestrian crossing at an intersection.
- (2) A person shall not stop a vehicle so that any portion of the vehicle is –
- (a) within 20 metres of the approach side of a pedestrian crossing or children's crossing; or
- (b) within 10 metres of the departure side of a pedestrian crossing or children's crossing,
- unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop a vehicle at that place under these Local Laws.
- (3) For this clause, distances are measured in the direction in which the person is or was driving.

### **Stopping on or near a marked foot crossing (except at an intersection)**

- 42 (1) A person shall not stop a vehicle on a marked foot crossing that is not at an intersection, or on the carriageway within 10 metres before the traffic-control

signal pole nearest to the vehicle at the marked foot crossing and 3 metres after the marked foot crossing, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop a vehicle at that place under these Local Laws.

- (2) For this clause, distances are measured in the direction in which the person is or was driving.

### **Stopping at or near bicycle crossing lights (except at an intersection)**

- 43 (1) This clause applies to a place on a carriageway —
  - (a) with bicycle crossing lights facing bicycle riders crossing the carriageway;
  - (b) with traffic-control signals facing traffic travelling on the carriageway; and
  - (c) that is not at an intersection.
- (2) A person shall not stop a vehicle within 10 metres before the traffic-control signals nearest to the vehicle at the place, and 3 metres after the traffic-control signals, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop a vehicle at that place under these local laws.
- (3) For this clause, distances are measured in the direction in which the person is or was driving.

### **Stopping on or near a level crossing**

- 44 (1) A person shall not stop a vehicle on a level crossing, or on a carriageway within 20 metres before the nearest rail or track to a vehicle approaching the crossing and 20 metres after the nearest rail or track to a vehicle leaving the crossing, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop a vehicle at that place under these Local Laws.
- (2) For this clause, distances are measured in the direction in which the person is or was driving.

## **PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES**

### **Stopping in a loading zone**

- 45 (1) A person shall not park a vehicle in a loading zone unless it is motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods;  
and it is parked for no longer than:
  - (a) a time indicated on the “loading zone” sign; or
  - (b) 30 minutes (if no time is indicated on the sign).

- (2) For the purposes of subclause (1) “goods” means an article or collection of articles weighing at least 14 kg and of which the cubic measurement is not less than 0.2m<sup>3</sup>

### **Stopping in a taxi zone or a bus zone**

- 46 (1) A person shall not stop a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person shall not stop a vehicle in a bus zone unless the vehicle is a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the "bus zone" sign applying to the bus zone.

### **Stopping in a mail zone**

- 47 A person shall not stop a vehicle in a mail zone.

### **Other limitations in zones**

- 48 A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

## **PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED**

### **Stopping in a shared zone**

- 49 A person shall not stop a vehicle in a shared zone unless –
- a) the vehicle is stopped at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
  - b) the vehicle is stopped in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws;
  - c) the person is dropping off, or picking up, passengers or goods; or
  - d) the person is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

### **Stopping in a bus lane, transit lane, or truck lane**

- 50 A person shall not stop a vehicle in —
- (a) a bus lane;
  - (b) a transit lane;
  - (c) a truck lane; or
  - (d) a bicycle lane,

unless the vehicle is a public bus or taxi, and the person is dropping off, or picking up, passengers.

### **Double parking**

- 51 (1) A person shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to –
- (a) a driver stopped in traffic; or
  - (b) a vehicle angle parked on the side of the carriageway or in a median strip parking area, in accordance with clause 70.

### **Stopping near an obstruction**

- 52 A person shall not stop a vehicle on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

### **Stopping on a bridge or in a tunnel, or similar structure**

- 53 (1) A person shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless –
- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the vehicle is stopped at a place on a length of carriageway, or in an area, to which a parking control sign applies and a vehicle is permitted to stop at that place under these Local Laws.
- (2) A person shall not stop a vehicle in a tunnel or underpass unless –
- (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the person stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

### **Stopping on crests, curves, etc.**

- 54 (1) Subject to subclause (2), a person shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres, within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A person may stop a vehicle on a crest or curve on a carriageway that is not in a built-up area if the person stops at a place on the carriageway, or in an area, to which a parking control sign applies and a vehicle is permitted to stop at that place under these Local Laws.

### **Stopping near a fire hydrant etc**

- 55 (1) A person shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless –
- (a) the person is driving a public bus, and stops the bus in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a person leaves a vehicle "**unattended**" if the person leaves the vehicle so the driver of the vehicle is over 3 metres from the closest point of the vehicle.

### **Stopping at or near a bus stop**

- 56 (1) A person shall not stop a vehicle so that any portion of the vehicle is within 20 m of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless –
- (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the vehicle is stopped at a place on a length of carriageway, or in an area, to which a parking control sign applies and a vehicle is permitted to stop at that place under these Local Laws.
- (2) In this clause –
- (a) distances are measured in the direction in which the vehicle is driving; and
  - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

### **Stopping on a path, median strip, painted island, or traffic island**

- 57 The driver of a vehicle (other than a bicycle or an animal) shall not stop the vehicle so that any portion of the vehicle is on a path, traffic island, painted island, flush island or median strip, unless the vehicle is stopped in an area, to which a parking control sign applies and a vehicle is permitted to stop at that place under these Local Laws.

### **Stopping on nature strips**

- 58 (1) A person shall not –
- a) stop a vehicle (other than a bicycle);
  - b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or

- c) stop a vehicle during any period when the stopping of vehicles on that nature strip is prohibited by a sign adjacent and referable to that nature strip, so that any portion of it is on a nature strip.
- (2) A person not being the occupier of the land abutting on to a nature strip, shall not, without the consent of that occupier, drive, park or stop a vehicle upon that nature strip.
- (3) Subclause 1(a) does not apply to a person if he or she is the owner or occupier of the premises adjacent to that nature strip, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the nature strip.
- (4) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the nature strip on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

### **Obstructing access to and from a path, driveway, etc**

- 59 (1) A person shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless –
- (a) the person is dropping off, or picking up, passengers and stops for no longer than 2 minutes; or
  - (b) the person stops the vehicle in a parking stall and a vehicle is permitted to stop in the parking stall under these Local Laws.
- (2) A person shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless –
- (a) the person is dropping off, or picking up, passengers and stops for no longer than 2 minutes; or
  - (b) the person stops the vehicle in a parking stall and a vehicle is permitted to stop in the parking stall under these Local Laws.

### **Stopping near a public post box**

- 60 A person shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public post box, unless the person-
- (a) is dropping off, or picking up, passengers or mail; or
  - (b) stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and a vehicle is permitted to stop at that place under these Local Laws.

### **Stopping heavy, commercial and other types of vehicles in built up area**

- 61 (1) A person shall not park
- a) a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5m or more in length or exceeds a GVM of 4.5 t;
  - b) a commercial vehicle;
  - c) a caravan;
  - d) an omnibus;
  - e) a tow truck;
  - f) a tractor; or
  - g) a trailer,

on a carriageway or nature strip in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than three hours consecutively between the hours of 7.00 am and 6.00 pm.

- (2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

### **Stopping on a carriageway with a bicycle parking sign**

- 62 A person shall not stop a vehicle (other than a bicycle) on a length of carriageway to which a "bicycle parking" sign applies, unless dropping off, or picking up, passengers.

### **Stopping on a carriageway with motor cycle parking sign**

- 63 A person shall not stop a vehicle on a length of carriageway, or in an area, to which a "motor cycle parking" sign applies, or an area marked "M/C", unless –
- (a) the vehicle is a motor cycle; or
  - (b) the person is dropping off, or picking up, passengers.

### **Stopping in a parking stall for people with disabilities**

- 64 (1) A person shall not stop a vehicle in a parking area for people with disabilities unless –
- (a) the vehicle displays an ACROD sticker; and
  - (b) either the driver or a passenger in that vehicle is a person with a disability meeting the requirements for the issue of an ACROD sticker.
- (2) In this clause a “parking area for people with disabilities” is an area–
- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies;
  - (b) to which a “people with disabilities parking” sign applies;

- (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within a parking region as a “parking stall for use of a disabled person” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

## **PART 7 – PERMISSIVE PARKING SIGNS**

### **Information on or with permissive parking signs**

- 65 (1) The meaning of information on or with a “permissive parking” sign applying to a length of carriageway, or to an area is to be interpreted according to this clause.
- (2) A whole number, fraction, or whole number and fraction, immediately to the left of the letter ‘P’ indicates that a vehicle must not be parked on the length of carriageway, or in the area, continuously for longer than the period of hours, or fractions of an hour, equal to the number, fraction, or number and fraction, shown.
  - (3) A number, together with the word “minute”, immediately to the right of the letter “P” indicates that a vehicle must not be parked on the length of carriageway, or in the area, continuously for longer than the number of minutes shown.
  - (4) The word “parking” together with the words indicating a number of hours or minutes, indicate that a vehicle must not be parked on the length of carriageway, or in area, continuously for longer than the number of hours or minutes shown.

### **Parking for longer than indicated.**

- 66 A person shall not park a vehicle continuously on a length of carriageway, or in an area, to which a permissive parking sign applies, for longer than –
- (a) the period indicated by information on or with the sign; or
  - (b) if clause 67 applies – twice the period (as allowed under that clause).

### **Time extension for people with disabilities**

- 67 (1) This clause applies to a person if –
- (a) the person’s vehicle displays an ACROD sticker; and
  - (b) either the driver or a passenger in that vehicle is a person with a disability meeting the requirements for the issue of an ACROD sticker.

- (2) The person may park continuously on a length of carriageway, or in an area, to which a “permissive parking” sign applies (except in a parking stall or area for people with disabilities) for twice the period indicated on the sign.

## **PART 8 – PARALLEL PARKING**

### **Parallel parking on a carriageway (except in a median strip parking area)**

- 68
- (1) A person who parks a vehicle on a carriageway (except in a median strip parking area) shall position the vehicle in accordance with subclauses (2) to (8), [subject to the exception in subclauses (9) and (10)].
  - (2) The vehicle shall be positioned to face in the same direction of travel that vehicles are required to travel on the carriageway next to the part of the carriageway where the vehicle is parked.
  - (3) If a carriageway is a two-way carriageway, the vehicle shall be positioned so that it is as near as practicable to, and parallel with, the left boundary of the carriageway.
  - (4) If the carriageway is a one-way carriageway the vehicle shall be positioned so that it is as near as practicable to, and parallel with, either boundary of the carriageway unless otherwise indicated by information on or with a parking control sign.
  - (5) A vehicle not parked in a parking stall shall be positioned so that it is not less than one metre from any other vehicle, except a motorcycle without a trailer parked in accordance with these Local Laws.
  - (6) If the carriageway has a continuous dividing line or a median strip, the vehicle shall be positioned at least 3 metres from any continuous line or median strip, unless otherwise indicated by information on or with a parking control sign.
  - (7) If a carriageway does not have a continuous dividing line or a median strip, the vehicle shall be positioned so that there is at least 3 metres of the carriageway alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign.
  - (8) The vehicle shall be positioned so that the vehicle does not cause undue obstruction on the carriageway.
  - (9) This clause does not apply to –
    - (a) the parking of a vehicle on a length of carriageway, or in an area, to which a parking control sign applies, and the

information on or with the sign or road marking includes the words “angle parking” or “angle”; or

- (b) subject to subclause (10), the rider of a motor cycle.
- (10) Subclauses (3) and (4) do not apply to a motor cycle if positioned so at least one wheel is as near as practicable to the far left or far right side of the carriageway.
- (11) If a carriageway has one or more service roads, the part of the carriageway used by the main body of moving vehicles, and each service road, is taken to be a separate carriageway for this clause.
- (12) In this clause –
- “**continuous dividing line**” means –
- (a) a single continuous dividing line only;
  - (b) a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.

### **Parallel parking in a median strip parking area**

- 69 (1) This clause applies to a person who parks a vehicle (other than a motor cycle) in a median strip parking area if a sign applying to the area indicates that the vehicle must be positioned parallel to the median strip.
- (2) The vehicle shall be positioned–
- (a) to face in the same direction of travel as vehicles in the marked lane or line of traffic to the left of the vehicle;
  - (b) parallel, and as near as practicable, to the centre of the median strip; and
  - (c) if not in a parking stall – at least one metre from the closest point of any vehicle in front of it and any vehicle behind it.

## **PART 9 – ANGLE PARKING**

### **Angle Parking**

- 70 (1) This clause applies to a person who parks a vehicle (other than a motor cycle) in a parking area on the side of a carriageway, or in a median strip parking area, to which a sign applies indicating that angle parking is required.

- (2) If a sign indicates that a vehicle must be positioned at an angle of 45 degrees, or does not indicate a particular angle, the vehicle shall be positioned so that it is –
  - (a) at an angle as near as practicable to 45 degrees; and
  - (b) parked on the side of a carriageway – with the rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the vehicle is parked.
- (3) If a sign indicates that a vehicle must be positioned at an angle of 90 degrees, the vehicle–
  - (a) shall be positioned at an angle as near as practicable to 90 degrees; and
  - (b) if parked on the side of a carriageway–parked with either the front or rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the vehicle is parked.
- (4) If a sign indicates that the vehicle must be positioned at an angle of 135 degrees, the vehicle shall be positioned–
  - (a) at an angle as near as practicable to 135 degrees; and
  - (b) if parked on the side of a carriageway – with the front of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the vehicle is parked.

## **PART 10- RESIDENTIAL PARKING**

### **Issue of Residential Parking Permits**

- 71
- (1) The local government may, on written application, issue a residential parking permit in respect of a particular vehicle to a person who is:
    - (a) the occupier of a dwelling house fronting a road within the parking region; and
    - (b) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.
  - (2) The residential parking permit issued by the local government may be either:

- (a) an annual residential parking permit, issued for a period not in excess of one year and expiring on 31 December in the year of issue; or
  - (b) a temporary residential permit, issued for a period not greater than 6 months.
- (3) Every residential parking permit shall specify:
- (a) a permit number;
  - (b) the registration number of the vehicle in respect of which the permit was issued;
  - (c) the name of the roads or parking stations to which the exemption granted by clause 72 applies; and
  - (d) the date on which the permit expires.

### **Conditions of Exemption for Residential Parking Permits**

72 Where the stopping or parking of a vehicle on any part of a road, whether marked as a parking stall or not, is prohibited for more than a specified time, or in a ticket parking or metered zone without complying with the requirements for parking in the zone, the holder of a residential parking permit is exempted from such prohibition provided that such exemption shall apply only:

- (a) to the road, roads or parking station specified in the residential parking permit, and notwithstanding such specification areas of road adjacent to retail premises, where parking of all classes of vehicles is subject to time restrictions, shall be excluded from the area or areas specified as exempt;
- (b) if the residential parking permit is affixed to the windscreen or a window of the vehicle in a prominent position;
- (c) if the period in respect of which the residential parking permit was issued has not expired; and
- (d) if the holder of the residential parking permit at the time of parking the vehicle still occupies the dwelling house in respect of which the residential parking permit was granted.

### **Removal of Residential Parking Permit from Vehicle**

73 The holder of a residential parking permit on ceasing to occupy the dwelling house in respect of which the permit was issued shall remove the residential parking permit from the vehicle to which it is affixed.

### **Fees for Residential Parking Permits**

- 74 The fees payable for residential parking permits shall, in accordance with section 6.16 of the Act, be such fees as shall be set by a resolution of local government.

### **Parking on reserves**

- 75 No person other than an employee of the local government in the course of his or her duties, or a person authorised by the local government, shall drive, ride, stop or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose with the exception of a physically impaired person driving, stopping or parking, a wheelchair, including a motorised wheelchair.

### **Suspension of parking limitations for urgent, essential or official duties**

- 76 (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a road or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the road or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or the authorised person may prohibit the use by any other vehicle of that portion of the road or parking facility to which the permission relates, for the duration of that permission.

### **No parking of vehicles exposed for sale and in other circumstances**

- 77 A person shall not park a vehicle on any portion of a road –
- (a) for the purpose of exposing it for sale;
  - (b) if that vehicle is not licensed under the Road Traffic Act;
  - (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
  - (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.

### **Parking on private land**

- 78 (1) In this clause a reference to “land” does not include land which is –
- (a) a reserve;
  - (b) the subject of an agreement referred to in clause 7; or

- (c) identified in the Fourth Schedule.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

## **PART 11-REMOVAL OF VEHICLES CAUSING OBSTRUCTIONS**

### **Lawfully Parked Vehicles**

- 79 A vehicle which is parked in any portion of a public place wherein vehicles may lawfully be parked is deemed to cause an obstruction, where:
- (a) the vehicle is parked for any period exceeding 24 hours, without the consent in writing of an authorised person;
  - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
  - (c) the vehicle is, unregistered or appears to an authorised person to be abandoned or disused.

### **Unlawfully Parked Vehicles**

- 80 A vehicle which is parked in a public place where vehicles may not lawfully be parked is deemed to cause an obstruction.

### **Obstruction of Public Places**

- 81 A person shall not park a vehicle in a public place so as to cause an obstruction.

### **Removal of Vehicles**

- 82 Where an authorised person finds a vehicle causing an obstruction that authorised person:
- (a) may remove the vehicle;
  - (b) may use such force as is necessary to enter the vehicle for the purpose of so removing it; and
  - (c) if that authorised person removes the vehicle, it shall be taken to an appointed place.

### **Recording of Vehicles in Appointed Place**

- 83 Where an authorised person or Police officer places a vehicle in an appointed place, that authorised person or Police officer shall enter in a register to be provided by the local government for that purpose:
- (a) details of the time and date;
  - (b) a description of the vehicle; and
  - (c) the place from which it was removed.

### **Notification to Owner**

- 84 An authorised person shall notify, in writing, the last known owner of a vehicle removed to an appointed place pursuant to clause 82, that the vehicle may be collected during such hours as may be specified in the notice.

### **Recovery of Removed Vehicles**

- 85 (1) The owner or a person authorised in writing by the owner of a vehicle, may recover a vehicle from an appointed place after paying the cost of removing the vehicle to the appointed place, plus the daily custody fee set by the local government pursuant to Section 6.16 of the Act for each day or part of a day that the vehicle has remained in the appointed place.
- (2) A person who removes a vehicle from an appointed place without complying with the provisions of subclause (1), commits an offence.

### **Sale of Removed Vehicles**

- 86 Where a vehicle in an appointed place has not been collected within 2 months after the notice referred to in clause 85 is given, the local government may:
- (a) sell such vehicle by public auction or by public tender; and
  - (b) accept the best offer made; or
  - (c) where no offer is made to purchase the vehicle cause the vehicle to be disposed of as the local government thinks fit.

### **Indemnity**

- 87 A person is not entitled to make any claim, by way of damages or otherwise, against an authorised person or member of the Police Force, or the local government in respect of a vehicle removed and dealt with under the provisions of these clauses or against any person who purchases a vehicle sold by the local government under clause 86.

### **Applications of Proceeds of Sale**

- 88 (1) The proceeds of the sale of a vehicle sold under the provisions of clause 86 shall be applied by the local government:
- (a) firstly, in meeting the costs of the sale of the vehicle; and
  - (b) secondly, in meeting any costs incurred in removing the vehicle, taking it to the appointed place and keeping it at the appointed place,
- and these sums shall be paid into the municipal fund of the local government.
- (2) Any surplus of the proceeds of the sale shall be paid by the local government into its trust account, and may be paid within 10 years, to any person who satisfies the local government that the person was owner of the vehicle at the time of its sale by the local government.
- (3) Any amounts under clause 82 may, if not paid to the owner within ten years, be paid into the municipal fund of the local government, on the condition that the local government shall repay it from that fund to a person claiming and establishing their right to that repayment.

### **Recovery of Costs Where Sale Proceeds Insufficient**

- 89 Where the proceeds of the sale of any vehicle sold under clause 86, after deduction of the monies authorised to be applied by the local government by clause 88(1) do not cover the costs of the removal, custody and sale or disposal of that vehicle, the local government may recover the balance of these costs from the owner or person authorised in writing by the owner of that vehicle in a court of competent jurisdiction.

### **Removal of notices on vehicle**

- 90 A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

## **PART 12-MISCELLANEOUS**

### **Unauthorised signs and defacing of signs**

- 91 A person shall not without the authority of the local government –
- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the local government under this Local Law;

- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

### **General provisions about signs**

- 92 (1) A sign marked, erected, set up, established or displayed on or near a road or reserve is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### **Special purpose and emergency vehicles**

- 93 Notwithstanding anything to the contrary in this Local Law, the driver of –
- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
  - (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

### **Delegation of Authority**

- 94 The local government may delegate to the CEO, its powers and duties under this local law relating to clauses 16 and 25, establishing metered and ticket zones and parking stalls and stations.

### **Special Event Parking**

- 95 (1) The CEO may by use of signs set aside any area for any period specified on the signs, for the parking of vehicles by persons attending a special event.
- (2) A person shall not park or stop a vehicle in an area set aside under sub-clause (1) of this clause whether the area is or contains a parking facility or otherwise, during the period for which it is set aside unless a ticket purchased from the local government in respect of the special event is clearly visible to and is able to be read by an authorised person from outside the vehicle.

- (3) During the period referred to in sub-clause (1) the provisions of clauses 20(2)(a), and 20(3) shall not apply to any parking facility included in the area.

### **Appointment of Authorised Persons**

- 96
- (1) An authorised person shall be furnished with a certificate of his or her appointment in a form determined by the local government from time to time.
  - (2) A person who is not an authorised person shall not in any way assume the duties of an authorised person.
  - (3) An authorised person may be appointed on an honorary basis for the purposes of clause 95 and may perform the functions of an authorised person that the honorary authorised person is specifically authorised to perform.

### **Responsibilities of an Authorised Person**

- 97 An authorised person may and is authorised by the local government to:
- (a) carry into effect the provisions of this local law;
  - (b) report to the local government on the working effectiveness of this local law;
  - (c) recommend to the Chief Executive Officer the institution of prosecutions; and
  - (d) institute and conduct prosecutions as directed by the local government or the Chief Executive Officer.

### **Name and Address to be Given on Demand**

- 98
- (1) An authorised person or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of these local laws, may demand from the person that person's name and place of abode;
  - (2) A person who without lawful excuse refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence.

### **Hindrance of Authorised Person**

- 99 A person shall not in any way obstruct or hinder an authorised person in the execution of his or her duties.

### **False or Misleading Statement**

- 100 A person shall not make a false or misleading statement in connection with any notice, requirement or demand under this local law.

### **Authorised person may order vehicle on road to be moved**

- 101 A person shall not stop or park a vehicle on any part of a road in contravention of this Local Law after an authorised person has directed the person to move the vehicle.

### **Authorised person may mark tyres**

- 102 (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of affixing the a mark is defeated or likely to be defeated.

### **No movement of vehicles to avoid time limitation**

- 103 (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking the vehicle in the facility exceeds the maximum time allowed for parking a vehicle in the parking facility.
- (2) Where the parking of vehicles in a road is permitted for a limited time, a person shall not move a vehicle along that road so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the road for at least two hours.

## **PART 13 - PENALTIES**

### **Offences and penalties**

- 104 (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

#### **Averment on complaint as to clause 7 agreement**

~~105 — An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 7, shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.~~

*(Resolved at Council Meeting 06 April 2004 on advice received from the Delegated Legislation Committee" not to enforce Clause 105 whilst the Committee discuss this issue with the Western Australian Local Government Association. Council will apply these changes to this local law at its next review.)*

*(Resolved at Council Meeting 01 February 2005 – Gazette No. 51)*

#### **Form of notices**

1065 For the purposes of this Local Law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.18 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

#### **Modified Penalties**

1076 The amount appearing in the fourth column of Schedule 2 is the modified penalty for an offence if the offence is dealt with under section 9.16 of the Act.

#### **Recovery of Penalties**

1087 A penalty, other than a modified penalty, for an offence against this local law, may be recovered from the alleged offender by the local government in proceedings in a Court of Petty Sessions.

#### **Records to be Kept**

1098 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

## FIRST SCHEDULE

### PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district-

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road or part of a road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road or part of a road has been delegated by the Commissioner of Main Roads to the local government.

## SECOND SCHEDULE

### PRESCRIBED OFFENCES

#### PARKING AND PARKING FACILITIES LOCAL LAW

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	17	Parking in a metered/ticketed zone outside a parking stall	50
2	19(1)(b)	Stopping or parking against an expired meter in a metered stall	50
3	20(1)	Stopping during a prohibited period in a metered or ticket parking stall	50
4	20(2)(a)	Parking during a prohibited period in a metered or ticket parking stall	50
5	20(2)(b)	Parking in a metered or ticket parking stall set apart for vehicles of a different class	50
6	20(3)	Parking longer than time allowed in a metered or ticket stall	50
7	21	Stopping or parking a vehicle with an expired ticket in a ticket zone	50
8	26	Parking a vehicle in a parking station not wholly contained within a parking stall	50
9	27(1)(a)	Obstruction of access to or from or within a parking station	100
10	27(1)(b)	Stopping or parking a vehicle in a parking station contrary to signs	50
11	27(1)(c)	Failure to remove vehicle in a parking station after being directed by an authorised person	100
12	27(1)(d)	Stopping or parking in an occupied parking stall	50
13	27(4)(c)	Stopping during a prohibited period in a parking station	50
14	27(4)(c)	Stopping on a road during a prohibited period	50
15	27(5)	Park in area designated for Authorised Vehicles Only	50
16	30(1)(a)	Failing to display an unexpired parking ticket	50
17	29	Parking in a parking station without paying appropriate fee	50

18	32(1)	Fail to leave a parking station or facility	50
19	32(2)	Loitering in a parking station	50
20	32(3)	Driving in a parking station against the direction indicated by arrows	50
21	38(1)	Stopping or Parking contrary to signs	50
22	39(1)(a)	Parked not parallel to the kerb	50
23	39(1)(b)	Stopping in a parking stall not wholly within the stall in a road	50
24	39(1)(c)	Parked facing the wrong way	50
25	40(1)	Stopping vehicle in intersection	100
26	40(2)	Stopping vehicle with 20 metres of traffic control signals	100
27	40(3)	Stopping vehicle within 10 metres of nearest intersection	50
28	41(2)(a)	Stopping a vehicle within 20 metres of approach side of a children's crossing	100
29	41(2)(b)	Stopping a vehicle within 10 metres of departure side of a children's crossing	100
30	42(1)	Stopping too close to marked foot crossing	50
31	43(2)	Stopping too close to bicycle crossing lights	50
32	44(1)	Stopping on or near a level crossing	100
33	45(1)	Parking in a loading zone	50
34	46(1)	Stopping in a taxi zone	50
35	46(2)	Stopping in a bus zone	50
36	47	Stopping in a mail zone	50
37	49	Stopping in a shared zone	50
38	50	Stopping in a bus lane, truck lane, bicycle lane or transit lane	50
39	51(1)	Double parking	50
40	52	Stopping near an obstruction & further obstructing	50
41	53(1)	Stopping on a bridge or similar structure	100
42	53(2)	Stopping in a tunnel or underpass	100
43	54(1)	Stopping on a crest or curve	100
44	55(1)	Stopping or parking within one metre of a fire hydrant	100
45	56(1)	Stopping a vehicle within 20 metres of approach side or 10 metres of the departure side of a bus stop	50
46	57	Stopping or parking on or adjacent to a path, median strip, flush island, painted island, traffic island or any combination of these there of or other traffic device	50
47	58(1)	Stopping on nature strip contrary to a sign	50
48	58(2)	Parking on nature strip without consent	50
49	59(1)	Obstructing access to and from a path	100
50	59(2)	Obstructing access to and from driveway or other access way	100
51	60	Stopping within three metres of a public post box	50
52	61(1)	Parking a heavy, commercial or other type of vehicle on road or nature strip	100
53	62	Stopping in bicycle parking zone	50
54	63	Stopping in a motor cycle parking zone	50
55	64(1)	Stopping in a disabled parking zone	100
56	66	Parking on a road for more than the maximum period	50
57	68(1)	Not parallel parking on a carriageway	50
58	69(2)	Not parallel parking in median strip parking area	50
59	70(2), (3), (4)	Stopping or parking contrary to angled parking sign	50
60	75	Drive, ride, park or stop a vehicle on a reserve or foreshore	100
61	77	Vehicle for sale on road or nature strip	50
62	78(2)	Stopping or parking a vehicle on private property	100

63	81	Vehicle causing an obstruction in a public place	100
64	95(2)	Parking in an area set aside for a special event contrary to a sign	50
65	98(2)	Fail to give name and address	100
66	99	Hindrance of Authorised person	100
67	101	Failure to move vehicle on request	100
68	102(2)	Remove mark made by Authorised officer	50

**THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995  
FORM 1  
PARKING AND PARKING FACILITIES LOCAL LAW  
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date ...../...../.....

To: (1).....  
of: (2).....

It is alleged that on ...../...../..... at (3).....  
at (4) ..... your  
vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

was involved in the commission of the following offence -

.....  
.....  
.....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
  - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5) .....

(6) .....

Insert:

- (1) Name of owner or “the owner”
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

**THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995  
FORM 2  
PARKING AND PARKING FACILITIES LOCAL LAW  
INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: (1).....  
of: (2).....

It is alleged that on ...../...../..... at (3).....  
at (4) .....  
in respect of vehicle:

make: ..... ;  
model: ..... ;  
registration: ..... ,  
you committed the following offence -

.....  
.....  
.....  
contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5)..... within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....  
(7) .....

Insert:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

**THIRD SCHEDULE**  
**LOCAL GOVERNMENT ACT 1995**  
**FORM 3**

**PARKING AND PARKING FACILITIES LOCAL LAW**  
**INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: (1).....

of: (2).....

It is alleged that on ...../...../..... at (3).....

at (4) .....

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence -

.....  
.....  
.....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice -

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by

you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

- (6) .....
- (7) .....

**Insert:**

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

**THIRD SCHEDULE**  
**LOCAL GOVERNMENT ACT 1995**

**FORM 4**

**PARKING AND PARKING FACILITIES LOCAL LAW**  
**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: (1).....  
of: (2).....  
Infringement Notice No. .... dated ..... / ..... / .....  
in respect of vehicle:  
make: ..... ;  
model: ..... ;  
registration: ..... ,  
for the alleged offence of .....  
.....  
.....  
.....  
has been withdrawn.

The modified penalty of \$ .....

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- *delete as appropriate.*

(3) .....

(4) .....

Insert:

- (1) Name of alleged offender to whom infringement notice was given or “the owner”.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

