



Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Local Government Model By-laws (Parking Facilities) No. 19

Superseded by Local Laws made under the *Local Government Act 1995*.

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Extract from www.slp.wa.gov.au, see that website for further information

Local Government Model By-laws (Parking Facilities) No. 19

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Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Local Government Model By-laws (Parking Facilities) No. 19

Local Government Department
Perth, 18th December, 1969

L.G. 398/69.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to cause the Draft Model By-laws set out in the schedule hereto to be prepared and published.

Councils proposing to adopt these Draft Model By-laws should, in addition to complying with the requirements of section 258 (4) of the Act, ensure that —

- (a) the necessary ministerial approval is first obtained in respect of the matters mentioned in section 231 (2) (g) and section 231 (3) of the Act; and
- (b) the adopting resolution is so framed to complete —
 - (i) the definitions “Council” and “Municipality” in by-law 2; and
 - (ii) the First, Second and Third Schedules.

R.C. PAUST
Secretary for Local Government

Schedule

DRAFT MODEL BY-LAWS

1. Citation

These by-laws may be cited as *Local Government Model By-laws (Parking Facilities) No. 19*.

2. Interpretation

In these by-laws, unless the context otherwise requires —

“**bus**” means an omnibus within the meaning of section 4 of the *Traffic Act*;

“**by-law**” means one of these by-laws;

“**carriageway**” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**commercial vehicle**” means a vehicle which comes within the description of a motor wagon as set out in the Second Schedule to the *Traffic Act*;

“**Council**” means the Council of the Municipality of

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

“**footway**” includes every footpath, lane or other place intended for the use of pedestrians only, or habitually used by pedestrians and not by vehicles;

“**form**” means a form in the Fourth Schedule to these by-laws;

“**inspector**” means a parking inspector appointed by the Council under these by-laws and includes a chief parking inspector and an assistant parking inspector;

“metered space” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any street or reserve, or part of any street or reserve, in which parking meters are installed;

“Municipality” means the Municipality of.....;

“no parking area” means a portion of a carriageway that lies —

- (a) between two consecutive white signs inscribed with the words, “No Parking”, in red lettering, and each with an arrow pointing generally towards the other of them; or
- (b) between a white sign inscribed with the words, “No Standing”, in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“no standing area” means a portion of a carriageway that lies —

- (a) between two consecutive white signs inscribed with the words, “No Standing”, in red lettering, and each with an arrow pointing generally towards the other of them; or
- (b) between a white sign inscribed with the words, “No Standing”, in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“notice” means a notice in the form of Form No. 1 or Form No. 2 issued pursuant to by-law 54;

“owner” in relation to a vehicle, means the person who is the holder of the requisite vehicle license under the *Traffic Act* in respect of the vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to the possession of the vehicle;

bl. 2

“park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with provisions of any law or of immediately taking up or setting down persons or goods; and **“parking”** has a correlative meaning;

“parking area” means a portion of a carriageway that —

- (a) lies between two consecutive white signs inscribed with the word, **“Parking”**, in green lettering, and each with an arrow pointing generally towards the other of them; or
- (b) extends, from a white sign inscribed with the word, **“Parking”**, in green lettering, in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words, **“No Parking”**, or **“No Standing”**, in red lettering, or to a dead end or an area in which the parking or standing of vehicles is prohibited;

“parking facilities” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection therewith;

“parking meter” includes the stand on which the meter is erected;

“parking region” means that portion of the district of the Municipality that is constituted a parking region pursuant to these bylaws;

“parking stall” means a section or part of a street, or of a parking station, which is marked or defined by painted lines or by metallic studs or by similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise, but does not include a metered space;

“parking station” means any land, building or other structure provided for the purpose of accommodating vehicles with or

without charge, but does not include a metered zone or metered space or private garage;

“property line” means the boundary between the land comprising a street and the land that abuts thereon;

“road” means any highway, road, street, lane, thoroughfare or similar place open to, or used by the public and includes every carriageway, footway, reservation, median strip, traffic island or similar place thereon which is within the parking region;

“Schedule” means a schedule to these by-laws;

“stand”, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and

“standing” has a correlative meaning;

“street” has the same meaning as road;

“the Act” means the *Local Government Act 1960*;

“ticket issuing machine” means a parking meter that is installed by the Council and that issues, as a result of a prescribed coin or coins being inserted in the machine, a ticket showing the period during which it shall be lawful to remain parked in the metered space or parking stall to which it is appurtenant;

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

[By-law 2 amended by Gazette 25 March 1977 p.892.]

3. Application

- (1) These by-laws apply to the parking region and all parking stations, parking facilities and metered zones in the parking region other than a parking facility or parking station that —
 - (a) is not owned, controlled or occupied by the Municipality; or

bl. 4

(b) is owned by the Municipality but is leased to another person.

(2) Any sign that —

(a) was erected by the Commissioner of Main Roads prior to the coming into operation of these by-laws within the Municipality; and

(b) relates to the parking or standing of vehicles within the parking region,

shall be deemed, for the purposes of these by-laws, to have been erected by the Council under the authority of these by-laws.

4. Types of vehicles

For the purpose of these by-laws vehicles are divided into classes as follow: —

(a) Buses.

(b) Commercial vehicles including any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for conveyance therein or thereon of goods.

(c) Motor bicycles and bicycles.

(d) All other vehicles not otherwise classified.

5. Application of signs

Where under these by-laws the standing or parking of vehicles in a street is controlled by a sign, that sign shall be read as applying to the part of the street which —

(a) lies beyond the sign;

(b) lies between the sign and the next sign beyond that sign; and

(c) is that side of the carriageway of the street nearest to the sign.

6. Constitution of parking regions

The portion of the district of the Municipality that is defined in the First Schedule is hereby constituted as a parking region to which these by-laws shall apply.

[7. *By-law 7 revoked by Gazette 13 April 1970 p.1056.*]

8. Metered Zones

Subject to these by-laws, to subsection (3) of section 231 of the *Local Government Act 1960*, and to any regulations for the time being in force under the Traffic Act, the council may constitute, determine and vary and also indicate by signs, from time to time —

- (a) metered spaces, metered zones and parking stalls;
- (b) permitted times and conditions of parking therein depending on and varying with locality;
- (c) permitted classes of vehicles to park therein;
- (d) the amount payable for parking therein; and
- (e) the manner of parking therein.

[*By-law 8 amended by Gazette 25 March 1977 p.892.*]

9. No parking in metered space unless fee paid

Subject to by-law 12, a person shall not park or stand a vehicle in a metered space during the hours specified in the Second Schedule unless the appropriate fee as indicated by a sign on the parking meter appurtenant thereto is inserted, forthwith, in the parking meter on each occasion the vehicle is so parked or stood.

10. Times when parking permitted in metered spaces

The payment of a fee pursuant to by-law 9 shall entitle the owner or person in charge of a vehicle to park or stand the vehicle in the metered space for the period specified in the

bl. 11

Second Schedule but does not authorise the parking of the vehicle during any time when parking or standing at that space may be otherwise prohibited in accordance with these by-laws.

11. No parking when metre “Expired”

Subject to by-law 12, a person shall not permit a vehicle to remain parked or standing in a metered space during the hours specified in the Second Schedule when the parking meter appurtenant to that space exhibits the sign “Expired”.

12. Council may disapply by-laws 9 & 10

The Council may from time to time by a resolution declare that the provisions of by-laws 9 and 10 shall not apply during the periods and days specified in the resolution.

13. Vehicle to be parked parallel to kerb or in marked space

No person shall stand a vehicle in a metered space in a road otherwise than parallel to the kerb and as close thereto as practicable and with the front of the vehicle in line with the parking meter appurtenant to such space and wholly within such space, provided that where a metered space is set out otherwise than parallel to the kerb the provisions of this clause other than the provisions that a vehicle shall stand wholly within such space shall not apply thereto.

14. Prescribed coins only to be used in meters

- (1) No person shall insert or cause to be inserted or attempt to insert into the coin slot of a parking meter anything other than the prescribed coin or coins.
- (2) For the purpose of this bylaw and by-law 15 the following coins and none other shall be prescribed coins, namely —
 - one cent (1c), two cents (2c), five cents (5c) and ten cents (10c) and also a sixpence (6d.), one shilling (1s.)

and two shillings (2s.), so long as same are legal tender throughout the Commonwealth.

15. Other use of meters prohibited

No person shall operate or attempt to operate a parking meter by any means other than the insertion of the prescribed coin or coins in the slot provided therefor.

16. One vehicle only in a parking space

No person shall stand or attempt to stand a vehicle in a metered space in which another vehicle is standing.

17. Motor cycle and bicycle stalls

Where a parking stall is marked with the symbol "M/C", that stall is reserved for the parking of motor bicycles and bicycles and no person shall stand in any part of that stall any vehicle other than a motor bicycle or bicycle to which no side-car or side-box is attached but such motor bicycle or bicycle may be parked in such stall without payment of fee.

18. No parking if meter is covered

Notwithstanding any other provision of these by-laws and notwithstanding any other sign or notice, no person without the permission of the Council or an inspector shall stand a vehicle in a metered space if the parking meter adjacent to such metered space is hooded with a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand".

PARKING STALLS AND PARKING STATIONS

19. Constitution of parking stalls and stations etc

- (1) Subject to these by-laws, to subsection (3) of section 231 of the *Local Government Act 1960* and to any regulations for the time being in force under the *Traffic Act*, the Council may constitute,

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determine and vary, and also indicate by signs, from time to time —

- (a) parking stalls;
 - (b) parking stations;
 - (c) permitted times and conditions of parking in parking stalls and parking stations depending on and varying with locality;
 - (d) permitted classes of vehicles to park in parking stalls and parking stations;
 - (e) the amount (if any) payable for parking in parking stalls and parking stations depending on and varying with locality; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) No person shall stand a vehicle in a parking stall in a street otherwise than parallel to the kerb and as close thereto as practicable and wholly within such stall and headed in the direction of the movement of traffic on the side of the street on which the stall is situated, provided that where a parking stall is set out otherwise than parallel to the kerb the provisions of this by-law other than the provision that a vehicle shall stand wholly within such space, shall not apply.

20. No parking in parking station unless fee paid

Subject to by-law 22 —

- (a) a person shall not park a vehicle or permit a vehicle to remain parked in any of the parking stations specified in the Third Schedule between the hours specified in that Schedule unless —
 - (i) in the case of a parking station having an inspector on duty, the appropriate fee prescribed in that Schedule is paid when demanded;

- (ii) in the case of a parking station equipped with meters, the appropriate fee is inserted in the meter; or
 - (iii) in the case of a parking station equipped with a ticket issuing machine, the appropriate fee is inserted in the machine; and
- (b) a person shall not park a vehicle or permit a vehicle to remain parked in any of the parking stations specified in the Third Schedule if the parking station is in that Schedule declared to be set aside for vehicles of a different class.

21. Prescribed coins only to be used

- (1) No person shall insert or cause to be inserted or attempt to insert into the coin slot of a ticket issuing machine anything other than the prescribed coin or coins.
- (2) For the purpose of this by-law the following coins and none other shall be prescribed coins, namely: —
 - Five cents (5c), ten cents (10c) and twenty cents (20c); and also a sixpence (6d.), one shilling (1s.) and two shillings (2s.) so long as same are legal tender throughout the Commonwealth.
- (3) The insertion of a prescribed coin or coins into any ticket issuing machine shall be effected only in accordance with the instructions printed on that particular machine.

22. Council may disapply by-law 23

The Council may by resolution declare that the provisions of by-law 23 do not apply during periods on particular days specified in such resolution.

23. No parking after paid for period expires

No person shall permit a vehicle to remain parked in a parking station after the expiration of the period for which the prescribed fee has been paid and during a period for which a fee is prescribed.

24. Vehicle not to be removed until fee paid

No person shall remove a vehicle which has been parked in a parking station until there has been paid the fee appropriate to the period for which the vehicle has been parked.

25. Receipt for fee

A person paying a fee at a parking station shall be entitled to receive a receipt showing the period of parking covered by such payment.

26. Ticket issuing machines

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing from the machine a ticket or tickets for a period or periods of parking, place such ticket or tickets inside his vehicle in such a position that the time of issue printed on the ticket or tickets by the machine shall be clearly visible and legible to an inspector examining the ticket or tickets from outside the vehicle.

27. Receipt to be produced on demand

A driver of a vehicle in a parking station not equipped with meters shall, on demand, produce to an inspector or attendant a receipt showing that the appropriate parking fee has been paid in respect of that vehicle.

28. Vehicle to be parked wholly within stall

Unless otherwise directed by an inspector or attendant, no person shall park a vehicle in a parking station otherwise than wholly within a parking stall.

29. Vehicle not to cause obstruction

No person shall stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within, a parking station or beyond the limits of any defined row within a parking station.

30. Standing prohibited in signed areas

No person shall stand a vehicle except with the permission of the Council or an inspector or an attendant on any part of a parking station, whether or not such part be marked as a parking stall if a sign is exhibited prohibiting the standing of vehicles thereon.

31. Vehicle to be moved if directed by inspector or attendant

No person shall permit a vehicle to stand on any part of a parking station, whether or not that part is marked as a parking stall, if an inspector or attendant directs the driver of such vehicle to move the vehicle.

32. Motor cycle and bicycle stalls

No person shall stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing, but this by-law does not prevent the parking of a motor bicycle and a bicycle together in a stall marked "M/C" if the bicycle is parked in accordance with by-law 34.

33. Commercial vehicle stalls

- (1) No person shall permit a vehicle to stand in a parking stall which is at the time set aside for use by commercial vehicles unless —

bl. 34

- (a) the vehicle is a commercial vehicle; and
- (b) some person is actively engaged in loading or unloading goods to or from the vehicle,

and in any case, for more than a period of thirty minutes.

- (2) In this by-law “goods” means an article, or collection of articles, weighing at least fourteen kilograms of which the content is at least 0.2 cubic metre.
- (3) A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent thereto marked “Loading Zone”.

[By-law 33 amended by Gazette 21 June 1974 p.2090.]

34. Parking of bicycles

No person shall stand or permit to stand any bicycle —

- (a) in a parking stall other than in a stall marked “M/C”; or
- (b) in such stall other than against the kerb.

STANDING AND PARKING GENERALLY

35. Council may regulate parking and standing in streets

The council may, subject to these by-laws, constitute, determine and vary, and also indicate by signs, from time to time, prohibitions, regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts of streets in the parking region at all times or at specified times.

36. Parking restrictions — general

- (1) A person shall not stand a vehicle in a metered space or in a parking stall, whether that metered space or parking stall is situated in a parking station or in a street —

- (a) if that metered space or parking stall is by any sign thereon or adjacent or referable thereto, set apart for the standing of vehicles of a different class;
 - (b) if by such a sign the standing of vehicles in that metered space or parking stall is prohibited or restricted during any period or periods, during such a period or periods; or
 - (c) if by such a sign the standing of vehicles in that metered space or parking stall is permitted for a specified time, for longer than that time.
- (2) A person shall not stand a vehicle —
- (a) in a no standing area;
 - (b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and where the parking area includes metered spaces and parking stalls, except as in these by-laws provided, with reference to such metered spaces and parking stalls;
 - (c) in a parking area contrary to any limitation in respect of time, days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area; or
 - (d) in a defined area marked “M/C”, unless it is a motor bicycle without a side-car, or bicycle.
- (3) A person shall not stand a vehicle in a loading zone unless it is —
- (a) a commercial vehicle engaged in the picking up or setting down of goods; or
 - (b) a motor vehicle taking up or setting down passengers; and then only if it does not have a trailer attached.
- (4) A person shall not park a vehicle in a no parking area.
- (5) A person shall not park a vehicle on any portion of a street —

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- (a) 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; or
 - (b) if the vehicle is exposed for sale.
- (6) A person shall not stand a motor bicycle without a side-car or a bicycle in a parking stall unless the traffic sign “M/C” is marked on that stall.

37. Standing of vehicles in carriageways

Subject to the provisions of by-law 31, a person standing a vehicle on a carriageway shall stand it —

- (a) on a two-way carriageway, so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (b) on a one-way carriageway, so that it is near as practicable to, and parallel with, either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (c) so that it is not less than 1.2 metres from any other vehicle, except a motor bicycle or a bicycle parked in accordance with these regulations;
- (d) so that at least three metres of the width of the carriageway, between the vehicle and the farther boundary of the carriageway, or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
- (e) so that it does not cause undue obstruction on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

[By-law 37 amended by Gazette 21 June 1974 p.2090.]

38. Angle parking

- (1) A person shall not stand a vehicle partly within and partly outside a parking area.
- (2) Where the traffic sign or signs, associated with a parking area are not inscribed with the words “Angle Parking”, then —
 - (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to, and parallel with, that boundary; and
 - (b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area indicates, or marks on the carriageway indicated, that vehicles are to stand in a different position.
- (3) Where a traffic sign associated with a parking area is inscribed with the words. “Angle Parking” a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.
- (4) Sub-by-law (3) of this by-law does not apply to a person standing a motor bicycle or a bicycle in a parking area.

39. Improper parking

- (1) A person shall not stand a vehicle so that any portion of the vehicle is —
 - (a) between any other standing vehicle and the centre of the carriageway;
 - (b) adjacent to a median strip;

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- (c) in front of a right-of-way, passage or private drive or so close thereto as to deny any vehicle reasonable access to, or egress from, the right-of-way, passage or private drive;
 - (d) in front of a footway constructed across a reservation;
 - (e) alongside, or opposite, any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
 - (f) on, or within nine metres of, any portion of a carriageway bounded on one or both sides by a traffic-island;
 - (g) on any footway or pedestrian crossing;
 - (h) upon a bridge or other elevated structure or within a tunnel or underpass;
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway near to the continuous line, unless there is a distance of at least three metres clear between the vehicle and the double longitudinal line; or
 - (j) upon an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (2) The provisions of paragraphs (c), (f) and (h) of sub-by-law (1) of this by-law do not apply to a vehicle that stands in a bus stand marked on the carriageway, for the purpose of setting down or taking up passengers.
- (3) A person shall not stand a vehicle so that any portion of the vehicle is —
- (a) 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; or

- (b) within three metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.
- (4) A person shall not stand a vehicle so that any portion of the vehicle is within six metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing.
- (5) A person shall not stand a vehicle so that any portion of the vehicle is within nine metres of the departure side of —
 - (a) a sign inscribed with the words “Bus Stop”, or “Hail Bus Here”, unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children’s crossing established on a two-way carriageway.
- (6) A person shall not stand a vehicle so that any portion of the vehicle is within eighteen metres of —
 - (a) the approach side of a sign inscribed with the words “Bus Stop” or “Hail Bus Here”, unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) the approach side of a pedestrian crossing or children’s crossing; or
 - (c) the nearest rail of a railway level crossing.
- (7) The provisions of sub-by-laws (1) to (6) (inclusive) of this by-law do not apply to a vehicle standing in a metered space or a parking stall established by the Municipality, nor to a bicycle standing in a bicycle rack established by the Municipality.

[By-law 39 amended by Gazette 21 June 1974 p.2090.]

40. Vehicle to be moved if directed by police

A person shall not permit a vehicle to stand in any part of a street if an inspector or a member of the Police Force directs the driver of such vehicle to move it.

41. Inspector may mark tyres

An inspector may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his duties and powers and no person shall remove a mark made by an inspector so that the purpose of the affixing of such mark is defeated or likely to be defeated.

42. Topping up meters and moving vehicles prohibited

- (1) A person shall not insert or cause to be inserted a second or subsequent fee in the parking meter appurtenant to a metered space unless the vehicle in respect of which the first fee was inserted has been removed from that metered space.
- (2) Where a vehicle has been parked in a metered space or in a street in an area where by any sign the standing of vehicles is permitted for a limited time, a person shall not —
 - (a) move it to any position within the same parking area; or,
 - (b) by arrangement with any person either exchange the space used by the vehicle for space in the same or another area previously occupied by another vehicle,

so that the total time for which that first mentioned vehicle is parked within that parking area exceeds the maximum time allowed for parking in the space first occupied by that first mentioned vehicle.

43. Council may permit extended parking

The Council may —

- (a) permit a person who requires the use of a metered space or other space, in order to carry out urgent or essential work, for a longer period or periods than that prescribed as the maximum period for which the space may ordinarily be used, to use that space for such a longer period or periods upon payment of the normal fee or

- fees, if any, for that longer period or periods plus a service charge of twenty-five cents in each case; and
- (b) prohibit the standing of any other vehicle in that space during the period or periods in which the space is set aside pursuant to paragraph (a) of this by-law.

MISCELLANEOUS

44. Certificate of appointment of inspector

Every inspector shall be furnished with a certificate of his appointment in form from time to time determined by the Council.

45. Impersonating inspectors

A person who is not an inspector shall not in any way assume the duties of an inspector.

46. Obstructing or hindering an inspector

No person shall in any way obstruct or hinder an inspector in the execution of his duty.

47. Infringement notices

- (1) A notice served under subsection (2) of section 669C of the Act in respect of an offence alleged to have been committed against one of these by-laws shall be in or to the effect of Form 1.
- (2) Subject to sub-by-law (3) of this by-law an infringement notice served under section 669D of the Act in respect of an offence alleged to have been committed against one of these by-laws shall be in or to the effect of Form 2.
- (3) An infringement notice served under subsection (2) of section 669D of the Act in respect of an offence against one of these by-laws shall be in or to the effect of Form 3.

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- (4) A notice sent under subsection (5) of section 669D of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against one of these by-laws shall be in or to the effect of Form 4.

[By-law 47 inserted by Gazette 25 March 1977 p.893.]

[47A. By-law 47A inserted by Gazette 7 November 1972 p.4317; Deleted by Gazette 25 March 1977 p.893.]

48. Unauthorised signs prohibited

No person shall, without the authority of the Council, mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these by-laws.

49. Damaging meters, parking stations etc

No person shall remove, damage, deface or misuse any parking meter or parking station or any part thereof.

50. Bill posting prohibited

No person shall, without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of a parking meter or parking station.

51. Powers of inspectors

Parking inspectors appointed by the Municipality from time to time are authorised —

- (a) to carry into effect the provisions of these bylaws;
- (b) to report to the Council on the working effectiveness and functioning of these by-laws;
- (c) to recommend to the Council the institution of prosecutions; and

- (d) to institute and conduct prosecutions as directed by the Council or the Clerk from time to time.

PENALTIES

52. General offence and penalty

Any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is liable on conviction to a penalty not exceeding Eighty Dollars.

[By-law 52 amended by Gazette 25 March 1977 p.893.]

53. Modified penalties

The amount appearing in the final column of the Third Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence if dealt with under section 669D of the Act.

[By-law 53 inserted by Gazette 25 March 1977 p.893.]

54. Recovery of penalty

A penalty for an offence against these by-laws (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

[By-law 54 inserted by Gazette 25 March 1977 p.893.]

55. Council to keep records

The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received, under section 669D of the Act in respect of offences against these by-laws.

[By-law 55 inserted by Gazette 25 March 1977 p.893.]

[56. By-law 56 revoked by Gazette 25 March 1977 p.893.]

First Schedule

By-law 6

(This Schedule is a description of the Parking Region of the Municipality).

Second Schedule

By-law 9

City/Town/Shire of..... Parking Facilities By-laws.

(This Schedule details the hours of operation and parking fees as and where determined by Council).

Third Schedule

Item Number	By-law	Nature of Offence	Modified Penalty
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[Third Schedule inserted by Gazette 25 March 1977 p.893.]

Fourth Schedule

Form 1

City/Town/Shire of.....
Parking

Facilities By-laws
Municipal Offices

.....
.....

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Serial No.
.....
..... Date.....

the owner of vehicle make Type.....
Plate No.

You are hereby notified that it is alleged that on the
day of. 19.....at about.....
the driver or person in charge of the above vehicle did
.....
.....

in contravention of the provisions of by-law No. of the
City/Town/Shire of Parking Facilities By-laws.

You are hereby required to identify the person who was the driver or person in
charge of the above vehicle at the time when the above offence is alleged to
have been committed.

Unless within twenty-one days after the date of the service of this notice you: —

- (a) inform the Town/Shire Clerk of the City/Town/Shire of
.....
or
(designation(s) of authorised officer(s))
as to the identity and address of the person who was the driver or
person in charge of the above vehicle at the time of the above offence;
or

(b) satisfy the Town/Shire Clerk of the City/Town/Shire of
..... that the above vehicle had been stolen or unlawfully taken, or was
being unlawfully used, at the time of the above offence,
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.
Signature of authorised officer.....
Designation.....

Form 2

City/Town/Shire of.....
Parking

Facilities By- laws
Municipal Offices

.....
.....

INFRINGEMENT NOTICE

To Serial No.
.....
..... Date

You are hereby notified that it is alleged that on.....
the..... day of.....
19..... at about..... you did.....

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

in contravention of the provisions of by-law No. of the
City/Town/Shire of.....

Parking
Facilities By-laws.

The modified penalty prescribed for this offence is \$.....

If you do not wish to have a complaint of the above offence heard and
determined by a Court you may pay the modified penalty within twenty-one
days after the date of the service of this notice.

Unless payment is made within twenty-one days of the date of the service of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$..... mentioned above, to the Town/Shire Clerk of the City/Town/Shire of..... or by delivering this form and paying that amount at the Municipal Offices..... between the hours of..... am. and..... p.m. on Mondays to Fridays.

Signature of authorised officer.....
Designation.....

Form 3

City/Town/Shire of..... Parking
Facilities By-laws
Municipal Offices

INFRINGEMENT NOTICE

To Serial No.
(not to be completed
.....
where notice is attached
..... Date.....
to or left in or on vehicle)

the owner of vehicle make Type.....
Plate No.

You are hereby notified that it is alleged that on.....
the..... day of..... at about.....
you did.....
.....
.....

in contravention of the provisions of by-law No.
of the City/Town/Shire of..... Parking

Local Government Model By-laws (Parking Facilities) No. 19
Fourth Schedule

Facilities By-laws.

The modified penalty prescribed for this offence is \$.....

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one days after the date of the service of this notice.

Unless within twenty-one days after the date of the service of this notice: —

(a)...the modified penalty is paid; or

(b)...you: —

(i)...inform the Town/Shire Clerk of the City/Town/Shire of.....

.....

or.....

(designation(s) of authorised officer(s))

as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or

(ii)...satisfy the Town/Shire Clerk of the City/Town/Shire of.....

.....

that the above vehicle had been stolen or was being unlawfully used at the time of the above offence,

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.

Payment may be made either by posting this form together with the amount of \$..... mentioned above, to the Town/Shire Clerk of the City/Town/Shire of.....

or by delivering this form and paying that amount at the Municipal Offices between the hours of..... a.m. and..... p.m. on Mondays to Fridays.

Signature of authorised officer.....

Designation.....

Name.....

Address.....

.....Post Code.....

If your name and address do not appear in this notice please complete above to enable a receipt to be forwarded.

Form 4

City/Town/Shire of.....
Parking

Facilities By-laws
Municipal Offices

.....
.....

WITHDRAWAL OF INFRINGEMENT NOTICE

To
.....
.....

Date.....

Infringement Notice No. Date.....
for the alleged offence of.....

.....
.....Modified Penalty.....

is hereby withdrawn.

Signature of authorised officer.....

Destination.....

[Fourth Schedule inserted by Gazette 25 March 1977 pp.893-5.]

Notes

- ¹ This is a compilation of the *Local Government Model By-laws (Parking Facilities) No. 19* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-laws (Parking Facilities) No. 19</i>	31 Dec 1969 p. 4397-4409 13 Apr 1970 p. 1056 7 Nov 1972 p. 4317 21 Jun 1974 p. 2090 25 Mar 1977 p. 892-5	31 Dec 1969

Superseded by Local Laws made under the *Local Government Act 1995*
