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LOCAL GOVERNMENT ACT 1995

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**CITY OF PERTH**

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**PARKING LOCAL LAW 2017**



## LOCAL GOVERNMENT ACT 1995

## CITY OF PERTH

## PARKING LOCAL LAW 2017

## PART 1—PRELIMINARY

**1.1 Short title**

This is the *City of Perth Parking Local Law 2017*.

**1.2 Commencement**

This local law will come into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Purpose and effect**

(1) The purpose of this local law is to provide for the management and regulation of parking within the district;

(2) The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the local government.

**1.4 Application**

(1) Except as set out in this clause, this local law applies to the whole of the district.

(2) This local law does not apply to—

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

(3) This local law does not apply to a parking station that—

- (a) is not owned, controlled or occupied by the local government; or
- (b) is owned by the local government but is leased to another person,

unless the local government and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

**1.5 Repeal**

The *City of Perth Parking Local Law 2010* published in the *Government Gazette* on 15 February 2011 is repealed.

**1.6 Terms used**

In this local law, unless the context requires otherwise—

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

**attended parking station** means a parking station attended at times by an officer, agent, contractor or authorised person of the local government;

**authorised person** means a person appointed 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, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

**bicycle** has the meaning given in the Code;

**bicycle crossing** has the meaning given in the Code;

**bicycle crossing lights** has the meaning given in the Code;

**bicycle lane** has the meaning given in the Code;

- bicycle path** has the meaning given in the Code;
- bus** has the meaning given in the Code;
- bus embayment** has the meaning given in the Code;
- bus lane** has the meaning given in the Code;
- bus stop** has the meaning given in the Code;
- bus way** has the meaning given in the Code;
- bus zone** has the meaning given in the Code;
- 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;
- carriageway** has the meaning given in the Code;
- centre**, in relation to a carriageway, has the meaning given in the Code;
- CEO** means the Chief Executive Officer of the local government;
- charter vehicle** means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, but does not include a public bus;
- charter vehicle zone** means a parking bay or parking area designated for use by a charter vehicle;
- children's crossing** has the meaning given in the Code;
- Code** means the *Road Traffic Code 2000*;
- commercial vehicle** means a motor vehicle that is—
- (a) constructed, adapted or fitted for the conveyance of goods; and
  - (b) used primarily for the conveyance of goods,
- but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;
- Council** means the Council of the local government;
- cross-over** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;
- disability parking permit** has the meaning given in the *Local Government (Parking for People With Disabilities) Regulations 2014*;
- district** means the district of the local government;
- driver** means a person driving or in control of a vehicle;
- driveway** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to and from the property, and also includes the term cross-over;
- edge line** has the meaning given in the Code;
- elected member** means a person who holds the office of a member of the Council;
- electronic parking detection device** means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;
- emergency vehicle** has the meaning given in the Code;
- entrance ticket** means a ticket or token issued by an entrance ticket machine;
- entrance ticket machine** means a machine—
- (a) installed at an entrance to a parking station (including an attended parking station); and
  - (b) from which tickets are issued to vehicles entering that parking station;
- exit ticket** means a ticket issued after payment of the fee by a fee collection machine;
- fee collection machine** means a machine installed in a parking station which, on the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;
- fee paying machine** means a ticket issuing machine, fee collection machine or parking meter;
- fee paying zone** means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same—
- (a) parking station; or
  - (b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;
- fire hydrant** has the meaning given in the Code;
- funeral vehicle** means a vehicle designed or modified for use in conducting funeral services;
- footpath** has the meaning given in the Code;
- GVM** (which stands for “gross vehicle mass”) has the meaning given in the Code;
- head of a cul-de-sac** means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;
- intersection** has the meaning given in the Code;

- keep clear marking** has the meaning given in the Code;
- kerb** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;
- length of carriageway** means the section on the same side of the carriageway, between intersections on that side of the carriageway;
- loading dock** means a parking facility or parking station owned or operated by the local government for the purpose of loading or unloading goods;
- loading zone** means—
- a parking facility to which a loading zone sign applies; or
  - a parking bay designated by a sign for use by commercial vehicles as a loading zone;
- loading zone sign** has the meaning given in the Code;
- local government** means the City of Perth;
- local government property** has the meaning given in the Act;
- low clearance sign** means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;
- median strip** has the meaning given in the Code;
- metered space** means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;
- metered zone** means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;
- money** means any legal tender under the *Currency Act 1965* (Cth);
- motorcycle** means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;
- motor vehicle** means a self-propelled vehicle that is not operated on rails, and includes—
- a trailer, semi-trailer or caravan while attached to a motor vehicle;
  - a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
  - a 3-wheeled motor vehicle,
- but does not include a power assisted pedal cycle;
- nature strip** has the meaning given in the Code and includes a verge;
- no parking area** has the meaning given in the Code;
- no parking sign** has the meaning given in the Code;
- no stopping area** has the meaning given in the Code;
- no stopping sign** has the meaning given in the Code, extended by the meaning of **sign** in this clause;
- obstruction** has the meaning given in the Code;
- occupier** has the meaning given in the Act;
- one-way carriageway** has the meaning given in the Code;
- owner**—
- where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to “responsible person” in the *Road Traffic (Administration) Act 2008*;
  - where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
  - where used in relation to land, has the meaning given in the Act;
- park** has the meaning given in the Code;
- parking area** has the meaning given in the Code;
- parking bay** means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park;
- parking bay for people with disabilities** has the meaning given to **permit parking area** in the *Local Government (Parking for People with Disabilities) Regulations 2014*;
- parking control sign** has the meaning given in the Code;
- parking facility** includes—
- land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
  - signs, notices and facilities used in connection with the parking of vehicles;
- parking meter** means a machine or device which, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

**parking permit** means a permit issued by the local government or an authorised person and includes a written or electronic permit;

**parking region** means the area to which this local law applies, as described in clause 1.4;

**parking station** means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, and includes an attended parking station but does not include a road or reserve;

**parking ticket** means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle;

**path** has the meaning given in the Code;

**pedestrian crossing** has the meaning given in the Code;

**pedestrian mall** has the meaning given in the Code;

**permissive parking sign** has the meaning given in clause 172 of the Code;

**postal vehicle** has the meaning given in the Code;

**property line** means the boundary between the land comprising a road and the land that abuts that road;

**public bus** has the meaning given in the Code;

**public bus zone** means a parking bay designated for use by a public bus;

**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, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

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

**Schedule** means a schedule to this local law;

**school zone** has the meaning given in the Code;

**school zone periods** has the meaning given in the Code;

**service vehicle** has the meaning given in the Code;

**service zone** means a part of a pedestrian mall designated by a sign for stopping or parking of service vehicles;

**shared zone** has the meaning given in the Code;

**sign** includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

**special purpose vehicle** has the meaning given in the Code and also includes any commercial vehicle owned by the local government;

**stop** has the meaning given in the Code;

**symbol** includes a symbol specified by Australian Standard 1742.11-1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

**taxi** has the meaning given in the Code;

**taxi zone** has the meaning given in the Code;

**thoroughfare** has the meaning given in the Act;

**ticket** includes a token;

**ticket issuing machine** means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

**ticket machine zone** means a parking facility within a fee paying zone in which a ticket issuing machine is installed;

**T-Intersection** means an intersection where the end of a road intersects with the continuous side of a continuing road;

**traffic** includes the passage of both vehicles and pedestrians;

**traffic island** has the meaning given in the Code;

**trailer** has the meaning given in the Code;

**transit lane** has the meaning given in the Code;

**truck** means a vehicle which has a minimum load capacity of 1,000 kilograms;

**truck bay** means a parking bay designated for use by trucks only;

**truck lane** has the meaning given in the Code;

**unattended**, in relation to a vehicle, means where the driver has left the vehicle and is more than 3 meters from the closest point of the vehicle;

**unexpired parking ticket** means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

**vehicle** has the meaning given in the Code; and

**verge** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

### 1.7 Interpretation

(1) For the purposes of the definitions of **no parking area**, **no stopping area** and **parking area**, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken 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.

(2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.

(3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.

(4) A reference to a **thoroughfare**, **parking station**, **parking facility**, **metered zone** or **reserve** includes a reference to any part of the **thoroughfare**, **parking station**, **parking facility**, **metered zone** or **reserve**.

### 1.8 Sign erected by the Commissioner of Main Roads

A sign that—

(a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and

(b) relates to the stopping or parking of vehicles,

is taken to have been erected by the local government under this local law.

### 1.9 Application of signs

(1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which—

(a) lies beyond the sign;

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

(c) is on that half of the road nearest to that sign.

(2) A sign may prohibit or regulate parking or stopping by the use of a symbol.

(3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.

(4) The first three letters of any day of the week when used on a sign indicate that day of the week.

### 1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

(a) public buses;

(b) commercial vehicles;

(c) motorcycles;

(d) taxis;

(e) emergency vehicles;

(f) special purpose vehicles;

(g) charter vehicles;

(h) funeral vehicles; and

(i) all other vehicles.

### 1.11 Establishment of parking facilities

The local government may establish and vary parking facilities for the purposes of this local law.

### 1.12 Permitted payment

The local government may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter.

### 1.13 Alternative method of payment

(1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the local government may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).

(2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.

(3) An alternative method of payment may not be used by any person other than the person to whom it was given by the local government.

**PART 2—STOPPING AND PARKING GENERALLY****2.1 Power to prohibit and regulate**

The local government may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

**2.2 Determinations in relation to stopping and parking**

- (1) The local government may by resolution determine—
  - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
  - (b) permitted classes of persons who may stop or park their vehicles;
  - (c) permitted classes of vehicles which may stop or park; or
  - (d) the manner of stopping or parking.
- (2) Where the local government makes a determination under subclause (1), it—
  - (a) must erect one or more signs to give effect to the determination; and
  - (b) may vary the determination.

**2.3 Stopping or parking generally**

- (1) A person must not stop or park a vehicle in a parking facility—
  - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
  - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
  - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
  - (d) for more than the maximum time specified by a sign unless—
    - (i) clause 6.10, 6.3(1)(a) or 6.3(1)(b) applies; or
    - (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
  - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces—unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it;
  - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
  - (g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.
- (2) A person must not stop or park a vehicle—
  - (a) in a no stopping area;
  - (b) at the side of a carriageway marked with a continuous yellow edged line;
  - (c) in an area of a carriageway signed or marked with a keep clear marking;
  - (d) in a bay marked “M/C” unless it is a motorcycle;
  - (e) in a bus lane or bus way;
  - (f) in a transit lane;
  - (g) in a truck lane; or
  - (h) in a bicycle lane or on a bicycle path,unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.
- (3) A person must not park a vehicle in a **no parking area**, unless the driver—
  - (a) is dropping off, or picking up, passengers or goods;
  - (b) does not leave the vehicle unattended; and
  - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.
- (4) A person must not stop a motorcycle in a parking bay or metered space unless—
  - (a) the bay or space is marked “M/C”; or
  - (b) a sign applying to the bay or space is inscribed “M/C”.
- (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle in the parking bay or metered space for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (6) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign stating “Authorised Vehicles Excepted”.

**2.4 Parking contrary to consent**

- (1) In this clause a reference to **land** does not include land—
  - (a) which belongs to the local government;



- (b) of which is an “otherwise unvested facility” within section 3.53 of the Act; or
  - (c) which is the subject of an agreement referred to in clauses 1.4(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

### **2.5 School zone**

- (1) A person must not stop or park a vehicle in a school zone during a school zone period—
- (a) in a no stopping area;
  - (b) at the side of a carriageway marked with a continuous yellow edged line;
  - (c) on a road verge;
  - (d) on a footpath or pedestrian refuge;
  - (e) in a parking bay in which another vehicle is stopped or parked;
  - (f) double park as outlined in clause 3.6;
  - (g) on or across a driveway as outlined in clause 3.7;
  - (h) so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of—
    - (i) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
    - (ii) a pedestrian crossing; or
    - (iii) a children’s crossing.
- (2) A person must not stop or park a vehicle on a carriageway in a school zone during a school zone period so that it obstructs or may obstruct a vehicle on the carriageway.

### **2.6 Parking positions**

Where a sign referring to a parking area is not inscribed with the words “angle parking”, then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position—

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park 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 stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

### **2.7 Angle parking**

Where a sign referring to a parking area is inscribed with the words “angle parking”, a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

### **2.8 Loading zone**

- (1) A person must not stop or park a vehicle in a loading zone unless—
- (a) the vehicle is a commercial vehicle or an authorised vehicle; and
  - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

### **2.9 Reserves**

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person—

- (a) is an employee of the local government in the course of his or her duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the local government or an authorised person.

### **2.10 Occupied parking bays**

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

### **2.11 Urgent, essential or official functions**

- (1) Where—
- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and

- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may—

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and  
(b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

### **2.12 Direction to move vehicle**

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

### **2.13 Selling or hiring in a parking facility**

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the local government.

### **2.14 Damage to parking facilities**

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

### **2.15 Event parking**

(1) For the purposes of this clause, an *event* means a function or activity characterised by all or any of the following—

- (a) formal organisation and preparation;  
(b) its occurrence is generally advertised or notified in writing to particular persons;  
(c) organisation by or on behalf of a club or a body corporate;  
(d) payment of a fee to attend; and  
(e) systematic recurrence in relation to the day, time and place.

(2) The local government may, by use of a sign, establish additional parking facilities on a reserve or local government property, for any period specified on the sign, for the parking of vehicles by persons attending an event.

(3) A person must not stop or park a vehicle on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established unless a ticket purchased from the local government with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times.

### **2.16 Removal and impounding of vehicles**

(1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

(2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.

(3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

(4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.

### **2.17 Authorised parking**

A person must not, without the permission of the local government or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

### **2.18 Parking on local government property**

A person must not stop or park a vehicle on or over any portion of a local government property, other than an area specifically set aside for that purpose, unless the person—

- (a) is an authorised person, or  
(b) has obtained the permission of the local government or an authorised person.

## **PART 3—STOPPING AND PARKING ON ROADS AND OTHER AREAS**

### **3.1 Stopping or parking on a carriageway**

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it—

- (a) in the case of 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 stopped or parked;

- (b) in the case of a one-way carriageway—so that it is as 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 stopped or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

### **3.2 Median strips and traffic islands**

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

### **3.3 Verge**

(1) A person must not—

- (a) stop or park a bus, or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on a verge; or
- (b) stop or park a vehicle so that any portion of it is on a verge during any period when the stopping or parking of a vehicle on the verge is prohibited by a sign adjacent and referable to that verge.

(2) Subject to subclause (1), a person must not stop or park a vehicle so that any portion of it is on the verge unless he or she is the owner or occupier of the premises adjacent to that verge or is a person authorised by the occupier of those premises.

### **3.4 Prohibited parking of vehicles**

A person must not park a vehicle on any portion of a road or within a parking station—

- (a) for the purpose of exposing the vehicle for sale;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or 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 the road or parking station.

### **3.5 Obstructions generally**

(1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.

(2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.

(3) A person must not stop or park a vehicle so that any portion of the vehicle is—

- (a) on a road and causes an obstruction on the road—unless it is a public bus stopping in a bus zone;
- (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
- (c) on an intersection, subject to paragraphs (d) and (e);
- (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals—unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
- (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked—unless the vehicle stops or parks—
  - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
  - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway—if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass—unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;
- (j) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line—unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or
- (k) within the head of a cul-de-sac.

### 3.6 Double parking

(1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.

(2) Subclause (1) does not apply to—

- (a) a person who parks a motorcycle in a bay marked “M/C”; or
- (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

### 3.7 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a road or thoroughfare—unless the person is immediately dropping off or picking up passengers.

### 3.8 Parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is—

- (a) within 1 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 3 metres of a public post box unless the vehicle is a postal vehicle.

### 3.9 Bus stops, pedestrian, children and train crossings

(1) Subject to subclause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of—

- (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing;
- (c) a children’s crossing; or
- (d) the nearest rail of a railway level crossing.

(2) Subject to subclause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of—

- (a) a pedestrian crossing that is not at an intersection; or
- (b) a bicycle crossing, equipped with bicycle crossing lights, that is not at an intersection.

(3) Subclause (1) does not apply if—

- (a) the vehicle is stopped or parked in a marked bay;
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

### 3.10 Movement of vehicles to avoid time limitation

(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted—unless the vehicle has first been removed from the length of carriageway for at least 1 hour.

(2) Where the parking of vehicles in a parking station is permitted for a limited time, a person must not move a vehicle within that parking station so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking station.

### 3.11 Pedestrian malls

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle—

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the local government or an authorised person; or
- (d) is a service vehicle which—
  - (i) is in a service zone;
  - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
  - (iii) is continuously being loaded or unloaded; and
  - (iv) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

### 3.12 Public bus zones

(1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.

(2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

### 3.13 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than—
  - (a) 15 minutes—if the charter vehicle has 12 or more seats including the driver; or
  - (b) 5 minutes—if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2)(b) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

### 3.14 Stopping in a taxi zone

- (1) A person must not stop a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

### 3.15 Construction site vehicle parking

- (1) In this clause, unless the context otherwise requires—
  - builder* has the meaning given in the *Building Regulations 2012*;
  - construction site* means any land subject to development;
  - construction site vehicle* means a vehicle connected to an approved work zone;
  - daily fee* means the daily fee determined by the local government;
  - development* means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;
  - eligible person* means an owner or occupier of a construction site or a builder carrying out work on a construction site;
  - establishment fee* means the fee determined by the local government; and
  - work zone* means a road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.
- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the local government, which may approve or refuse the application.
- (3) Where the local government approves an application, it is to give the applicant a written notice specifying—
  - (a) the number and location of work zones the applicant may use;
  - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
  - (c) the period for which the approval is valid;
  - (d) any conditions to which the approval of the local government is subject; and
  - (e) the amount of the establishment fee.
- (4) The local government is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the local government has approved an application to establish a work zone adjacent to a construction site, the local government may cancel its approval by written notice to the applicant if—
  - (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with—
    - (i) a condition specified in the notice issued to the applicant under subclause (3); or
    - (ii) a sign applicable to the work zone;
  - (b) the applicant fails to pay the daily fee as required under subclause (5); or
  - (c) the local government or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near that place.
- (8) A person must not stop or park a vehicle in a work zone unless the vehicle is—
  - (a) a construction site vehicle; or
  - (b) permitted to stop in the work zone in accordance with this local law.

### 3.16 Parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle—

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;

- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

### **3.17 Stopping on a carriageway—heavy and long vehicles**

(1) A person must not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay.

(2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

## **PART 4—FEE PAYING ZONES**

### **4.1 Payment of fees**

(1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign—

- (a) on the parking meter referable to the space—in the case of a metered space; or
- (b) on the ticket issuing machine referable to the zone for each parking bay—in the case of a ticket machine zone,

is paid by any form of permitted payment at the fee paying machine.

(2) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in—

- (a) a metered space for the period shown on a sign referable to the space; or
- (b) a ticket machine zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law.

### **4.2 Payment for parking**

A person must not insert into a fee paying machine anything other than the designations of coin or banknote or other form of permitted payment indicated by a sign on the fee paying machine and only in accordance with the instructions printed on the fee paying machine.

### **4.3 Operations of fee paying machines**

A person must not operate a fee paying machine except in accordance with the operating instruction appearing on the fee paying machine.

### **4.4 Expired meter, parking limit**

Unless authorised by the local government, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space—

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights; or
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

### **4.5 Display of parking tickets and parking limits**

(1) A person must not stop or park a vehicle in a fee paying zone during the period in which stopping or parking is permitted only on the purchase of a parking ticket—

- (a) unless an unexpired parking ticket issued by a ticket issuing machine in that fee paying zone is displayed inside the vehicle; and
- (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle is stopped or parked in that fee paying zone.

(2) Unless subclause (3) applies, where in a fee paying zone more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of—

- (a) the aggregate of those periods; or
- (b) the maximum period of time a vehicle is permitted to park in the fee paying zone,

whichever occurs first.

(3) Where a trailer is attached to a vehicle—

- (a) a parking ticket must be purchased for each occupied parking bay as permitted under this local law; and
- (b) each parking ticket must be displayed inside the vehicle in accordance with subclause (1)(a) and (b).

#### **4.6 Reserved fee paying zones**

Unless authorised by the local government, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, or fee paying zone if the parking meter or ticket machine is hooded with a covering bearing—

- (a) the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes; or
- (b) other words or symbols that indicate parking is not permitted within the space or fee paying zone.

#### **4.7 Parking restrictions in fee paying zones**

(1) A person must not stop or park a vehicle in a fee paying zone—

- (a) except during the period stated on a sign referable to the fee paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee paying zone, as stated on a sign referable to the fee paying zone.

#### **4.8 Use of counterfeit or altered parking tickets**

A person must not—

- (a) park a vehicle in a parking facility which requires a parking ticket, if there is displayed in that vehicle so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

### **PART 5—PARKING STATIONS**

#### **5.1 Restrictions on entering a parking station**

A person must not enter a parking station without first obtaining the authorisation of an authorised person (if one is on duty) or an entrance ticket or parking ticket unless—

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is—
  - (i) employed at the parking station and is in the course of his or her functions;
  - (ii) a police officer and is in the course of his or her functions; or
  - (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

#### **5.2 Stopping or parking in a parking station**

A person must not stop or park a vehicle in—

- (a) an attended parking station—unless the appropriate fee as indicated by a sign is paid when demanded;
- (b) a parking station with a ticket issuing machine—unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine, or by any other form of permitted payment, and the person complies with the relevant provisions of Part 4 of this local law; or
- (c) a parking station with a fee collection machine—unless the appropriate fee as indicated by a sign is inserted into the machine, or by any other form of permitted payment, and the ticket is validated immediately prior to departure.

#### **5.3 No entrance ticket**

Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

#### **5.4 Removal of vehicles**

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until—
  - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
  - (b) the local government has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within 3 working days from the time of issue of the notice.

#### **5.5 Maximum parking period in parking stations**

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle in the parking station for a period exceeding the maximum time permitted—unless the vehicle has first been removed from the parking station for at least 1 hour.

#### **5.6 Entering and exiting parking facilities**

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

**5.7 Parking restrictions for vehicles with multiple occupants**

(1) The local government in respect of any period or time may, by the use of a sign, set aside a parking station where entry is prohibited by vehicles other than vehicles carrying, in addition to the driver, at least one other person.

(2) A person must not stop or park a vehicle in a parking station which has been set aside under subclause (1) at the time or within the period specified under subclause (1) unless the vehicle is carrying at least one other person.

(3) A person must not enter a parking station which has been set aside under subclause (1) at the time or within the period specified under subclause (1) unless that person is the driver of, or passenger in, a vehicle carrying at least one other person.

(4) The local government may determine the fee payable, and the manner of payment, for the parking of a vehicle in a parking station which has been set aside under subclause (1).

**5.8 Locking of parking stations**

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

**5.9 Behaviour in a parking station**

(1) A person must not remain in a parking station after having been required to leave by a police officer or an authorised person.

(2) A person must not loiter in a parking station.

**5.10 Low clearance signs**

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

**PART 6—PARKING PERMITS****6.1 Classes and application for parking permit**

(1) The local government may determine classes of parking permits and the eligibility criteria for each class of parking permit.

(2) An application for a parking permit must—

- (a) be made in the form, if any, required by the local government;
- (b) provide the information or documents that are required by the local government or an authorised person; and
- (c) accompanied by the appropriate fee, if any, imposed by the local government.

**6.2 Issue of parking permit**

An authorised person—

- (a) may approve an application made under clause 6.1(2) for a parking permit of a class determined under clause 6.1(1), subject to any conditions specified by the authorised person; and
- (b) must, where an application is approved, issue the applicant with a parking permit.

**6.3 Exemption for permit holders**

(1) The holder of a valid parking permit is exempt from—

- (a) a prohibition against the stopping or parking of vehicles on any part of a road for more than a specified period; and
- (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the part of the road or metered zone) exceeds 30 minutes.

(2) The exemption under subclause (1) applies only—

- (a) to the part of a road, or to the metered spaces or parking bays, specified in the permit;
- (b) where the permit specifies a particular vehicle, to the vehicle specified in the permit;
- (c) if the permit is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates; and
- (d) if the permit is valid.

(3) The exemption under subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited on the road, or the part of the road, specified in the permit.

**6.4 Validity of a permit**

A parking permit ceases to be valid on—

- (a) the expiration of any time or period specified in the permit;
- (b) the holder of the permit ceasing to be eligible;



- (c) the revocation of the permit under clause 6.6; or
- (d) the replacement of the permit by a new permit issued under clause 6.8.

### **6.5 Use of counterfeit or altered parking permit**

A person must not—

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.

### **6.6 Revoking a permit**

(1) An authorised person may, at any time, revoke a parking permit which has been issued under clause 6.2, if the permit holder breaches any of the conditions for its use or when the permit holder ceases to satisfy the eligibility criteria for that class of parking permit.

(2) A revocation under clause 6.6(1) is not effected until written notice of the revocation is provided to the permit holder.

### **6.7 Removal of a permit from vehicle**

The holder of a parking permit which has been revoked must, immediately after being given notice of the revocation, or immediately after the permit otherwise ceases to be valid, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the local government.

### **6.8 Replacement of permit**

An authorised person may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, imposed by the local government.

### **6.9 Elected member parking permit**

(1) An authorised person may issue to any elected member a parking permit (referred to in this clause as an *Elected Member Parking Permit*) and may vary or revoke the Elected Member Parking Permit at any time.

(2) The holder of an Elected Member Parking Permit is exempt from those clauses of this local law that are specified in the permit.

(3) The exemption conferred by subclause (2) applies only—

- (a) if the Elected Member Parking Permit is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times;
- (b) if the Elected Member Parking Permit is valid; and
- (c) if the holder of the Elected Member Parking Permit is performing his or her functions as a elected member.

(4) An Elected Member Parking Permit ceases to be valid—

- (a) when the holder ceases to be an elected member;
- (b) after the specified expiry date; or
- (c) when revoked by an authorised person.

and must be returned to the local government by the elected member on the occurrence of any of these events.

### **6.10 Parking facilities where permit required**

(1) Where in relation to a parking facility, the local government has determined, under clause 2.2(1)(b), that only permitted classes of persons may stop or park their vehicles or, under clause 2.2(1)(c), that only permitted classes of vehicles may stop or park, an authorised person—

- (a) may issue a written permit to a person within the permitted class, or to a person in respect of a vehicle of the permitted class; and
- (b) may vary or revoke the permit at any time.

(2) Where a written permit has been issued under subclause (1), a person must not stop or park a vehicle in a parking facility unless—

- (a) the permit is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times;
- (b) the permit remains valid; and
- (c) the person's permitted class, or the vehicle's permitted class, as specified in the permit is also specified on the sign which relates to the parking facility.

## **PART 7—MISCELLANEOUS**

### **7.1 Authorised person certificate of appointment**

The requirement for an authorised person to be given the appropriate certificate of his or her appointment is dealt with in section 9.10(2) of the Act.

### **7.2 Authorised persons**

No offence under this local law is committed by an authorised person while carrying out his or her functions.

### **7.3 Power of an authorised person**

- (1) An authorised person has all necessary power to perform his or her functions under this local law.
- (2) An authorised person may—
  - (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 CEO the institution of prosecutions; and
  - (d) institute and conduct prosecutions as directed by the CEO.

### **7.4 Impersonating an authorised person**

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

### **7.5 Obstructing of an authorised person**

A person must not obstruct or hinder an authorised person in the execution of his or her duties.

### **7.6 Removal of notices**

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

### **7.7 Display of signs**

A person must not, without the authorisation of the local government or an authorised person—

- (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 by the local government under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee paying machine.

### **7.8 Marking tyres and valve stem readings**

- (1) An authorised person may—
  - (a) mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance;
  - (b) take a valve stem reading of a vehicle; or
  - (c) record vehicle registration numbers,for a purpose connected with his or her functions.
- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

### **7.9 Exemption when complying with directions**

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

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

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of his or her functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

### **7.11 Interfere with or damage local government property**

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

## **PART 8—OFFENCES AND MODIFIED PENALTIES**

### **8.1 Offences**

- (1) A person who fails to do anything required 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$300 and 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 continues.
- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

### **8.2 Form of notices**

For the purposes of this local law—

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

**8.3 Modified penalty**

(1) Subject to subclauses 8.3(3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.

(2) The amount appearing in the final column of the table in Schedule 2 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.

(3) If it appears to the local government that an alleged offence cannot be adequately punished by the payment of the modified penalty, the local government may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

(4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign—

- (a) the amount of the modified penalty is to be the amount referred to in Schedule 2 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
- (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

**SCHEDULE 1—FORM 1**  
**LOCAL GOVERNMENT ACT 1995**  
**CITY OF PERTH PARKING LOCAL LAW 2017**  
**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 **City of Perth Parking Local Law 2017**.

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 must be paid to the CEO of the local government 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 an 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 unlawfully taken, 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 matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold. 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) Identification number of the authorised person giving notice

**SCHEDULE 1—FORM 2**  
**LOCAL GOVERNMENT ACT 1995**  
**CITY OF PERTH PARKING LOCAL LAW 2017**  
**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) Identification number of authorised person giving notice

**SCHEDULE 2**  
**CITY OF PERTH PARKING LOCAL LAW 2017**  
**MODIFIED PENALTIES**

[Clause 8.3]

Item No.	Offence Clauses	Modified Penalty
1	2.3(1)(a)	\$120
2	2.3(1)(b)	\$120
3	2.3(1)(c)	\$200
4	2.3(1)(d)	\$60
5	2.3(1)(e)	\$60
6	2.3(1)(f)	\$60
7	2.3(1)(g)	\$100
8	2.3(2)(a)	\$200
9	2.3(2)(b)	\$200

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty</b>
10	2.3(2)(c)	\$200
11	2.3(2)(d)	\$75
12	2.3(2)(e)	\$200
13	2.3(2)(f)	\$200
14	2.3(2)(g)	\$200
15	2.3(2)(h)	\$200
16	2.3(3)	\$75
17	2.3(4)(a)	\$75
18	2.3(4)(b)	\$75
19	2.3(5)	\$60
20	2.3(6)	\$100
21	2.4(2)	\$100
22	2.4(3)	\$100
23	2.5(1)(a)	\$225
24	2.5(1)(b)	\$225
25	2.5(1)(c)	\$100
26	2.5(1)(d)	\$225
27	2.5(1)(e)	\$85
28	2.5(1)(f)	\$225
29	2.5(1)(g)	\$225
30	2.5(1)(h)(i)	\$225
31	2.5(1)(h)(ii)	\$225
32	2.5(1)(h)(iii)	\$225
33	2.5(2)	\$225
34	2.6(a)	\$60
35	2.6(b)	\$60
36	2.7	\$60
37	2.8(1)(a)	\$100
38	2.8(1)(b)	\$60
39	2.8(2)	\$60
40	2.9	\$100
41	2.10	\$60
42	2.11(4)	\$75
43	2.12	\$100
44	2.13	\$200
45	2.14	\$200
46	2.15(3)	\$60
47	2.17	\$100
48	2.18	\$100
49	3.1(a)	\$100
50	3.1(b)	\$100
51	3.1(c)	\$60
52	3.1(d)	\$60
53	3.1(e)	\$200
54	3.2	\$75
55	3.3(1)(a)	\$75
56	3.3(1)(b)	\$75
57	3.4(a)	\$75
58	3.4(b)	\$75
59	3.4(c)	\$75
60	3.4(d)	\$75
61	3.5(3)(a)	\$200
62	3.5(3)(b)	\$200
63	3.5(3)(c)	\$200

<b>Item No.</b>	<b>Offence Clauses</b>	<b>Modified Penalty</b>
64	3.5(3)(d)	\$200
65	3.5(3)(e)	\$200
66	3.5(3)(f)	\$200
67	3.5(3)(g)	\$100
68	3.5(3)(h)	\$200
69	3.5(3)(i)	\$100
70	3.5(3)(j)	\$100
71	3.5(3)(k)	\$200
72	3.6(1)	\$200
73	3.7	\$200
74	3.8(a)	\$200
75	3.8(b)	\$60
76	3.9(1)(a)	\$200
77	3.9(1)(b)	\$200
78	3.9(1)(c)	\$200
79	3.9(1)(d)	\$200
80	3.9(2)(a)	\$200
81	3.9(2)(b)	\$200
82	3.10(1)	\$60
83	3.10(2)	\$60
84	3.11(d)(i)	\$60
85	3.11(d)(ii)	\$100
86	3.11(d)(iii)	\$60
87	3.11(d)(iv)	\$60
88	3.12(1)	\$200
89	3.12(2)	\$100
90	3.13(1)	\$120
91	3.13(2)(a)	\$100
92	3.13(2)(b)	\$100
93	3.13(3)	\$100
94	3.14(1)	\$120
95	3.14(2)	\$100
96	3.15(8)	\$100
97	3.16(a)	\$100
98	3.16(b)	\$100
99	3.16(c)	\$60
100	3.16(d)	\$60
101	3.17(1)(a)	\$60
102	3.17(1)(b)	\$60
103	4.1(1)(a)	\$60
104	4.1(1)(b)	\$60
105	4.1(2)(a)	\$60
106	4.1(2)(b)	\$60
107	4.2	\$100
108	4.3	\$100
109	4.4(a)	\$60
110	4.4(b)	\$60
111	4.5(1)(a)	\$60
112	4.5(1)(b)	\$60
113	4.6	\$100
114	4.7(1)(a)	\$60
115	4.7(1)(b)	\$60
116	4.8(a)	\$500
117	4.8(b)	\$500

Item No.	Offence Clauses	Modified Penalty
118	5.1	\$100
119	5.2(a)	\$100
120	5.2(b)	\$60
121	5.2(c)	\$60
122	5.4(1)(a)	\$200
123	5.4(2)	\$100
124	5.5	\$60
125	5.6	\$100
126	5.7(2)	\$60
127	5.7(3)	\$60
128	5.9(1)	\$100
129	5.9(2)	\$100
130	5.10	\$200
131	6.5(a)	\$500
132	6.5(b)	\$500
133	6.7	\$60
134	6.10(2)(a)	\$100
135	6.10(2)(b)	\$100
136	6.10(2)(c)	\$100
137	7.4	\$100
138	7.5	\$100
139	7.6	\$100
140	7.7(a)	\$100
141	7.7(b)	\$100
142	7.7(c)	\$100
143	7.8(2)	\$100
144	7.11	\$500

**SCHEDULE 3—FORM 1  
NOTIFICATION OF IMPOUNDMENT OF VEHICLE**

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

To: [1].....  
of: [2].....

Department of Transport records indicate that you are the registered owner of the vehicle detailed below and notice is hereby given that the vehicle has been impounded in accordance with the provisions of the *Local Government Act 1995*.

Vehicle Registration No: [3] .....

Impounded from: [4] .....

Between: ..... and .....

Date: [5]..... Time [6].....

The vehicle has been taken to a secure facility at the following address—  
[7].....

.....  
and is available for release, after payment has been processed (see below), between the following hours—

Monday to Friday—  
[8].....

Prior to the release of the vehicle all necessary payments must be paid, in full, at the Customer Service Centre, Ground Floor, Council House, 27 St George’s Terrace, PERTH, which is open from 8.30am until 5.00pm Monday—Friday (excluding Public Holidays) or in such alternative location as may be directed by an authorised person. Payments can be made by either cash or cheque and EFTPOS facilities are also available.

The following documentation is required before payment can be accepted and release of the vehicle is permitted—

- Current Vehicle Registration Document.
- Drivers licence or other legal form of identification.
- Payment receipt (required for vehicle release at secure facility).

**IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO THE RELEASE OF THE VEHICLE.**

If you have an inquiry in regards to this notice (or monies owing to date), please call Compliance Parking Services between 9:00am and 4:30pm Monday to Friday (excluding Public Holidays).

Costs: Vehicle impound fee: [9].....

Additional days storage fee or part thereof [10].....

1. Subject to clause 2 below, if your vehicle is not collected within two (2) months after the date of this notice the City may either;
  - (a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of removing and keeping the vehicle have been paid to the City; or
  - (b) under section 3.47 of the *Local Government Act 1995* sell or otherwise dispose of the vehicle and credit the money received from that sale or disposal to the City's trust fund except to the extent required to meet the cost and expenses incurred by the City in the removing, impounding and selling of the vehicle.
2. If the local government has made a declaration that in accordance with 3.40A (4) of the *Local Government Act 1995* the vehicle is an abandoned wreck then the vehicle may be disposed of within 7 days of that declaration being made.

If you are convicted of an offence against this Local Law, section 3.48 of the *Local Government Act 1995* allows the City to recover from you its outstanding expenses incurred in the removing, impounding and selling of the vehicle.

Take note: Unless all fees are paid for and the vehicle collected within two months from the date of impounding, the City of Perth may sell the subject vehicle.

- [1] Name of owner.
- [2] Address of owner.
- [3] Vehicle registration number.
- [4] Street name (location where vehicle impounded from).
- [5] Date vehicle impounded.
- [6] Time vehicle impounded.
- [7] Address of secure location vehicle impounded to.
- [8] Hours of business.
- [9] Cost of vehicle impound fee.
- [10] Cost of additional days storage fee.

Dated this 21st day of February 2017.

The Common Seal of the City of Perth was affixed by authority of a resolution of the Council in the presence of—

Ms LISA-M. SCAFFIDI, The Rt Hon the Lord Mayor.  
Mr MARTIN MILEHAM, Chief Executive Officer.