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LOCAL GOVERNMENT ACT 1995

**CITY OF SUBIACO
LOCAL LAWS RELATING TO
PARKING**

LOCAL GOVERNMENT ACT 1995

CITY OF SUBIACO

LOCAL LAWS RELATING TO PARKING

Pursuant to its powers under the Local Government Act 1995 the City of Subiaco makes the following Local Laws.

PART 1—OPERATION

DIVISION A—INTRODUCTION AND DEFINITIONS

This Division contains introductory provisions and definitions which apply in these Local Laws.

1.1 Citation

These Local Laws may be cited as City of Subiaco Parking Facilities Local Laws.

1.2 Revocation

The following are hereby revoked—

- (a) City of Subiaco Parking Facilities By-Laws 29 published in the *Government Gazette* on 23 December 1971;
- (b) City of Subiaco By-Law No. 23 Relating to the Removal and Disposal of Obstructing Animals or Vehicles published in the *Government Gazette* on 10 June 1994; and
- (c) City of Subiaco By-Law No. 44 Control of Residential Parking published in the *Government Gazette* on 12 May 1995.

1.3 Interpretation

In these Local Laws unless the context otherwise requires—

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

“**authorised person**” means a person authorised by the Local Government under section 9.10(1) of the Act to perform functions as specified in these Local Laws.

“**bus**” means a vehicle used to carry passengers at separate fares;

“**carriageway**” means the portion of a road ordinarily used for vehicular traffic and includes the shoulders and areas at the side or centre of the carriageway used for the standing or parking of vehicles;

“**coin**” means any coin which is legal tender under the Currency Act 1965 (Cth);

“**commercial vehicle**” means any motor vehicle, other than a courier vehicle, constructed or adapted for the conveyance of goods, merchandise or materials of any kind used in any trade, business or industry;

“**courier vehicle**” means a motor car or motor cycle adapted for the conveyance of goods, merchandise or materials of any kind used in any trade, business or industry;

“**district**” means the district of the City of Subiaco;

“**footway**” includes a footpath, lane or other place intended for use by pedestrians or cyclists or habitually used by pedestrians or cyclists and not by vehicles other than bicycles;

“**funeral vehicle**” means a vehicle designed or modified for use in connection with funeral services;

“**Local Government**” means the Local Government of the City of Subiaco;

“**median strip**” means any physical provision dividing the carriageways of a road;

“**motor car**” means a motor vehicle designed primarily for the carriage of persons, whether or not it is also provided with space for the carriage of personal goods or luggage, but does not include a motor cycle or bus.

“**motor cycle**” means a motor vehicle designed to travel on 2 wheels or, with a sidecar attached, 3 wheels;

“**notice**” means a notice in the form of Forms 1, 2, 3, 4 or 5 of the Second Schedule;

“**occupier**” has the meaning given to it by the Act;

“**owner**” where used in relation to a vehicle means the person who holds the licence for the vehicle under the Road Traffic Act 1974 or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

“**owner**” where used in relation to land has the meaning given to it by the Act;

“**park**” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) immediately taking up or setting down persons or goods,

and “**parking**” has a correlative meaning;

“**parking sign**” means a mark, structure or device under the care control or management of the Local Government on which are shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating or directing the standing or parking of vehicles;

“**parking space**” means a part of a road or parking station which is marked or defined by painted lines, metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked;

“**parking station**” means—

- (a) any area on a road in which a fee is charged for the parking or standing of vehicles;
- (b) any land, building or other structure used for the parking or standing of vehicles, whether or not a fee is charged—
 - (i) which is occupied by the Local Government; or
 - (ii) in respect of which there is an agreement between the owner and the Local Government that the land, building or structure is a parking station for the purposes of these Local Laws.

“**public place**” means any place which the public is allowed to use, whether or not the place is private property;

“**right-of-way**” means any lane, passage, thoroughfare or way, whether private or public, over which any person in addition to the owner has a right of carriageway;

“**road**” means a highway, road, street, lane, thoroughfare, way or similar place within the parking region which the public is allowed to use and includes the road verge and any footway within it;

“**road verge**” means the portion of a road which lies between the boundary of a carriageway and the boundary of land abutting the road.

“**stand**” in relation to a vehicle, means to permit a vehicle to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic or;
- (b) complying with the provisions of any law,

and “**standing**” and “**stood**” have correlative meanings;

“**taxi**” means a motor vehicle bearing licence number plates inscribed with the word “Taxi”;

“**ticket issuing machine**” means a machine designed to receive a coin or coins and in return to issue a ticket showing the period during which it shall be lawful to remain parked in a parking space appurtenant to the machine;

“**tour coach**” means a motor vehicle bearing licence number plates inscribed with the letters “TC” which is used, hired or chartered for the purposes of sight-seeing or tourism;

“**traffic island**” means a median strip designed to provide refuge to pedestrians crossing or otherwise use a road;

“**vehicle**” includes—

- (a) any vehicle within the interpretation of that expression in the Road Traffic Act 1974;
- (b) every other conveyance, apart from an aircraft, vessel or train, capable of being propelled or drawn on wheels or tracks by any means; and
- (c) where the context permits, an animal being driven or ridden.

DIVISION B—PARKING SIGNS

This Division contains provisions about parking signs and the way in which they are to be interpreted.

1.4 Parking signs under these Local Laws

Any sign relating to the parking or standing of vehicles, whether or not it was erected prior to the commencement of these Local Laws, is deemed to be parking sign.

1.5 Area designated by a parking sign

The area designated by a parking sign and to which the parking sign applies is, as the case may be—

- (a) the area referred to by the inscription on the parking sign;
- (b) the area between the parking sign and the next parking sign beyond it in the direction of any arrow inscribed on the parking sign; or

(c) the area between the parking sign and a dead end or an area in which standing is prohibited which lies in the general direction indicated by an arrow inscribed on the parking sign, and where a parking sign is erected or displayed on or near a road, the side of the road nearest to the parking sign.

1.6 Dealing with parking signs

A person shall not without the authority of the Local Government—

- (a) produce or exhibit a sign purporting to be or resembling a parking sign;
- (b) remove, deface or misuse a parking sign or attempt to do any such acts;
- (c) affix a board, placard, notice or other thing to or paint or write upon any part of a parking sign.

PART 2—PARKING OR STANDING GENERALLY

DIVISION A—PROHIBITION, REGULATION & RESTRICTION OF PARKING

This Division contains provisions which apply generally to parking and standing on roads and in parking stations.

2.1 Making and amending parking restrictions

The Local Government may prohibit, regulate or restrict the parking or standing of vehicles as it thinks fit, and may indicate such prohibitions, regulations or restrictions on parking signs.

2.2 Parking or standing contrary to parking signs

A person shall not park or stand a vehicle or permit a vehicle to remain parked contrary to the inscription on a parking sign.

2.3 Parking in no parking area

A person shall not park a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words “No Parking” or the corresponding symbol set out in the First Schedule.

2.4 Parking or standing in a no standing area

A person shall not park or stand a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words “No Standing” or the corresponding symbol set out in the First Schedule.

2.5 Parking or standing of authorised vehicles

A person shall not park or stand a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words “Authorised Vehicles Only” without the permission of an authorised person.

2.6 Parking of commercial vehicles, caravans and trailers

(1) A person shall not permit a commercial vehicle, caravan or trailer to remain parked on a road or in a parking station for more than four hours unless the vehicle is in an area designated by a parking sign or parking signs permitting such vehicles to be parked for a longer period.

(2) In sub-clause (1)—

“**caravan**” means a vehicle, whether motorised or drawn by another vehicle, that is fitted or designed for habitation by a person in the course of a journey;

“**trailer**” means any vehicle drawn by another vehicle.

2.7 Parking or standing of motor cycles and bicycles

No person shall park or stand a motor cycle or bicycle or permit a motor cycle or bicycle to remain parked in a parking space other than a parking space marked “M/C”.

2.8 Loading Zones

A person shall not park or stand a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words “Loading Zone” or symbols to that effect unless the vehicle is a commercial vehicle or a courier vehicle and a person is loading or unloading goods, merchandise or materials from the commercial vehicle or courier vehicle, in which case the following maximum periods apply—

Tare weight of vehicle less than 1 tonne—15 minutes

Tare weight of vehicle more than 1 tonne—30 minutes

2.9 Parking in various other designated zones

A person shall not park or stand a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs—

- (a) inscribed with the words “No Parking—Taxi Stand” or the corresponding symbols set out in the First Schedule, unless the vehicle is a taxi;
- (b) inscribed with the words “Couriers Only” unless the vehicle is a courier vehicle, and then only for a maximum period of 10 minutes;
- (c) inscribed with the words “Funeral Vehicles Only” unless the vehicle is a funeral vehicle; or
- (d) inscribed with the words “Tour Coaches Only” unless the vehicle is a tour coach.

2.10 Repeated parking or standing of vehicles

Where a vehicle has been parked or stood in a parking station or on a road where parking or standing is restricted as to time, a person shall not park or stand that vehicle again in that parking station or on that road on that day unless it has first been removed from the parking station or road for at least 1 hour.

2.11 Parking within parking spaces

Where parking spaces are provided a person shall not park or stand a vehicle or permit a vehicle to remain parked unless the vehicle is wholly within a parking space.

2.12 Occupied parking spaces

(1) Subject to sub-clause (2), no person shall park or stand a vehicle or attempt to park or stand a vehicle in a parking space in which another vehicle is already parked or standing.

(2) Sub-clause (1) does not apply to the parking of a motorcycle and a bicycle together in a parking space marked "M/C".

2.13 Repairs to vehicles

A person shall not park or stand a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of repairing the vehicle.

2.14 Vehicles exposed for sale

A person shall not park or stand a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of exposing the vehicle for sale.

2.15 Trading from parked or standing vehicles

(1) A person shall not park or stand a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of trading from that vehicle other than in accordance with a licence issued by the Local Government pursuant to the City of Subiaco By-Law No. 19 Relating to Street Trading.

(2) In this clause "trading" has the same meaning as in the City of Subiaco By-Law No. 19 Relating to Street Trading.

2.16 Direction by authorised person

A driver or other person in control of a vehicle shall not park or stand the vehicle or permit the vehicle to remain parked if an authorised person directs that person to move the vehicle.

DIVISION B—SETTING ASIDE PARKING

This Division contains provisions about setting aside parking on roads and in parking stations for various purposes.

2.17 Setting aside parking for events

(1) The Local Government may indicate by signs that all or any part of a parking station, road or public place is set aside during the period indicated on the signs for the parking of vehicles by persons attending a particular event.

(2) A person shall not park or stand a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless a ticket obtained from the Local Government relating to the special event is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.

2.18 Setting aside parking for persons authorised by the Local Government

(1) The Local Government may indicate by signs that all or part of a parking station or road is set aside during the period indicated on the signs for the parking of vehicles by persons authorised by the Local Government.

(2) Where a person is authorised under sub-clause (1) the Local Government shall issue a written permit to the person.

(3) A person shall not park or stand a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless the permit issued under sub-clause (2) is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.

(4) The Local Government may revoke a permit issued under sub-clause (2) at any time.

PART 3—PARKING OR STANDING IN PARKING STATIONS**DIVISION A—CONDITIONS AND MANNER OF PARKING**

This Division contains provisions which apply specifically to parking and standing in parking stations, in addition to the provisions in Part 2.

3.1 Parking signs at parking stations

Parking signs at each parking station shall be inscribed with words, numbers, expressions or symbols showing—

- (a) the hours of operation of the parking station;
- (b) the permitted times and conditions of parking or standing;
- (c) the classes of vehicles permitted to park or stand;

- (d) the fees payable for parking or standing; and
- (e) the opening fee payable for opening the parking station outside of its hours of operation.

3.2 Parking stations having attendants on duty

If a parking station has a parking attendant on duty a person shall not park or stand a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless the appropriate fee is paid upon demand.

3.3 Parking stations equipped with a ticket issuing machine

If a parking station is equipped with a ticket issuing machine a person shall not park or stand a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless—

- (a) the appropriate fee has been inserted into a ticket issuing machine;
- (b) the ticket issued by the ticket issuing machine is displayed inside the vehicle so that the date, time of issue and expiry time of the ticket are able to be read by an authorised person outside the vehicle; and
- (c) the ticket has not expired.

3.4 Parking stations making provision for payment on departure

If a parking station makes provision for payment on departure of a vehicle—

- (a) a person shall not remove a vehicle from the parking station unless the appropriate fee has been paid for the period during which the vehicle was parked; and
- (b) where the ticket issued when the vehicle entered the parking station is not produced on departure the fee for parking shall be calculated from the time the parking station opened on that day to the time of departure.

3.5 Prohibited parts

A person shall not park or stand a vehicle or permit a vehicle to remain parked in any part of a parking station, whether or not that part is marked as a parking space, if a parking sign prohibits the standing of a vehicle in that part.

3.6 Parking stations on roads

Where a parking station is on a road, the provisions of Part 4 of these Local Laws apply to the manner of parking or standing vehicles.

3.7 Removal of vehicles from parking stations

(1) A person shall not remove a vehicle which has been parked in a parking station unless the appropriate fee has been paid for the period during which the vehicle was parked.

(2) If a parking station has been opened outside its hours of operation in order that a vehicle be removed then in addition to the fee under sub-clause (1) the vehicle shall not be removed until the opening fee for the parking station has been paid.

DIVISION B—MISCELLANEOUS

This Division contains various provisions about parking stations other than the conditions or manner of parking within them.

3.8. Parking station may be locked

Outside of the hours of operation of a parking station the Local Government may lock the parking station or otherwise prevent the movement of vehicles within, to or from it without any liability in respect of loss or damage to any vehicle or vehicles remaining in the parking station or their accessories or contents.

3.9 Operation of ticket issuing machines

(1) A person shall not insert or cause to be inserted or attempt to insert anything into a ticket issuing machine other than a coin or coins.

(2) A person shall not operate or attempt to operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.

(3) A person shall not alter, add to or deface a ticket issued by a ticket issuing machine.

3.10 Behaviour in parking stations

(1) A person shall not loiter in a parking station.

(2) A person shall not remain in a parking station after having been directed to leave the parking station by an authorised person.

3.11 Damage to parking stations

A person shall not remove, damage, deface or misuse any part of a parking station or attempt to do any of those acts.

PART 4—PARKING OR STANDING ON ROADS

This Part contains provisions which apply specifically to parking and standing on roads, in addition to the provisions in Part 2.

4.1 Manner of parking or standing

(1) In addition to the general provisions of Part 2 of these Local Laws, a person shall not park or stand a vehicle or permit a vehicle to remain parked on a road unless—

- (a) the vehicle is parallel with and as close as practicable to the boundary of the carriageway;
- (b) the vehicle is headed in the direction of the movement of traffic on the side of the road on which the vehicle is parked or standing;
- (c) at least 3 metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between the vehicle and another vehicle standing on the far side of the carriageway is available for the passage of other vehicles; and
- (d) the vehicle is not less than 1.2 metres from any other vehicle, except a motorcycle or a bicycle parked in accordance with these Local Laws.

(2) Where a parking space is set out other than parallel to the boundary of a road the provisions of paragraphs (1)(a) and (1)(b) above do not apply.

4.2 Double parking

A person shall not park or stand a vehicle or permit a vehicle to remain parked on a road so that any portion of the vehicle is between another parked or standing vehicle and the centre of the road.

4.3 Parking on or near median strips and traffic islands

A person shall not park or stand a vehicle or permit a vehicle to remain parked on a road so that any portion of the vehicle is—

- (a) on or alongside to a median strip; or
- (b) within 9 metres of a traffic-island.

4.4 Parking or standing near bus stops

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 18 metres of the approach side or within 9 metres of the departure side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here" or symbols to that effect, unless the vehicle is a bus stopped to take up or set down passengers.

4.5 Parking or standing near pedestrian or children's crossings

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 18 metres of the approach side or within 9 metres of the departure side of a pedestrian crossing or children's crossing.

4.6 Parking or standing near railway crossings

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 18 metres of a railway crossing.

4.7 Parking or standing near intersections

(1) A person shall not park or stand a vehicle or permit a vehicle to remain parked on a road so that any portion of the vehicle is within 6 metres of the near boundary of any road forming an intersection with the road on which the vehicle is parked or standing.

(2) Where an intersection is controlled by traffic lights a person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 30 metres of the approach side or 50 metres of the departure side of the intersection.

4.8 Parking or standing near fire hydrants

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence or location of a fire hydrant or fire plug.

4.9 Parking or standing near letter boxes

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 3 metres of public letter box unless the vehicle is being used for the purpose of collecting postal articles from the letter box.

4.10 Parking or standing so as to obstruct certain things

A person shall not park or stand a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is—

- (a) in front of a right-of-way or private driveway or so close thereto as to deny vehicles reasonable access to or egress from the right-of-way or private driveway
- (b) in front of a footway constructed across a reserve;
- (c) on any footway or cycleway;
- (d) on a bridge or other elevated structure; or
- (e) within a tunnel or underpass.

PART 5—PARKING OR STANDING IN OTHER AREAS**DIVISION A—RESERVES**

This Division contains provisions about parking or standing on reserves.

5.1 Interpretation

In this Division, “**reserve**” includes park lands, squares, foreshores, beaches and other lands set apart for the use and enjoyment of the inhabitants of the district.

5.2 Parking or standing on reserves

A person shall not park or stand a vehicle or permit a vehicle to remain parked on any part of a reserve which is not set aside for that purpose without the written consent of an authorised person.

DIVISION B—ROAD VERGES

This Division contains provisions about parking or standing on road verges.

5.3 Interpretation

In this Division, “**street lawn**” means a lawn or garden planted in a road verge in accordance with the Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the *Government Gazette* on 7 February 1963 and adopted by the Council as By-Law No. 19 by resolution dated 12 November 1963, published in the *Government Gazette* on 6 February 1964.

5.4 Parking or standing on road verges

(1) Subject to sub-clause (3) a person shall not park or stand a vehicle or permit a vehicle to remain parked on a road verge contrary to a parking sign.

(2) A person shall not park or stand a vehicle or permit a vehicle to remain parked on part of a road verge on which—

- (a) a street lawn is planted; and
- (b) a sign inscribed with the words “Registered Lawn” is erected or displayed in accordance with clause 5.5

unless that person is the occupier of premises adjacent to that part of the road verge or is authorised by the occupier of those premises.

(3) A person permitted to park or stand a vehicle on a road verge under sub-clause (2) is exempt from compliance with sub-clause (1).

5.5 “Registered Lawn” signs

(1) A person shall not erect or display a “Registered Lawn” sign without the authority of the Local Government.

(2) An occupier of premises adjacent to a road verge on which a street lawn is planted may apply to the Local Government to erect or display a “Registered Lawn” sign.

(3) An application under sub-clause (2) must be in writing and be accompanied by payment of an application fee of \$10.00, unless the application fee is waived by the Local Government.

(4) On receipt of an application under sub-clause (2) the Local Government shall supply the applicant with a “Registered Lawn” sign and authorise the erection or display of the sign on the street lawn.

(5) The Local Government may revoke its authority to erect or display a “Registered Lawn” sign if, in the opinion of the Local Government, the street lawn is not maintained in a satisfactory condition.

(6) A person shall not remove, interfere with or deface a “Registered Lawn” sign without the authority of the Local Government.

DIVISION C—RIGHTS-OF-WAY AND PRIVATE PROPERTY

This Division contains provisions about parking and standing in rights-of-way or other private property.

5.6 Parking or standing in rights-of-way

A person shall not park or stand a vehicle or permit a vehicle to remain parked in a right-of-way so as to obstruct the right-of-way.

5.7 Parking or standing on private property

(1) A person shall not park or stand a vehicle or permit a vehicle to remain parked on land that is not a road or a parking station without the consent of the occupier of the land.

(2) A person shall be deemed not to have the consent of the owner or occupier of the land under sub-clause (1) if the vehicle is parked or standing contrary to a sign erected on the land prohibiting, regulating or restricting the parking or standing of vehicles.

PART 6—RESIDENTIAL PARKING

This Part contains provisions about the issuing of residential permits and visitor's permits for residential parking.

6.1 Interpretation

In this Part “dwelling” includes a dwelling, grouped dwelling or multiple dwelling as defined in the City of Subiaco Town Planning Scheme No. 3 published in the *Government Gazette* of 30 March 1984, but does not include a residential building or part of a residential building as defined in that Town Planning Scheme.

6.2 Issue of a residential permit or visitor's permit

(1) A person who is the owner or occupier of a dwelling in the district and who resides in the dwelling may apply in writing to the Local Government for the issue of—

- (a) a residential permit, in relation to a vehicle for which that person is the owner; or
- (b) a visitor's permit.

(2) The application shall set out—

- (a) the person's name;
- (b) the address of the dwelling in respect of which the permit is sought;
- (c) the road or roads in respect of which the permit is sought;
- (d) in the case of a residential permit, the registration number of the vehicle in respect of which the permit is sought; and
- (e) the reason for applying for the permit;

(3) The Local Government may issue a residential permit or a visitor's permit, as the case may be, to an applicant under sub-clause (1) if in the opinion of the Local Government—

- (a) it is impossible or impracticable to obtain vehicular access to a dwelling from a road or right-of-way; or
- (b) there are other sufficient reasons to issue the permit.

6.3 Maximum number of residential permits and visitor's permits per dwelling

A maximum of three residential permits and two visitor's permits may be in force at any time in respect of any one dwelling.

6.4 Duration of a residential permit or visitor's permit

A residential permit or visitor's permit is current from the date of issue and expires on 31 December in the year in which it is issued.

6.5 Effect of a residential permit

(1) Subject to sub-clause (2) the holder of a current residential permit is exempt from compliance with—

- (a) any parking sign prohibiting the parking or standing of vehicles in the area designated by the parking sign or parking signs for more than a specified time; and
- (b) any other parking sign inscribed with the words “City of Subiaco Permit Holders Excepted”.

(2) The exemption in sub-clause (1) only applies—

- (a) to the road or roads in respect of which the residential permit was issued;
- (b) to the vehicle in respect of which the residential permit was issued;
- (c) if the residential permit is affixed to the lower right-hand corner of the rear window of the vehicle so that it can be read by an authorised person outside the vehicle; and
- (d) if the holder of the residential permit still resides in the dwelling in respect of which it was issued.

6.6 Effect of a visitor's permit

(1) Subject to subclause (2) the person for the time being having possession of a current visitor's permit is exempt from compliance with any parking sign inscribed with the words “City of Subiaco Permit Holders Excepted”.

(2) The exemption in sub-clause(1) only applies—

- (a) on a day on which an Australian Football League football match is being played at Subiaco Oval;
- (b) to the road or roads in respect of which the visitor's permit was issued;
- (c) if the visitor's permit is displayed on the dashboard of the vehicle so that it can be read by an authorised person outside the vehicle; and
- (d) if the person to whom the visitor's permit was issued still resides in the dwelling in respect of which it was issued.

6.7 Renewal or replacement of a residential permit or visitor's permit

(1) On receiving a written application from a person referred to in clause 6.2(1), the Local Government may—

- (a) renew a residential permit or visitor's permit which has expired; or
- (b) issue a replacement residential permit or visitor's permit for a permit which has been lost, damaged or stolen.

(2) An application for replacement of a residential permit or visitor's permit must be accompanied by payment of an application fee of \$25.00, unless the application fee is waived by the Local Government.

6.8 Temporary visitors' permits

(1) A person referred to in clause 6.2(1) may apply in writing to the Local Government for one or more temporary visitors' permits.

(2) The provisions of this Part dealing with residential permits shall apply also to temporary visitor's permits, except that—

- (a) the application shall also set out the number of permits required and the date and time during which the permits are required;
- (b) there is no maximum number of temporary visitors' permits;
- (c) a temporary visitor's permit has effect only on the dates and during the times specified on the permit; and
- (d) temporary visitors permits may not be renewed or replaced.

PART 7—PENALTIES AND ENFORCEMENT

This Part contains provisions about offences against these Local Laws, penalties for those offences and the manner of enforcement of these Local Laws.

7.1 Offence and penalty

Any person who contravenes or fails to comply with any clause of these Local Laws commits an offence and is liable on conviction to a maximum penalty of \$1,500.00, together with a daily penalty of \$150.00.

7.2 Chalking of tyres

(1) An authorised person may mark the tyres of a parked or standing vehicle for any purpose arising out of his or her duties or powers under these Local Laws.

(2) A person shall not remove a mark made by an authorised person under sub-clause (1) so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

7.3 Powers of authorised persons

Authorised persons appointed by the Local Government from time to time are authorised to—

- (a) carry into effect the provisions of these Local Laws;
- (b) report to the Local Government on the working effectiveness and functioning of these Local Laws; and
- (c) institute and conduct prosecutions for offences against these Local Laws.

7.4 Modified penalties

(1) All offences under these Local Laws are prescribed for purposes of section 9.16 of the Act as offences for which an infringement notice may be given.

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

(3) The Local Government shall keep records of all infringement notices served and modified penalties received in respect of offences against these Local Laws.

7.5 Form 1—Notice to owner of vehicle

A notice under section 9.13 of the Act to the owner of a vehicle that is involved in an offence against these Local Laws in which the use, driving, parking, standing or leaving of a vehicle is an element shall be in or to the effect of Form 1 of the Second Schedule.

7.6 Form 2—Infringement notice to owner of vehicle

An infringement notice under section 9.18 of the Act to the owner of a vehicle that is involved in an offence against these Local Laws in which the use, driving, parking, standing or leaving of a vehicle is an element shall be in or to the effect of Form 2 of the Second Schedule.

7.7 Form 3—Infringement notice to alleged offender

An infringement notice under section 9.16 of the Act to an alleged offender in respect of an offence against these Local Laws in which the use, driving, parking, standing or leaving of a vehicle is not an element shall be in or to the effect of Form 3 of the Second Schedule.

7.8 Form 4—Withdrawal of infringement notice

A notice under section 9.20 of the Act to withdraw an infringement notice shall be in or to the effect of Form 4 of the Second Schedule.

7.9 Removal of notices

A person, other than the person driving or in control of a vehicle, shall not remove from the vehicle any notice attached to the vehicle or left on or in the vehicle by an authorised person.

PART 8—REMOVAL AND IMPOUNDING OF VEHICLES

This Part contains provisions about the removal and impounding of vehicles involved in contraventions of these Local Laws.

8.1 Obstruction of roads

For the purposes of regulation 29 of the Local Government (Functions and General) Regulations 1996 any vehicle which is parked or standing in any public place—

(a) in contravention of these Local Laws; or

(b) for any period exceeding 24 hours without the written consent of an authorised person, is deemed to be obstructing the lawful use of that public place.

8.2 Impounding of vehicles

An authorised person may remove and impound any vehicle obstructing the lawful use of a road or public place in accordance with Part 3, Division 3, Subdivision 4 of the Act.

8.3 Register of impounded vehicles

The Local Government shall keep and maintain a register of impounded vehicles containing details of the time and date on which each vehicle was removed and impounded, a description of the vehicle, and a description of the place from which it was removed.

8.4 Return of impounded vehicles pending prosecution

(1) Where the Local Government impounds a vehicle pursuant to clause 8.2 of these Local Laws and institutes a prosecution against the alleged offender for an offence against this Local Laws in accordance with section 3.42(a) of the Act, the owner of the vehicle may collect the vehicle on payment to the Local Government of its expenses of removing and impounding the vehicle.

(2) If the alleged offender is not convicted of any offence under these Local Laws the Local Government shall reimburse to the owner of the vehicle any payment made under sub-clause (1).

8.5 Form 5—Notice to collect impounded vehicle

A notice under section 3.42(b) or section 3.44 of the Act to the owner of a vehicle which is removed and impounded to collect the vehicle shall be in or to the effect of Form 5 of the Second Schedule.

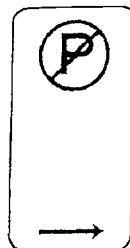
FIRST SCHEDULE

SYMBOLS



Disabled
Parking

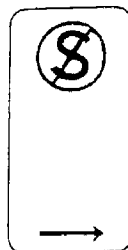
ONLY



No Parking



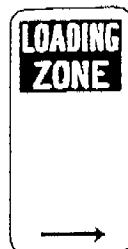
Parking



No Standing



Clearway



Loading Zone

SECOND SCHEDULE

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Serial No.

Date

To (name of owner of vehicle).....
of (address of owner of vehicle)
It is alleged that on (date).....at (time).....am/pm, at
(place) your vehicle (licence plate number)
....., (make)....., (type)..... was involved in the
commission of the following offence, indicated by a cross (X)—

contrary to the City of Subiaco Parking Facilities Local Laws / Local Government (Parking for Disabled Persons) Regulations 1988.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed. If you do not prove otherwise, you will be deemed to have committed the offence unless—

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

OR

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

.....
Signature of authorised person

.....
Name and title of authorised person

Form 2

INFRINGEMENT NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Serial No.

Date

To (name of owner of vehicle).....
of (address of owner of vehicle)
It is alleged that on (date).....at (time).....am/pm, at
(place) your vehicle (licence plate number)
....., (make)....., (type)..... was involved in the
commission of the following offence, indicated by a cross (X)—

contrary to the City of Subiaco Parking Facilities Local Laws / Local Government (Parking for Disabled Persons) Regulations 1988.

The modified penalty for the offence is the amount set out alongside the offence indicated by a cross (X). You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed. If you do not prove otherwise, you will be deemed to have committed the offence unless within 28 days after being served with this notice you—

- (a) inform the chief executive officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed;

(b) satisfy the chief executive officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed.

Alternatively, if you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the City of Subiaco Council Offices, 241 Rokeby Road, Subiaco within 28 days after the giving of this notice.

.....
Signature of authorised person

.....
Name and title of authorised person

Form 3
INFRINGEMENT NOTICE

Serial No.
Date

To (name of owner of vehicle)
of (address of owner of vehicle)

It is alleged that on (date)..... at (time).....am/pm, at
(place) your vehicle (licence plate number)
....., (make)....., (type)..... was involved in the
commission of the following offence, indicated by a cross (X)—

contrary to the City of Subiaco Parking Facilities Local Laws / Local Government (Parking for Disabled Persons) Regulations 1988.

The modified penalty for the offence is the amount set out alongside the offence indicated by a cross (X).
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 an authorised person at the City of Subiaco Council Offices, 241 Rokeby Road, Subiaco within 28 days after the giving of this notice.

.....
Signature of authorised person

.....
Name and title of authorised person

Form 4
NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.
Date

To (name of owner of vehicle)
of (address of owner of vehicle)

Infringement Notice No..... datedfor the alleged offence
of

..... has
been withdrawn.

The modified penalty of \$ has been paid and a refund is enclosed / has not been paid and
is no longer required to be paid.

.....
Signature of authorised person

.....
Name and title of authorised person

Form 5

NOTICE OF REMOVAL AND IMPOUNDING OF VEHICLE

Serial No.

Date

To (name of owner of vehicle).....
 of (address of owner of vehicle).....
 the owner of vehicle (licence plate number)....., (make).....
 (type).....

On (date)..... at (time)..... am/pm, at (place).....
 your vehicle was involved in a contravention of the City of Subiaco
 Local Laws Relating to Parking and was removed and impounded under section 3.39 of the *Local
 Government Act 1995*.

Your vehicle may be collected from (place)..... between the
 hours of..... am/pm and..... am/pm, Monday to Friday by satisfying the Chief
 Executive Officer of the City that you are the owner of the vehicle or a person entitled to possession of the
 vehicle.

If your vehicle is not collected within **two (2) months** after the date of this notice the City may either—

- (a) under section 3.47 of the *Local Government Act 1995* sell the vehicle and credit the money received from that sale to the City's trust fund except to the extent required to meet the City's costs of custody of the vehicle after the period of two months and the expenses incurred by the City in selling the vehicle; or
- (b) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of custody of the vehicle after the period of two months have been paid to the City.

If you have been convicted of an offence against the City of Subiaco Local Laws Relating to Parking as a result of the above contravention then section 3.48 of the *Local Government Act 1995* also allows the City to recover from you its expenses incurred in removing and impounding the vehicle and any outstanding expenses for the custody of the vehicle.

.....
 Signature of authorised person

.....
 Name and title of authorised person

THIRD SCHEDULE

Table of Local Laws, Offences and Modified Penalties

LOCAL LAW	OFFENCE	MODIFIED PENALTY
PARKING AND STANDING GENERALLY		
2.2	Parking or standing contrary to parking sign	\$40
2.3	Parking in a "No Parking" area	\$60
2.4	Parking or standing in a "No Standing" area	\$80
2.5	Parking or standing in an "Authorised Vehicles Only" area	\$60
2.6 (1)	Parking a Commercial Vehicle, Caravan or Trailer for longer than four hours	\$40
2.7	Parking or standing "M/C" in a parking space not marked "M/C"	\$30
2.8	Parking or standing in a "loading Zone"	\$50
2.9(a)	Parking or standing in a "Taxi Stand"	\$60
2.9(b)	Parking or standing in a "Courier Vehicles Only" area	\$60
2.9(c)	Parking or standing in a "Funeral Vehicles Only" area	\$60
2.9(d)	Parking or standing in a "Tour Coaches Only" area	\$60
2.10	Repeated parking or standing within 1 hour	\$30
2.11	Parking or standing other than wholly within a parking space	\$30
2.12(1)	Parking or standing in an occupied parking space	\$30
2.13	Parking or standing to effect repairs	\$40
2.14	Parking or standing to expose vehicle for sale	\$40
2.15(a)	Trading from parked or standing vehicle	\$80
2.16	Failure to move vehicle when directed	\$60
2.17(2)	Parking or standing in area set aside for event	\$40
2.18(3)	Parking or standing in area set aside for authorised persons	\$60

THIRD SCHEDULE—*continued***Table of Local Laws, Offences and Modified Penalties—*continued***

LOCAL LAW	OFFENCE	MODIFIED PENALTY
PARKING IN PARKING STATIONS		
3.2	Failure to pay fee to parking attendant	\$30
3.3(a)	Failure to insert fee into ticket issuing machine	\$30
3.3(b)	Failure to correctly display ticket issued by ticket issuing machine	\$30
3.3(c)	Parking or standing after expiration of ticket	\$30
3.4(a)	Removing vehicle without payment of appropriate fee	\$30
3.5	Parking or standing in prohibited part of parking station	\$30
3.7(1)	Removing vehicle without payment of appropriate fee	\$30
3.9(1)	Inserting anything other than coin into ticket issuing machine	\$50
3.9(2)	Operation of ticket issuing machine other than in accordance with instructions	\$50
3.9(3)	Altering, adding to or defacing ticket	\$80
3.10(1)	Loitering in parking station	\$50
3.10(2)	Failure to leave parking station after direction to do so	\$50
3.11	Damaging, defacing or misusing parking station	\$80
PARKING OR STANDING ON ROADS		
4.1(1)(a)	Parking or standing not parallel with or as close as practicable to boundary of carriageway	\$40
4.1(1)(b)	Parking or standing headed in wrong direction	\$40
4.1(1)(c)	Parking or standing with less than 3 metres or road between another vehicle or farther boundary of carriageway	\$60
4.1(1)(d)	Parking or standing closer than 1.2 metres from another vehicle	\$30
4.2	Double parking	\$60
4.3(a)	Parking or standing on or alongside median strip	\$60
4.3(b)	Parking or standing within 9 metres of traffic island	\$60
4.4	Parking or standing within 18 metres of approach side / 9 metres of departure side of a bus stop	\$60
4.5	Parking or standing within 18 metres of approach side / 9 metres of departure side of a pedestrian or children's crossing	\$60
4.6	Parking or standing within 18 metres of a railway crossing	\$60
4.7(1)	Parking or standing within 6 metres of an intersection	\$60
4.7(2)	Parking or standing within 30 metres of approach side / 50 metres of departure side of intersection controlled by traffic lights	\$60
4.8	Parking or standing within 1 metre of fire hydrant or fire plug	\$60
4.9	Parking or standing within 3 metres of public letter box	\$60
4.10(a)	Obstruction of right-of-way or private driveway	\$80
4.10(b)	Obstruction of footway across a reserve	\$80
4.10(c)	Obstruction of footway or cycleway	\$80
4.10(d)	Obstruction of bridge or other elevated structure	\$60
4.10(e)	Obstruction of tunnel or underpass	\$60
PARKING OR STANDING IN OTHER AREAS		
5.2	Parking or standing on reserves	\$50
5.4(1)	Parking or standing on road verge contrary to parking sign	\$40
5.4(2)	Parking or standing on registered street lawn	\$40
5.5(1)	Erecting or displaying "Registered Lawn" sign without authority	\$40
5.5(6)	Removing, interfering with or defacing "Registered Lawn" sign	\$60
5.6	Parking or standing in right-of-way	\$60
5.7	Parking or standing on private property without consent	\$80
PENALTIES AND ENFORCEMENT		
7.2(2)	Removing chalk marks from tyres	\$80
7.9	Removing notice attached to vehicle	\$80

The Common Seal of the City of Subiaco was hereunto affixed by authority of the Council in the presence of—

A. V. (TONY) COSTA, Mayor.
PATRICK WALKER, Chief Executive Officer.

