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LOCAL GOVERNMENT ACT 1995

**SHIRE OF
SERPENTINE-JARRAHDAL
PARKING FACILITIES
LOCAL LAW**

LOCAL GOVERNMENT ACT 1995**SHIRE OF SERPENTINE-JARRAHDALÉ****PARKING FACILITIES LOCAL LAW**

The Council of the Shire of Serpentine-Jarrahdale under the powers conferred upon it by the Local Government Act 1995 as amended resolve on the 23rd June 1997, to make and submit for confirmation by the Governor the following local law—

ARRANGEMENT

- Part 1—Preliminary
- Part 2—Parking on Roads
- Part 3—Standing and Parking Generally
- Part 4—Miscellaneous
- Schedules

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Serpentine-Jarrahdale Parking Facilities Local Law.

2. Definition

In this local law unless the context requires otherwise—

- “Act” means the Local Government Act 1995 as amended;
- “appointed place” means a place appointed by the Council to which vehicles causing an obstruction may be removed;
- “AS” means Australian Standard published by the Standards Association of Australia;
- “authorised person” means a person appointed by the Council to administer the local law;
- “authorised vehicle” means a vehicle authorised by the Council or an authorised person to stand or park on a road, which is designated by signs to be used for parking by authorised vehicles only;
- “bicycle” means any 2 or 3 wheeled vehicle that is designed to be propelled—
 - (a) solely by human power, or
 - (b) a 2-wheeled or 3-wheeled vehicle that is a power assisted pedal cycle
- “carriageway” means a portion of the road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;
- “CEO” means the Chief Executive Officer of the Shire of Serpentine-Jarrahdale;
- “Council” means the Council of the Shire of Serpentine-Jarrahdale;
- “driver” means any person driving or in control of, a vehicle or animal;
- “emergency access way” means a clearway for the use of emergency vehicles;
- “footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
- “median strip” means—
 - (a) any physical provision, dividing a road to separate vehicular traffic proceeding in opposite directions;
 - (b) any physical provision, including a traffic island designed to separate parked vehicles from vehicular movement areas;
- “member of the Police Service” means a member of the Police Service of Western Australia;
- “Minister” means the Minister for Local Government
- “Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 25-27 inclusive of this local law;
- “owner” of a vehicle means the person who is the holder of the requisite vehicle license under the Road Traffic Act in respect of that vehicle, or the person who is entitled to the possession of the vehicle;
- “park” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately taking up or setting down persons or goods, and “parking” has a correlative meaning;

“parking facilities” includes land, buildings, shelters, parking spaces and any other facilities open to the public generally for the parking of vehicles with or without signs used in conjunction with those things;

“parking region” means the whole of the Shire of Serpentine-Jarrahdale excluding the following portions—

- (a) prohibition areas applicable to all bridges and subways;
- (b) any roads which come under the control of the Commissioner of Main Roads;

“parking space” means a section or part of a road, reserve which is marked or defined by painted lines, by metallic studs or by similar devices for the purpose of indicating where vehicles may stand or park whether on payment of a fee or charge or otherwise;

“reserve” means any land, other than street reserves, owned by, vested in or otherwise under the care, control or management of the local government;

“reserve car park” means any portion of a reserve set aside by the Shire for the purpose of the standing or parking of vehicles whether on payment of a fee or charge or otherwise;

“road” means any road, street, land, thoroughfare or similar place within the parking region and includes all of the land lying between the property lines including street verge and footpath;

“Road Traffic Act” means the Road Traffic Act 1974 as amended;

“Shire” means the Shire of Serpentine-Jarrahdale;

“sign” means a traffic sign, mark or structure, symbol or device placed, erected on or near a road, or a reserve for the purpose of regulating, directing or guiding parking of vehicles;

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

“street” has the same meaning as road;

“symbol” means a letter, figure or other character or mark or combination of letters or such like, without limiting the generality of the foregoing includes any symbol issued or specified by the Australian Standard 1742.11-1989 for use in the regulation of parking;

“vehicle” includes—

- (a) every conveyance (excluding wheelchairs), not being a train, vessel or aircraft and every object capable of being drawn, propelled on wheels or tracks, by any means;
- (b) where the context permits an animal being ridden or driven.

3. Application of Local Law

This local law shall apply to all parking facilities in the parking region. However, the provisions of this local law shall not apply to any parking facility—

- (a) which is not owned, controlled, nor occupied by the Shire, or
- (b) which although owned by the Shire is leased to another person.

4. Vehicle Classification

For the purpose of this local law, vehicles are—

Any conveyance (excluding wheelchairs) not being a train, vessel or aircraft and every object capable of being drawn or propelled, on wheels or tracks, by any means; and where the context permits an animal being ridden or driven.

5. Application of Signs

(1) Where the standing or parking of vehicles in a street is regulated by a sign, then the sign shall for the purpose of the local law apply to that part of the street which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign; and
- (c) is that side of the carriageway of the street nearest the sign.

(2) For the purpose of this local law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

PART 2—PARKING ON ROADS

6. Establishing and Amending Parking Provisions

The Council may by resolution constitute, determine, vary and indicate by signs—

- (a) prohibitions;
- (b) regulations; and
- (c) restrictions

on the parking and standing of vehicles in all roads, specified roads or specified parts of roads in the parking region.

7. Parking Contrary to Signs

(1) A person shall not stand a vehicle on a road or part of a road—

- (a) upon which the standing of vehicles is prohibited at all times by a sign;
- or
- (b) upon which the standing of vehicles is prohibited at that time by a sign.

(2) A person shall not park a vehicle on a road or part of a road—

(a) upon which the parking of vehicles is prohibited at all times by a sign;
or

(b) upon which the standing of vehicles is prohibited at that time by a sign.

(3) Subject to clause 13, a person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than 24 hours or a time specified by signage.

(4) A person shall not stand or park a vehicle or permit a vehicle to stand in a street or reserve car park—

(a) which is by any sign thereon or adjacent thereto set apart for the standing or parking of vehicles of a different class;

(b) if by any sign the standing of vehicles is prohibited or restricted during any period or periods, during such period or periods;

(c) which is by any sign designated "Authorised Vehicles Only" or "Council Vehicles Only", unless the person first obtains the permission of the Council, the Chief Executive officer or an authorised person.

8. Occupied Parking Spaces

A person shall not stand or park or attempt to stand or park a vehicle in a parking space on which another vehicle is standing or parking.

9. Median Strip and Traffic Islands

A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

(a) on a median strip;

(b) adjacent to a median strip otherwise than in a parking space.

10. Parking Position on Road

(1) A person shall not park or stand a vehicle or permit a vehicle to stand or park on any road otherwise than—

(a) parallel to and as close to the kerb as practical;

(b) headed in the direction of the movement of the traffic on the part of the road on which the vehicle is parked;

(c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

11. Traffic Obstructions

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

(a) in front of a right of way, passage or private driveway or so close as to deny vehicles reasonable access or egress from said right of way, passage or private driveway;

(b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersection carriageway;

(c) on or over a footpath, disabled access to a footpath or place of refuge for pedestrians;

(d) in front of a footpath or bridle trail constructed across a reserve;

(e) on or over any footpath or bridle trail, emergency access way or pedestrian crossing;

(f) within 2 metres of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or a fire plug;

(g) obstructing a right of way, passage or private drive or carriageway or so close to as to deny vehicles reasonable access to or egress from the right of way, passage or private drive or carriageway;

(h) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box;

(i) within 6 metres of the nearer property line of any street intersecting the street on the side on which the vehicle is standing.

12. Double Park

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

13. Verge Parking

(a) A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge;

(b) Clause 13(a) shall not apply to a vehicle driven or parked on a crossover or other usual accessway to land adjoining a carriageway provided that such vehicle is driven or parked at right angles to the carriageway and not parked on or near a footway so as to cause an obstruction;

(c) Clause 13(a) shall not apply to the owner or occupier of the adjoining property or if the vehicle's owner has the permission of the property owner or occupier, provided that—

(a) a private vehicle is not parked on the street verge for more than 24 hours without being moved;

(b) a vehicle is not parked on the verge to be wrecked.

14. Direction to Move Vehicle

A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Service directs the driver of such vehicle to move it.

15. Repairs to and Sale of Vehicles

A person shall not park on any portion of a street—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs required to enable the vehicle to be moved to a place other than a road;
- (b) if the vehicle is exposed for sale.

PART 3—STANDING AND PARKING GENERALLY**16. Bicycle Parking**

A person shall not park or stand a bicycle in a parking space.

17. Private Property

A person shall not stand or park or permit to park or stand on land which is not part of a road or parking facility without consent of the owner or person in occupation of such land.

18. Overlength Vehicle

A person shall not stand or park a vehicle or any combination of vehicles that, together with anything in or on that vehicle is more than 8 metres in length on a carriageway for any period exceeding 24 hours.

19. Parking on Reserves

A person shall not stand or park a vehicle on a public reserve, other than within a reserve car park on that reserve, without the permission of the Council or an authorised person, or a member of the Police Service.

20. Camping

A person shall not cause a vehicle to be parked in such a manner as to be used in whole or part as a camping facility on roads or on reserves under control of the Shire other than in those areas designated for use as camping areas.

PART 4—MISCELLANEOUS**21. Affixing Signs and Notices**

A person shall not without permission of the Council affix any board, sign, placard, notice or other thing to or paint or write on any part of a parking sign or parking facility.

22. Appointment of Authorised Person

- (a) The Council may appoint a person as an authorised person for the purpose of the enabling of this local law to be given full force and effect.
- (b) An authorised person shall be furnished with a certificate of appointment in a form determined by the Chief Executive Officer from time to time.

23. Impersonation of Authorised Person

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

24. Obstruction of Authorised Person

- (a) A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this local law.
- (b) An authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his or her duties and powers and a person shall not remove such a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.
- (c) An authorised person who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law may demand from that person his or her name and place of abode.
- (d) A person who refuses a demand from an authorised person to state his or her name or place of abode, or who states a false name or place of abode, commits an offence against this local law.

25. Form 1—Original Notice

An infringement notice served under section 9.16 of the Act in respect of an offence against this local law shall be in or to the effect of Form 1 of Schedule 2 of this local law.

26. Form 2—Notice to Identify Driver

A notice served under section 9.13 (3) of the Act in respect of an offence alleged to have been committed against this local law shall be in or to the effect of Form 2 of Schedule 1 of this local law.

27. Form 3—Withdrawal Notice

A notice sent under section 9.20 of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against this local law shall be in or to the effect of Form 3 of Schedule 1 of this local law.

28. Removal of Notice

A person other than the driver or owner of a vehicle shall not remove from that vehicle any notice affixed to or on it by an authorised person or a member of the Police Service.

29. Offence

Any person who contravenes or fails to comply with the provisions of the local law commits an offence and is liable upon conviction to a penalty not exceeding \$1,000.00.

30. Modified Penalties

The amount appearing in column 4 of Schedule 2 is the modified penalty for an offence if the offence is dealt with under section 9.21 of the Act.

31. Recovery of Penalties

A penalty, other than a modified penalty, for an offence against this local law, may be recovered by the Shire from the alleged offender by use of either the Fines Enforcement Registry or through proceedings in a Court of Petty Sessions.

SCHEDULE 1

Form 1

SHIRE OF SERPENTINE-JARRAHDALÉ

LOCAL GOVERNMENT ACT 1995

PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE UNDER SECTION 9.16

INFRINGEMENT NUMBER

To the owner\driver of vehicle registration No..... Make.....
 Model..... You are hereby notified that it is alleged that on
19..... at about..... you did commit a breach
 of the Shire of Serpentine-Jarrahdale Parking Facility local law as indicated by a cross or crosses in a
 box or boxes below—

<i>Nature of Offence</i>	<i>Modified Penalty</i>
<input type="checkbox"/> *Standing in a No Standing area	\$60.00 [Clause 7(1)(a)]
<input type="checkbox"/> *Parking in a No Parking area	\$60.00 [Clause 7(2)(a)]
<input type="checkbox"/> *Parking across a right of way or private driveway	\$60.00 [Clause 11(a)]
<input type="checkbox"/> *Parking on or over a footpath	\$60.00 [Clause 11(c)]
<input type="checkbox"/> *Parking on a public reserve	\$60.00 [Clause 19]
<input type="checkbox"/> *Other	\$60.00

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty within 28 days after the day of service of this notice.

Payment may be made either by posting this form, together with the amount of \$....., to the Shire of Serpentine-Jarrahdale, 6 Paterson Street, Mundijong, WA 6202, or in person by delivering this form and paying the above amount to the Shire offices between the hours of 8.30am and 4.30pm Monday to Friday.

Unless within 28 days after service of this notice—

- (a) the modified penalty is paid; or
- (b) you inform the Chief Executive Officer of the Shire of Serpentine-Jarrahdale of the identity and address of the person who was driving or the person in charge of the above vehicle at the time of the above alleged offence; or
- (c) you apply under section 9.19 of the Local Government Act 1995 for an extension of time; or
- (d) you satisfy the Chief Executive Officer of the Shire of Serpentine-Jarrahdale that the above vehicle had been stolen or was being unlawfully used at the time of the above alleged offence, you will, in the absence of proof to the contrary, be deemed to have committed the above alleged offence and court proceedings may be instituted against you.

.....
 Signature of Authorised Person

.....
 Date

Form 2
SHIRE OF SERPENTINE-JARRAHDAL
LOCAL GOVERNMENT ACT 1995
PARKING FACILITIES LOCAL LAW

TO—

You are hereby notified that it is alleged that the driver or person in charge of the vehicle did in contra-
vention of the Shire of Serpentine-Jarrahdale's Parking Facilities local law, commit the offence shown
below on the date and time shown.

Infringement Number.....
Date Time
Offence Clause..... Code
Plate Number
Vehicle Make Vehicle Model.....

In accordance with section 9.13 of the Local Government Act 1995, you will, in the absence of proof to the
contrary, be deemed to have committed the offence detailed hereunder and court proceedings may be
instituted against you, unless within twenty-eight (28) days after the date of service of this notice you—

- (a) Finalise the infringement notice through the payment of the amount.
(b) Inform the Chief Executive Officer of the Shire of Serpentine-Jarrahdale IN WRITING as to
the identity of the person who was the person or driver in charge of the above vehicle at the time
of the alleged offence.
(c) Apply to the Chief Executive Officer of the Shire of Serpentine-Jarrahdale for an extension of
time under section 9.19 of the Local Government Act 1995.
(d) Satisfy the Chief Executive Officer of the Shire of Serpentine-Jarrahdale IN WRITING that
the above vehicle had been stolen or was being unlawfully used at the time of the alleged
offence.

Infringement details—

Offence description
Place, Street
Penalty \$
Amount due \$
Date due
.....

Signature of Authorised Person Date

Form 3
SHIRE OF SERPENTINE-JARRAHDAL
LOCAL GOVERNMENT ACT 1995
PARKING FACILITIES LOCAL LAW
Notice of Withdrawal

TO—

Dear Sir\Madam

Notice of withdrawal of proceedings under section 9.20 of the Act.

Infringement Number.....
Date Time
Offence Clause..... Code
Plate Number
Vehicle Make Vehicle Model.....
Description Location

Take notice that I, being authorised to do so, hereby withdraw proceedings in relation to the infringe-
ment notice issued for the above offence.

.....
Signature of Authorised Person Date

SCHEDULE 2
SHIRE OF SERPENTINE-JARRAHDALÉ
PARKING FACILITIES LOCAL LAW
MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty \$
1	7(1)(a)	Standing in a No Standing area	60
2	7(2)(a)	Parking in a No Parking area	60
3	8	Standing or parking in an occupied space	60
4	9	Standing or parking on or adjacent to a median strip	60
5	10(1)(c)	Parking outside parking space marked on road	60
6	11(a)	Parking in front of a driveway	60
7	11(b)	Parking on \in an intersection	60
8	11(c)	Parking on \over a footpath or disabled persons access to a footpath or pedestrian refuge	60
9	11(d)-(i)	Parking causing a traffic obstruction	60
10	13	Standing or parking on a verge contrary to signs or without consent	60
11	14	Failing to move vehicle after direction	60
12	15(a)	Parking a vehicle on a street to repair it	60
13	15(b)	Unauthorised parking for sale exposure	60
14	17	Standing or parking on private property without consent	60
15	18	Standing or parking a vehicle in excess of 8m on a carriage-way for a period exceeding 24 hours	60
16	19	Parking on a reserve	60
17	20	Parking and use of a vehicle for camping on road \reserve not designated for camping purposes	60
18		All other offences not classified in which the use, driving, standing or leaving of a vehicle is an element	60

THE COMMON SEAL OF
the Shire of Serpentine-Jarrahdale
hereunto affixed by authority of a
resolution of Council in the presence of—

COLLEEN H. RANKIN, President.
NED D. FIMMANO, Chief Executive Officer.

Dated this 26th day of August 1997.



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