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LOCAL GOVERNMENT ACT 1995

**CITY OF JOONDALUP
PARKING LOCAL LAW 1998**

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PARKING LOCAL LAW 1998

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th day of October 1998.

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PART 1—PRELIMINARY**Short Title**

1. This local law may be referred to as the City of Joondalup Parking Local Law 1998.

Commencement

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

Content And Intent

3. The purpose and effect of this local law is to provide for the regulation, management and control of the parking of vehicles within the district of the City of Joondalup.

Repeal

4. The following By laws of the former City of Wanneroo—

- By law P1: Parking Facilities, published in the *Government Gazette*—8 May 1981 and amendments;
- By law P2: Parking of Vehicles on Street Verges, published in the *Government Gazette*—3 August 1979 and amendments;
- Clause 4, By law 3: Reserves and Foreshores, published in the *Government Gazette*—28 September 1990;

shall be repealed on the day the City of Joondalup Parking Local Law 1998, comes into operation.

Definitions

5. In this local law, unless the context requires otherwise—

“act” means the Local Government Act 1995;

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

“AS” means Australian Standard published by the Standards Association of Australia;

“authorised person” means a person authorised by the local government under Section 9.10 of the Act to administer this Local Law.

“authorised vehicle” means a vehicle authorised by the local government or an authorised person to stand or park on a road or in a parking station, which is designated by signs to be used for parking by authorised vehicles only;

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

- “CEO” means the chief executive officer of the City;
- “city” means City of Joondalup;
- “coin” means any coin which is legal tender pursuant to the Currency Act 1965 (Commonwealth);
- “commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, or a vehicle which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;
- “cycle” means any wheeled vehicle that is designed to be propelled solely by human power;
- “driver” means any person driving, or in control of, a vehicle or animal;
- “expired meter indicator” means a plate, digital display, indicator or device on a parking meter which appears on the face of the meter indicating that the time during which a vehicle may occupy the metered space to which it relates has expired;
- “emergency vehicle” means a motor vehicle—
- (a) conveying or which has conveyed a member of the Police service on urgent official duty and is stationary at any place where the urgent official duty is being carried out;
 - (b) being a fire brigade travelling to or on duty at any place in response to a fire, fire alarm, emergency or rescue;
 - (c) being an ambulance answering an urgent call or conveying to hospital any injured or sick person urgently requiring treatment;
 - (d) being used to contain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and authorised to carry a siren or bell as a warning instrument;
 - (e) duly authorised and used in response to emergencies.
- “footway” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
- “foreshore” means all the land in the district of the City of Joondalup which lies between the low water mark and the high water mark of the Indian Ocean;
- “local government” means the City of Joondalup;
- “median strip” means—
- (a) any physical provision, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions in parking stations;
 - (b) any physical provision, including a traffic island, designed to separate parked vehicles from vehicle movement areas;
- “meter hood” means a cover designed to fit over a parking meter to indicate a temporary parking prohibition, restriction or reservation of the adjacent parking space or spaces.
- “metered stall” means a parking space in a metered zone, in or adjacent to which a parking meter is installed;
- “metered zone” means any street or reserve, or part of any street or reserve, in which parking meters are installed;
- “motorcycle” means a motor vehicle designed to travel on 2 wheels but does not include a motorcycle to which a side car is attached;
- “omnibus” means a passenger vehicle which is equipped and licenced under the Road Traffic Act to carry—
- (a) more than 8 adult passengers; and
 - (b) which is used to carry passengers for separate fares;
- “owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;
- “park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law or of immediately picking up or setting down persons or goods, and “parking” has a correlative meaning;
- “parking facilities” includes land, buildings, shelters, metered zones, metered spaces, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things;
- “parking meter” means a machine either manually or electronically operated by the insertion of coins to measure and display the initial period of time purchased and decreasing time available until expired, for a vehicle to occupy the adjacent parking bay and includes the stand on which the meter is erected;
- “parking region” means the whole of the district of the City and excludes roads under the control of the Commissioner of Main Roads.
- “parking stall” means a section or part of a road, reserve or a parking station which is marked or defined by painted lines or by similar devices for the purpose of indicating where vehicles may stand or park whether on payment of a fee or otherwise;

- “parking station” means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge but does not include metered zone or metered space or private garage;
- “property line” means the boundary between the land comprising a road and the land that abuts thereon;
- “public place” means any place which the public has access whether or not that place is on private property;
- “reserve” includes parklands, reserves, foreshores and other lands included in or adjoining a district, and set apart for the enjoyment of the public and includes parks and other lands acquired for public purposes, and vested in or under the care, control and management of the City;
- “road” has the same meaning as “carriageway”.
- “Road Traffic Act” means the Road Traffic Act 1974;
- “semi-trailer” means a vehicle that is drawn by another vehicle and that comes within the description of a trailer but which is so constructed and by partial super imposition attached to the vehicle drawing the same in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle drawing it; the term also includes a type of trailer known as a pole type jinker or pole type trailer;
- “sign” means a traffic sign, mark, structure, symbol or device placed or erected on or near a road or within a parking station or a reserve for the purpose of regulating, guiding or directing the parking of vehicles;
- “special event parking” means any event or occurrence considered by the CEO to be special or likely to attract a substantial number of persons driving vehicles;
- “special purpose vehicles” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Force, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle.;
- “stand” in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and “standing” has a correlative meaning;
- “tare weight” means the weight of a motor vehicle without the addition of the driver, passengers or load of any kind;
- “taxi” means a vehicle which—
- (a) is equipped to carry not more than seven passengers; and
 - (b) is used for the purpose of standing or plying for hire or otherwise for the carrying of passengers for reward.
- “ticket issuing machine” means a machine which—
- (a) is operated by the insertion of any coin, other Australian currency, token or card; and
 - (b) issues a ticket to indicate the period of parking;
- “ticket parking stall” means a parking space in a ticket zone;
- “ticket zone” means a place where ticket issuing machines are installed on-street to control a number of parking stalls, but does not include a parking station;
- “tow truck” means a motor vehicle constructed and fitted with permanent hoisting equipment used or intended to be used for the lifting, partial lifting or towing of road vehicles and which is not suitable for the carrying of any load other than accessories necessary for the operation of the vehicle.
- “tractor” means—
- (1) a prime mover type motor vehicle that is a tractive unit designed for hauling a semi trailer;
 - (2) a motor vehicle designed for use primarily in public and private sector industry, including without limiting the meaning of the expression “industry” agricultural, earthmoving and forestry pursuits, and designed to be driven or controlled by a person carried on the vehicle;
- “trailer” means a vehicle (not including a semi trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle that comes within the description of a caravan.
- “vehicle” includes every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means;
- “verge” means that portion of a road that lies between the nearest property line, and a carriageway designed or ordinarily used for vehicular traffic;

Application of Local Law

6. This local law applies to the whole of the parking region, except any parking facility or parking station—

- (a) not owned or controlled by the City; or
- (b) although owned by the City is leased to another person.

Vehicle Classification

7. For the purpose of this local law vehicles are divided into the following classes—

- (a) commercial vehicles;
- (b) caravans;
- (c) omnibuses;
- (d) motorcycles;
- (e) taxis;
- (f) tow trucks;
- (g) trailers;
- (h) tractors;
- (i) semi-trailers;
- (j) all other vehicles not otherwise classified.

Application of Signs

8. (1) Where the standing or parking of vehicles in a road or street is regulated by a sign, the sign for the purposes of this local law applies to that part of the road 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 road nearest to the sign.

(2) For the purposes 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—METERED AND TICKET ZONES**Establishment of Metered Zones, Metered Stalls and Ticket Zones**

9. (1) The local government may, by resolution—

- (a) establish;
- (b) indicate by signs; and
- (c) vary from time to time;

metered zones, metered spaces and ticket zones.

(2) In relation to metered zones, metered spaces and ticket zones, the local government may prescribe—

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

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

Parking Within Parking Stalls

10. A person shall not park a vehicle in a metered zone or ticket zone, other than within a parking stall.

Fees in Metered Zones and Ticket Zones

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

Parking Limits in Metered Stalls and Expired Meters

12. (1) A person shall not park or stand a vehicle in a metered stall during the prescribed times—

- (a) unless the appropriate fee has been inserted in the parking meter adjacent to the metered space; or
- (b) if the parking meter has expired.

(2) In this clause—

- (a) “appropriate fee” is the fee set by local government under clause 11; and
- (b) “prescribed times” means any day or period parking meters are in use.

(3) For the purposes of this clause a parking meter has expired if the meter displays an expired meter indicator.

(4) The local government may, by resolution, declare that the provisions of this clause shall not apply during any periods or days specified in that resolution.

Time Limits and Restrictions

13. (1) A person shall not stand a vehicle in a metered stall or ticket parking stall during a period which the standing of vehicles in that stall is prohibited by a sign.

(2) A person shall not park a vehicle in a metered stall or ticket parking stall—

- (a) during a period in which the parking of vehicles in that stall is prohibited by signs; or
- (b) if a sign, on or adjacent to the stall, sets that stall apart for the parking of vehicles of a different class.

(3) A person shall not park a vehicle in a metered zone or ticket zone for more than the maximum time specified by a sign as the maximum time for which the continuous parking of a vehicle in the zone is permitted.

Display of Tickets in Ticket Zones

14. A person shall not stand or park a vehicle in a ticket zone during any permitted period unless—

- (a) an unexpired ticket; and
- (b) the date, expiry time and the number (if any) printed on the ticket,

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

Operation of Parking Meters and Ticket Issuing Machines

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

Use of Coins in Parking Meters and Ticket Issuing Machines

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

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

Defacing a Parking Ticket

17. A person shall not display in a vehicle a ticket purchased from a ticket issuing machine or from any place authorised by the local government if that ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the prescribed fee.

PART 3—PARKING STATIONS

Establishment of Parking Stations

18. The local government may by resolution, establish, determine and vary from time to time and indicate by signs—

- (a) parking stations;
- (b) permitted times and conditions of parking or standing in parking stations;
- (c) classes of vehicles permitted to park or stand in parking stations;
- (d) the manner of parking or standing in parking station,

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

Parking Station Fees

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

Conditions of Parking in a Parking Station

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

Display of Tickets

21. (1) A person shall not stand or park a vehicle in a parking station equipped with a ticket issuing machine during any permitted period unless—

- (a) an unexpired parking ticket applicable to that parking station; and
- (b) the date, expiry time and the number (if any) printed on the ticket,

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

(2) In this clause “permitted period” means the period stated on the ticket issuing machine during which the parking of a vehicle is permitted only upon the purchase of a parking ticket.

Removal of Vehicles

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

Obstruction of Parking Stations

23. (1) A person shall not stand or park a vehicle in a parking station, other than wholly within a parking stall.

(2) No person shall stand a vehicle so as to obstruct an entrance to, and exit from, or a roadway within, a parking station or beyond the limits of any defined right of way within a parking station.

Restrictions and Time Limits in Parking Stations

24. (1) A person shall not stand or park a vehicle on any part of a parking station—

- (a) if the standing or parking of a vehicle on that part is prohibited by a sign; or

(b) during a period in which the standing or parking of vehicles on that part is prohibited by a sign.

(2) A person shall not park a vehicle on any part of a parking station for more than the maximum time specified by a sign.

Set Aside Parking Stations

25. (1) The local government may by use of signs set aside any parking station or any space in a parking station for the parking of vehicles by persons or classes of persons authorised by the local government.

(2) The local government may by use of signs set aside, for any period specified on the signs, any parking station for the parking of vehicles by persons attending a special event.

Behaviour in Parking Stations

26. (1) A person shall not remain in or on a parking station or parking facility after having been required to leave that parking station or parking facility by a member of the Police Force or an authorised person.

(2) A person shall not loiter in a parking station or parking facility.

(3) A person shall not drive in a parking station in a direction other than the direction indicated by arrows.

Direction to Move Vehicle

27. A person shall not stand or park a vehicle on any part of a parking station or parking facility after an authorised person or a member of the Police Force directs the driver of the vehicle to move the vehicle from that parking station, parking facility or part of either place.

Parking Stations May be Locked

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

Selling and Hiring in Parking Stations

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

Damage to Parking Stations

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

Damage to Parking Meters or Ticket Issuing Machines

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

Affixing Signs and Notices

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

PART 4—PARKING ON ROADS

Establishing and Amending the Parking Scheme

33. The local government may by resolution constitute, determine, vary and indicate by signs—

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

on the parking and standing of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Parking Contrary to Signs

34. (1) A person shall not stand a vehicle on any part of a road—

- (a) if the standing of a vehicle on that part is prohibited at all times by a sign; or
- (b) during a period in which the standing of vehicles on that part is prohibited by a sign.

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

- (a) if the parking of vehicles on that part is prohibited at all times by a sign; or
- (b) during a period in which the parking of vehicles on that part is prohibited by a sign.

(3) 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 stall, or as a metered space for more than the maximum time specified by a sign.

Occupied Parking Stalls

35. A person shall not stand or park a vehicle in a parking stall in which another vehicle is standing or parking.

Traffic Islands and Median Strips

36. 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 stall or metered space; or
- (c) on, or within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic island.

Parking Position on Road

37. A person shall not stand or park a vehicle on a road otherwise than—

- (a) parallel to the kerb of that road;
- (b) as close to the kerb as practicable;
- (c) headed in the direction of the movement of traffic on the part of the road on which the vehicle is parked; and
- (d) wholly within a parking stall if the part of the road upon which the vehicle is standing or parked is provided with parking stalls.

Commercial Vehicles

38. (1) A person shall not park—

- (a) a commercial vehicle
- (b) a caravan
- (c) an omnibus
- (d) a semi-trailer
- (e) a tow truck
- (f) a tractor; or
- (g) a trailer

on a road or verge for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.

(2) The provisions of clauses 42 (1) and (2) relating to verge parking apply to verge parking permitted under clause 38 (1).

Parking Near a Fire Hydrant and Post Box

39. (1) A person shall not stand or park a vehicle on a road so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug.

(2) A person shall not stand or park a vehicle within 3 metres of a public post box, unless the vehicle is being used for the purpose of collecting mail and other postal articles from the post box.

Intersections, Footways and Traffic Obstructions

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

- (a) within 6 metres of the nearest property line of any road intersecting the road on the side of which the vehicle is standing or parked;
- (b) on or over a footway, cycleway or a place of refuge for pedestrians;
- (c) in front of a right of way, passage or private drive or so close as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;
- (d) upon the intersection except adjacent to a carriageway boundary that is broken by an intersecting carriageway; or
- (e) alongside any hoarding, scaffolding, obstacle or impediment to traffic.

Double Parking

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

Verge Parking

42. (1) A person shall not stand or park a vehicle on a road verge where signs prohibit the standing or parking of vehicles on that verge.

(2) A person not being the occupier of the land abutting on to a road verge, shall not without the consent of that occupier, drive, park or stand a vehicle upon that road verge;

Bus Stops, Pedestrian and Children's Crossings

43. (1) A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—

- (a) a sign with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or
- (b) a pedestrian or children's crossing established on a road.

(2) A person shall not stand a vehicle on a road so that any portion of the vehicle is within 18 metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here', unless that vehicle is an omnibus taking up or setting down passengers; or

(b) a pedestrian or children's crossing.

(3) A person shall not permit a vehicle to stand or park in a parking stall set aside for the use of omnibuses except for the purpose of taking up or setting down passengers to or from such vehicle.

No Parking Within One Hour

44. Where—

(a) parking in a road is restricted as to time; and

(b) a vehicle has been parked in that road,

a person shall not park that vehicle in that road unless—

(c) the vehicle has been removed from the road for at least one hour; or

(d) there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another road that meets or intersects that road.

Direction to Move Vehicle

45. A person shall not stand or park a vehicle on any part of a road, after an authorised person or a member of the Police Force directs the driver of such vehicle to move it.

Loading Zones

46. (1) A person shall not stand or park a vehicle in a loading zone for more than 5 minutes unless the tare weight of the vehicle is greater than 1000 kilograms or for more than 15 minutes if the vehicle is a commercial vehicle.

(2) A person may stand or park a vehicle in a loading zone—

(a) if the vehicle is a commercial vehicle; and

(b) if a person is continuously engaged in loading or unloading goods to or from the vehicle.

(3) A person shall not stand a commercial vehicle in a loading zone—

(a) for more than 5 minutes unless the tare weight of the vehicle is greater than 1,000 kilograms; or

(b) for more than 15 minutes.

Repairs to and Sale of Vehicles

47. A person shall not park a vehicle on any portion of a road or verge—

(a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road; or

(b) if the vehicle is exposed for sale.

PART 5—STANDING AND PARKING GENERALLY

Authorised Parking

48. A person shall not, without the permission of an authorised person stand or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

Private Property

49. A person shall not stand or park a vehicle or permit a vehicle to stand or park on land which is not a road or parking facility unless with the consent of the owner or occupier of that land.

Parking on Reserves and Foreshores

50. A person, other than a physically impaired person using a wheelchair, including a motorised wheelchair, shall not without the consent of an authorised person—

(a) drive or ride or bring any vehicle onto a reserve or foreshore or permit any person to drive or ride or bring any vehicle onto a reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside as roads or driveways or vehicle parking areas;

(b) park or stand any vehicle on a reserve except in an area set aside for that purpose; or

(c) park or stand a vehicle on a foreshore except in the course of launching or recovering a boat on a boat ramp set aside by the local government for the launching of boats.

Chalking of Tyres

51. (1) 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 that authorised person's duties and powers.

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

PART 6—RESIDENTIAL PARKING

Issue of Residential Parking Permits

52. (1) The local government may, on written application, issue a residential parking permit in respect of a particular vehicle to a person who is—

(a) the occupier of a dwelling house fronting a road within the parking region; and

(b) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.

- (2) The residential parking permit issued by local government may be either—
- (a) an annual residential parking permit, issued for a period not in excess of one year and expiring on 31 December in the year of issue; or
 - (b) a temporary residential permit, issued for a period not greater than 6 months.
- (3) Every residential parking permit shall specify—
- (a) a permit number;
 - (b) the registration number of the vehicle in respect of which the permit was issued;
 - (c) the name of the roads or parking stations to which the exemption granted by clause 53 applies; and
 - (d) the date on which the permit expires.

Conditions of Exemption for Residential Parking Permits

53. Where the standing or parking of a vehicle on any part of a road within the parking region, whether such part be marked as a parking space or not, is prohibited for more than a specified time, or in a ticket parking zone without an unexpired parking ticket being displayed within the vehicle, the holder of a residential parking permit is exempted from such prohibition provided that such exemption shall apply only—

- (a) to the road, roads or parking station specified in the residential parking permit, but excluding areas of road adjacent to retail premises, where parking of all classes of vehicles is subject to time restrictions;
- (b) if the residential parking permit is affixed to the windscreen or a window of the vehicle in a prominent position;
- (c) if the period in respect of which the residential parking permit was issued has not expired; and
- (d) if the holder of the residential parking permit at the time of parking the vehicle still occupies the premises in respect of which the residential parking permit was granted.

Removal of Residential Parking Permit from Vehicle

54. The holder of a residential parking permit who changes residence shall remove the residential parking permit from the vehicle to which it is affixed.

Fees for Residential Parking Permits

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

PART 7—REMOVAL OF VEHICLES CAUSING OBSTRUCTIONS

Lawfully Parked Vehicles

56. A vehicle which is parked in any portion of a public place wherein vehicles may lawfully be parked is deemed to cause an obstruction, where—

- (a) the vehicle is parked for any period exceeding 24 hours, without the consent in writing of an authorised person;
- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
- (c) the vehicle is abandoned, unregistered or disused.

Unlawfully Parked Vehicles

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

Obstruction of Public Places

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

Removal of Vehicles

59. Where an authorised person finds a vehicle causing an obstruction that authorised person—

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

Recording of Vehicles in Appointed Place

60. Where an authorised person or Police officer places a vehicle in an appointed place, that authorised person or Police officer shall enter in a register to be provided by the local government for that purpose—

- (a) details of the time and date;
- (b) a description of the vehicle; and
- (c) the place from which it was removed.

Notification to Owner

61. An authorised person shall notify, in writing, the last known owner of a vehicle removed to an appointed place pursuant to clause 60, that the vehicle may be collected during such hours as may be specified in the notice.

Recovery of Removed Vehicles

62. (1) The owner or person authorised by the owner of a vehicle in writing, may recover a vehicle from an appointed place—

- (a) at no cost if the vehicle is recovered within two (2) months of giving the notice in accordance with Clause 61;
- (b) after paying the cost of removing the vehicle to the appointed place, plus the daily custody fee set by the local government pursuant to Section 6.16 of the Act for each day or part of a day that the vehicle has remained in the appointed place, after two (2) months of giving the notice in accordance with Clause 61.

(2) A person who removes a vehicle from an appointed place without complying with the provisions of subclause (1), commits an offence.

Sale of Removed Vehicles

63. Where a vehicle in an appointed place has not been collected within 2 months after the notice referred to in clause 61 is given, the local government may—

- (a) sell such vehicle by public auction or by public tender; and
- (b) accept the best offer made; or
- (c) where no offer is made to purchase the vehicle cause the vehicle to be disposed of as the local government thinks fit.

Indemnity

64. A person is not entitled to make any claim, by way of damages or otherwise, against an authorised person or member of the Police Force, or the local government in respect of a vehicle removed and dealt with under the provisions of these clauses or against any person who purchases a vehicle sold by the local government under clause 63.

Applications of Proceeds of Sale

65. (1) The proceeds of the sale of a vehicle sold under the provisions of clause 63 shall be applied by the local government—

- (a) firstly, in meeting the costs of the sale of the vehicle; and
- (b) secondly, in meeting the costs referred to in clause 62 (1),

and these sums shall be paid into the municipal fund of the local government.

(2) Any surplus of the proceeds of the sale shall be paid by the local government into its trust account, and may be paid within 10 years, to any person who satisfies the local government that the person was owner of the vehicle at the time of its sale by the local government.

(3) Any amounts under clause 62(1) may, if not paid to the owner within ten years, be paid into the municipal fund of the local government, on the condition that the local government shall repay it from that fund to a person claiming and establishing their right to that repayment.

Recovery of Costs Where Sale Proceeds Insufficient

66. Where the proceeds of the sale of any vehicle sold under clause 63, after deduction of the monies authorised to be applied by the local government by clause 62(1), do not cover the costs of the removal, custody and sale or disposal of that vehicle, the local government may recover the balance of these costs from the owner or person authorised by the owner in writing of that vehicle in a court of competent jurisdiction.

PART 8—MISCELLANEOUS**Delegation of Authority**

67. The local government may delegate to the C E O, its powers and duties under this local law relating to Clause 33 Establishing and Amending the Parking Scheme

Special Event Parking

68. (1) The CEO may by use of signs set aside any area for any period specified on the signs, for the parking of vehicles by persons attending a special event.

(2) A person shall not park or stand a vehicle in a parking station or area set aside under sub-clause (1) of this clause during the period for which it is set aside unless a ticket purchased from the local government in respect of the special event is clearly visible to and is able to be read by an authorised person from outside the vehicle.

(3) During the period referred to in sub-clause (1) the provisions of clauses 24(1)(b), and 24(2) shall not apply to the parking station.

Appointment of Authorised Persons

69. (1) An authorised person shall be furnished with a certificate of his or her appointment in a form determined by the local government from time to time.

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

(3) An authorised person may be appointed on an honorary basis for the purposes of clause 70 (a), (b) and (c).

Responsibilities of an Authorised Person

70. An authorised person may and is authorised by the local government to—

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

Name and Address to be Given on Demand

71. (1) An authorised person or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of these local laws, may demand from the person that person's name and place of abode;

(2) A person who refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence.

Hinderance of Authorised Person

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

False or Misleading Statement

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

Form 1—Notice to Owner to Identify Driver

74. A notice served under section 9.13 of the Act in respect of an offence alleged to have been committed against this local law shall be Form 1 of the First Schedule of the Local Government (Functions and General) Regulations 1996.

Form 2—Infringement Notice

75. An infringement notice served under section 9.17 of the Act in respect of an offence against this local law shall be Form 2 of the First Schedule of the Local Government (Functions and General) Regulations 1996.

Form 3—Withdrawal Notice

76. A notice sent under subsection (1) of 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 Form 3 of the First Schedule of the Local Government (Functions and General) Regulations 1996.

Removal of Notice

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

Offences

78. (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Modified Penalties

79. The amount appearing in column 3 of Schedule 1 is the modified penalty for an offence if the offence is dealt with under section 9.16 of the Act.

Recovery of Penalties

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

Records to be Kept

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

Dated this 23rd day of October, 1998.

The common seal of the City of Joondalup was hereunto affixed in the presence of:

C. T. ANSELL, Chairman of Commissioners.

L. O. DELAHAUNTY, Chief Executive Officer.

Schedule 1
City of Joondalup
Modified Penalties

Clause No	Nature of Offence	Modified Penalty \$
10	Parking in a metered/ticketed zone outside a parking stall	35
12(1)(b)	Standing or parking against an expired meter in a metered stall	35
13(1)	Standing during a prohibited period in a metered or ticket parking stall	40
13(2)(a)	Parking during a prohibited period in a metered or ticket parking stall	35
13(2)(b)	Parking in a metered or ticket parking stall set apart for vehicles of a different class	40
13(3)	Parking longer than time allowed in a metered or ticket stall	35
14(a)	Standing or parking a vehicle with an expired ticket in a ticket zone	35
21(1)(a)	Failing to display an unexpired parking ticket in a metered zone	35
22	Parking in a parking station without paying appropriate fee	40
23(1)	Parking in a parking station not wholly within a parking stall	35
23(2)	Obstruction of entrance and/or roadway to parking station	40
24(1)(a)	Standing or parking a vehicle in a parking station contrary to signs	40
24(1)(b)	Standing during a prohibited period in a parking station	40
26(2)	Loitering in a parking station	60
26(3)	Driving in a parking station against the direction indicated by arrows	50
27	Failure to remove vehicle in a parking station after being directed by an authorised person	60
34(1)(a)	Standing in a No Standing Area	60
34(1)(b)	Standing on a road during a prohibited period	40
34(3)	Parking on a road for more than the maximum period	35
35	Standing or parking in an occupied parking stall	35
36	Standing or parking on or adjacent to a median strip	40
37(1)(a)	Parked not parallel to the kerb	40
37(1)(c)	Parked facing the wrong way	40
38(1)	Parking a commercial vehicle on road or verge for more than 3 hours	50
39(1)	Standing or parking within one metre of a fire hydrant	40
39(2)	Standing or parking within three metres of a public post box	40
40(a)	Standing or parking vehicle within 6 metres of nearest property line	40
40(b)	Standing or parking vehicle on any footway or cycleway	50
40(c)	Standing or parking in front of right of way, driveway etc	50
41	Double parking	50
42(2)	Parking on street verge without consent	35
43(1)	Standing a vehicle within 9 metres of departure side of bus stop or children's crossing	40
43(2)	Standing a vehicle within 18 metres of approach side of bus stop or children's crossing	40
45	Failure to move vehicle on request	40
46(1)	Standing or parking in a loading zone	40
47(b)	Vehicle for sale on road or verge	35
49	Standing or parking a vehicle on private property	60
50	Drive, ride, park or stand a vehicle on a reserve or foreshore	50
58	Vehicle causing an obstruction in a public place	40
	All other offences not classified	35
3	Parking in a Disabled Parking Bay Uniform General By-Laws (Parking for the Disabled 1998)	60

Schedule 2
Parking Stations

Parking Station No	Name	Location
1	Ocean Reef Boat Harbour	Situated within part of Lots 1029, 1032 and Reserve No 20561, Ocean Reef
2	Whitford City Shopping Centre	Situated on Pt Lot 501, Swan Location, 1370 Whitfords Avenue, Hillarys

Schedule 2—*continued*
Parking Stations—*continued*

Parking Station No	Name	Location
3	Glengary Shopping Centre	Situated on Lot 1 Arnisdale Road, Duncraig
4	Warwick Grove Shopping	Situated on Lots 906, 908, 909 and 928, Corner of Beach and Erindale Roads, Warwick
5	Pinnaroo Point Carpark	Situated within Reserve No 39497, Hillarys
7	Craigie Regional Open Space Car Parks & Access Roads	Situated on Reserve 32858, Whitfords Avenue, Craigie
8	Warwick Regional Open Space Car Parks & Access Roads	Situated on Pt Lot 145 Corner Wanneroo, Warwick & Beach Roads, Warwick
9	James Cook Reserve	Situated within Reserve 32913, Banks Avenue, Hillarys
10	Hillarys Boat Harbour	Situated on Reserve 39197 West Coast Drive, Hillarys
11	Lakeside Joondalup Shopping Centre Carpark	Situated on Lot 453 Joondalup Drive, Joondalup



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