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LOCAL GOVERNMENT ACT 1995

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## **TOWN OF EAST FREMANTLE**

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### **PARKING AND PARKING FACILITIES LOCAL LAW**



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**LOCAL GOVERNMENT ACT 1995****TOWN OF EAST FREMANTLE****PARKING AND PARKING FACILITIES LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Town of East Fremantle resolved to make the following Local Law on the 17th day of August 1999.

**PART 1—DEFINITION AND OPERATION****1.1 Commencement**

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

**1.2 Repeal**

The Town of East Fremantle Local Laws Relating to Parking Facilities published in the *Government Gazette* on 9 December 1983 is repealed.

**1.3 Interpretation**

(1) In this Local Law unless the context otherwise requires—

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

“Authorized Person” means a person authorized by the local government under section 9.10 of the Act, to perform any of the functions of an Authorized Person under this Local Law;

“authorized vehicle” means a vehicle authorized by the local government, Chief Executive Officer, Authorized Person or by any written law to park on a thoroughfare or parking facility;

“bicycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“bus” means an omnibus as defined by the Road Traffic Act;

“bus embayment” has the meaning given to it in the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

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

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“children’s crossing” has the meaning given to it in the Code;

“CEO” means the Chief Executive Officer of the local government;

“Code” means the *Road Traffic Code 1975*;

“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, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but 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;

“district” means the district of the local government;

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

“emergency vehicle” has the meaning given to it in the Code;

“footpath” includes every footpath, pedestrian access way or other place—

(a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or

(b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“Loading Zone” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked ‘Loading Zone’;

“local government” means the Town of East Fremantle;

“median strip” has the meaning given to it in the Code;

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

“metered zone” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

“motorcycle” means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;

“motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

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

(a) between two consecutive signs inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or

(b) between a sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“occupier” has the meaning given to it in the Act;

“owner” where used in relation to a vehicle, means a person who is the registered 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; and where used in relation to land has the meaning given to it by the Act;

“park”, in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of—

(a) avoiding conflict with other traffic; or

(b) complying with the provisions of any law when the vehicle is being driven;

“parking area” means a portion of a carriageway—

(a) between two consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or

(b) extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited,

and is on that side of the carriageway of the thoroughfare nearest the sign;

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

“parking meter” includes the stand on which the meter is erected and a ticket issuing machine;

“parking region” means the area described in the First Schedule;

“parking stall” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

“parking station” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

“pedestrian crossing” has the meaning given to it in the Code;

“public place” means any place to which the public has access whether or not that place is on private property;

“reserve” means any land—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

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

“Schedule” means a Schedule to this Local Law;

“sign” includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

“special purpose vehicle” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, 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;

“specified place” means a yard or other land set aside nominated by the local government as a place to which obstructing vehicles may be removed.

“symbol” includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

“taxi” has the same meaning as “taxi-car” in section 47Z of the *Transport Co-ordination Act 1966*;

“thoroughfare” has the meaning given to it in the Act;

“ticket issuing machine” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“trailer” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“vehicle” includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means; and

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

(2) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(3) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

#### **1.4 Application and pre-existing signs**

(1) Subject to subclause (2), this Local Law applies to the parking region.

(2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this Local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and

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

shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

(6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the standing of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

#### **1.5 Classes of vehicles**

For the purpose of this Local Law, vehicles are divided into classes as follows—

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

#### **1.6 Part of thoroughfare to which sign applies**

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

(a) lies beyond the sign;

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

(c) is on that side of the thoroughfare nearest to the sign.

### **PART 2—METERED ZONES**

#### **2.1 Determination of metered zones**

(1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.

(2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—

- (a) permitted times and conditions of parking depending on and varying with the locality;
- (b) classes of vehicles which are permitted to park;
- (c) the amount payable for parking; and
- (d) the manner of parking.

## **2.2 Parking fee to be paid**

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

## **2.3 Limitation on parking in metered space**

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this Local Law.

## **2.4 No parking when meter is expired**

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign "Expired" or a negative time.

## **2.5 Suspension of requirement to pay fee**

The local government may from time to time declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified.

## **2.6 Vehicles to be within metered space**

A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.

## **2.7 Permitted insertions in parking meters**

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

## **2.8 Parking ticket to be clearly visible**

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

## **2.9 One vehicle per metered space**

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

## **2.10 No parking when hood on meter**

Notwithstanding any other provision of this Local Law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent symbols depicting these purposes except with the permission of the local government or an Authorized Person.

# **PART 3—PARKING STALLS AND PARKING STATIONS**

## **3.1 Determination of parking stalls and parking stations**

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

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

## **3.2 Vehicles to be within parking stall on thoroughfare**

(1) Subject to subclause (2), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.



(2) Where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

### **3.3 Payment of fee to park in parking station**

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an Authorized Person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

### **3.4 Suspension of parking station restrictions**

The local government may from time to time declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified.

### **3.5 Vehicle not to be removed until fee paid**

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

### **3.6 Entitlement to receipt**

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

### **3.7 Parking ticket to be clearly visible**

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

### **3.8 Vehicles to be within parking stall in parking station**

Unless otherwise directed by an Authorized Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

### **3.9 Parking prohibitions and restrictions**

(1) A person shall not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an Authorized Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an Authorized Person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle—

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

## **PART 4—PARKING GENERALLY**

### **4.1 Prohibition and regulation of parking by signs**

The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

### **4.2 Restrictions on parking in particular areas**

(1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
- (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(3) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

(4) A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person, park a vehicle in an area designated by a sign stating "Authorized Vehicles Only".

(5) In a Loading Zone, a person shall not—

- (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
- (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.

(6) In paragraph (b) of subclause (5) “goods” means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m<sup>3</sup>.

#### **4.3 Parking vehicle on a carriageway**

A person parking a vehicle on a carriageway shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (e) so that it does not obstruct any vehicle on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

#### **4.4 Vehicle to be wholly within parking area**

A person shall not park a vehicle partly within and partly outside a parking area.

#### **4.5 When parallel and right-angled parking apply**

Where a traffic sign associated with a parking area is not inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to park in a different position where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

#### **4.6 When angle parking applies**

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### **4.7 General prohibitions on parking**

(1) (a) This clause does not apply to a vehicle parked in a metered space or a parking stall nor to a bicycle in a bicycle rack.

(b) Paragraphs (c), (e) and (g) of subclause (2) do not apply to a vehicle which parks in a bus embayment.

(2) A person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) on a bridge or other elevated structure or within a tunnel or underpass;
- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

- (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
  - (l) within 6 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—
- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children’s crossing established on a two-way carriageway; or
  - (c) the nearest rail of a railway level crossing.
- (4) A person shall not park a vehicle 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” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a pedestrian crossing or children’s crossing; or
  - (c) the nearest rail of a railway level crossing.

#### **4.8 Parking on verges**

(1) This clause does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials, collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, but the commercial vehicle, by parking on the verge must not obstruct the passage of any vehicle or person.

(2) A person shall not park a—

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

(3) Subject to subclause (2), a person shall not park a vehicle if any portion of the vehicle is on the verge unless he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorized by the occupier of those premises to do so.

#### **4.9 Limitation on parking of vehicles with tare in excess of 2,000 kgs on carriageway**

A person shall not park a vehicle having a tare in excess of 2,000 kgs on a carriageway for more than two hours consecutively.

#### **4.10 Limitation on parking of over length vehicles on carriageway**

A person shall not 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 more than two hours consecutively.

#### **4.11 Authorized person may order vehicle on thoroughfare to be moved**

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorized Person has directed the driver to move it.

#### **4.12 Authorized person may mark tyres**

(1) An Authorized Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

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

#### **4.13 No movement of vehicles to avoid time limitation**

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

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

#### **4.14 No parking of vehicles exposed for sale and in other circumstances**

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

**4.15 Parking on private land**

- (1) In this clause a reference to “land” does not include land—
- (a) which belongs to the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*;
  - (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
  - (d) which is the subject of an agreement referred to in clause 1.4 (2); or
  - (e) which is identified in the Fourth Schedule.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

**4.16 Parking on reserves**

No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

**4.17 Suspension of parking limitations for urgent, essential or official duties**

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorized Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorized Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

**PART 5—RESIDENTIAL PARKING PERMITS****5.1 Residential parking permit**

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is—
- (a) an occupier of a lot fronting the thoroughfare;
  - (b) the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and
  - (c) subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2)—
- (a) approve it;
  - (b) approve it subject to such conditions as the local government considers appropriate; or
  - (c) refuse to approve it.
- (5) Where the local government makes a decision under paragraph (a) or (b) of subclause (4), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (6) A temporary permit issued for the purpose of subclause (2)—
- (a) will expire 3 months after it is issued; and
  - (b) is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either—
- (a) an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or
  - (b) a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify—
- (a) a permit number;
  - (b) the registration number of the vehicle;
  - (c) the name of the thoroughfare to which the exemption granted by clause 5.2 applies; and
  - (d) the date on which it expires.

**5.2 Conditions of exemption for residential parking permits**

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 5.1 is exempted from such prohibitions if—

- (a) the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) the permit is affixed to the windscreen of the vehicle in a prominent position;

- (c) the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

### **5.3 Removal and cancellation of residential parking permit**

- (1) The holder of a permit issued under clause 5.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.
- (2) The holder of the permit shall advise the local government the permit number that is to be cancelled and the date the holder changes residence within fourteen days of the change of residence.

## **PART 6—MISCELLANEOUS**

### **6.1 Removal of notices on vehicle**

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

### **6.2 Unauthorized signs and defacing of signs**

A person shall not without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

### **6.3 Signs must be complied with**

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

### **6.4 General provisions about signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### **6.5 Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this Local Law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

### **6.6 Vehicles not to obstruct a public place**

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.
- (3) Where an authorized person or a member of the police service finds a vehicle parked in a public place, contrary to the provisions of subclause (1), the authorized person may remove the vehicle.
- (4) An authorized person or a member of the police service may use such force as necessary to enter the vehicle for the purpose of so removing it.
- (5) Any vehicle removed under this clause is to be taken to a specified place and the authorized person shall record the time, date, description of the vehicle and the place from where the vehicle was removed on a register kept at the local government.
- (6) The local government shall advise the last known owner of the vehicle that it has been removed to the specified place.
- (7) A person may recover the a seized vehicle from a specified place by paying to the local government—
  - (a) the cost incurred by the local government in removing the vehicle;
  - (b) an impound fee, and if applicable a subsequent custody fee as shown in the Fifth Schedule,and upon payment of that cost and fees, the local government, subject to satisfactory proof that the person is the owner of the vehicle, may release the vehicle to that person.
- (8) Every person who removes a vehicle from a specified place without the authority of the local government commits an offence.
- (9) Where a vehicle, placed in a specified place has not been recovered within one month from the day upon which it was impounded, the local government may cause the vehicle to be offered by sale by public tender or public auction and thereupon accept the best offer made; and where no offer is made for the purchase of the vehicle, the local government may cause it to be destroyed.

(10) A person is not entitled to any claim, by way of damages or otherwise, against any authorized person, member of the police service, or the local government in respect of any vehicle seized and dealt with in accordance with this local law.

## PART 7—PENALTIES

### 7.1 Offences and penalties

- (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 \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

### 7.2 Averment on complaint as to clause 1.4 (2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.4 (2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

### 7.3 Form of notices

For the purposes of this Local Law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

## SCHEDULE ONE

### PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district—

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

## SCHEDULE TWO

### PRESCRIBED OFFENCES

#### *Parking and Parking Facilities Local Law*

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space .....	50
2	2.4	Parking when meter has expired .....	50
3	2.8	Failure to display ticket clearly in metered zoned .....	50
4	2.10	Parking contrary to a meter hood .....	50
5	3.3	Failure to pay parking station fee .....	50
6	3.5	Leaving without paying parking station fee .....	50
7	3.7	Failure to display ticket clearly in parking station .....	50
8	3.9 (1) (a)	Causing obstruction in parking station .....	50
9	3.9 (1) (b)	Parking contrary to sign in parking station .....	50
10	3.9 (1) (c)	Parking contrary to directions of Authorized Person .....	50
11	4.2 (1) (a)	Parking wrong class of vehicle .....	40
12	4.2 (1) (b)	Parking by persons of a different class .....	40
13	4.2 (1) (c)	Parking during prohibited period .....	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
14	4.2 (2) (a)	Parking in no parking area .....	60
15	4.2 (2) (b)	Parking contrary to signs or limitations .....	60
16	4.2 (2) (c)	Parking vehicle in motor cycle only area .....	40
17	4.2(3)	Parking motor cycle in stall not marked "M/C" .....	40
18	4.2 (5) (a)	Parking in Loading Zone .....	60
19	4.3 (a)	Fail to park on the left of two-way carriageway .....	60
20	4.3 (b)	Fail to park on boundary of one-way carriageway .....	60
21	4.3 (a)+(b)	Parking against the flow of traffic .....	60
22	4.3 (c)	Parking when distance from farther boundary less than 3 metres	50
23	4.3 (e)	Causing obstruction .....	100
24	4.7 (2) (a)	Double parking .....	60
25	4.7 (2) (c)	Denying access to private drive or right of way .....	100
26	4.7 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	50
27	4.7 (2) (e)	Parking within 9 metres of traffic island .....	50
28	4.7 (2) (f)	Parking on footpath/pedestrian crossing .....	100
29	4.7 (2) (g)	Parking on bridge or in tunnel .....	50
30	4.7 (2) (i)	Parking on intersection .....	60
31	4.7 (2) (l)	Parking within 6 metres of intersection .....	60
32	4.7 (3) (a)	Parking vehicle within 9 metres of departure side of bus stop ....	60
33	4.7 (4) (a)	Parking vehicle within 18 metres of approach side of bus stop ...	50
34	4.7 (4) (b)	Parking vehicle within 18 metres of approach side of pedestrian/children's crossing .....	50
35	4.8 (2) (a)	Parking commercial vehicle, bus or caravan on verge .....	40
36	4.8 (2) (b)	Parking on verge contrary to sign .....	60
37	4.9	Parking vehicle with tare of over 2000kgs for over 2 hours .....	50
38	4.10	Parking over length vehicle in excess of 2 hours .....	50
39	4.11	Parking contrary to direction of Authorized Person .....	50
40	4.14 (c)	Parking a trailer/caravan on a thoroughfare .....	40
41	4.15 (2)	Parking on land that is not a parking facility without consent ...	50
42	4.15 (3)	Parking on land not in accordance with consent .....	40
43	4.16	Driving or parking on reserve .....	50
44	5.3	Failure to remove permit when residence changed .....	40
45	6.6 (1)	Leaving vehicle so as to obstruct a public place .....	60
46		All other offences not specified .....	40

### SCHEDULE THREE

#### *Local Government Act 1995*

#### Form 1

#### *Parking And Parking Facilities Local Law*

#### **NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

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

To: (1) .....  
of: (2) .....  
It is alleged that on ..... / ..... / ..... at (3) .....  
at (4) ..... your vehicle:  
make: ..... ;  
model: ..... ;  
registration: ..... ;  
was involved in the commission of the following offence— .....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

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;
  - (i) you inform the Chief Executive Officer or another authorized 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; and
  - (ii) you 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.

(5) .....

(6) .....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

### SCHEDULE THREE

#### *Local Government Act 1995*

#### Form 2

#### *Parking and Parking Facilities Local Law*

#### **INFRINGEMENT NOTICE**

Serial No .....

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

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) .....

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ;

you committed the following offence—

.....

.....

.....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice



## SCHEDULE THREE

*Local Government Act 1995*

## Form 3

*Parking and Parking Facilities Local Law***INFRINGEMENT NOTICE**

Serial No .....

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

To: (1) .....  
 of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....  
 at (4) .....

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ;

you committed the following offence—

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

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice—

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

\_\_\_\_\_

## SCHEDULE THREE

*Local Government Act 1995*

## Form 4

*Parking and Parking Facilities Local Law***WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....

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

To: (1) .....

of: (2) .....

Infringement Notice No. .... dated ..... / ..... / .....

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ;

for the alleged offence of .....

.....

.....

.....

has been withdrawn.

The modified penalty of \$ .....

\* has been paid and a refund is enclosed.

\* has not been paid and should not be paid.

\* delete as appropriate.

(3) .....

(4) .....

Insert:

(1) Name of alleged offender to whom infringement notice was given or "the owner".

(2) Address of alleged offender.

(3) Signature of authorized person

(4) Name and title of authorized person giving notice

## SCHEDULE FOUR

*Parking and Parking Facilities Local Law***DEEMED PARKING STATIONS**

No. 1 Parking Station (Riverside Road) Launching Ramp

No. 2 Parking Station (Council Place)

## SCHEDULE FIVE

**FEES RELATING TO OBSTRUCTING VEHICLES**

1	Clause 6.6 (7a)	Removal of Vehicle	Costs incurred by the local government
2	Clause 6.6 (7b)	Impound fee	\$100
3	Clause 6.6 (7b)	Custody fee	\$10.00 per day

Dated this 19th day of October 1999.

The Common Seal of the Town of East Fremantle was affixed in the presence of:

A. SMITH, Mayor.  
S. WEARNE, Chief Executive Officer.





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