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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

PARKING LOCAL LAW 1999

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

PARKING LOCAL LAW 1999

Under the powers conferred by the *Local Government Act 1995* and by any other law, the Council of the City of Perth resolved on 14 December 1999 to make the following local law.

PART 1—OPERATION AND INTERPRETATION**Operation**

1.1 This local law will come into operation on 31 December 1999.

Repeal

1.2 The following local laws are repealed—

- (a) all local laws made under the *City of Perth Parking Facilities Act 1956*; and
- (b) local law number 85—Parking of Commercial Vehicles on Street Verges.

Citation

1.3 This local law may be cited as the *City of Perth Parking Local Law 1999*.

Definitions

1.4 In this local law unless the context otherwise requires—

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

“**attended parking station**” means a parking station attended at times by an officer, agent, contractor or authorized person of the City;

“**authorized person**” means a person—

authorized by the Council under section 9.10 of the Act to perform a function under this local law that is specified in the certificate of authorization applying to that person;

“**authorized vehicle**” means a vehicle authorized by the Council, CEO or authorized person, or by any written law, to stop or park in a parking facility;

“**bicycle**” means any wheeled vehicle that is designed to be propelled solely by human power but does not include a pram or wheelchair;

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

Note: The *Road Traffic Code* defines omnibus to mean—

‘a passenger vehicle equipped to carry more than 8 adult persons and used to carry passengers for separate fares’.

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

Note: The *Road Traffic Code* defines bus embayment to mean—

‘an embayment at the side of a carriageway, designed so that an omnibus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane’.

“**caravan**” means a vehicle that is fitted or designed to allow human habitation;

“**carriageway**” means a portion of road 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 stopping or parking of vehicles; and where a road 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 the middle of the carriageway or, in the absence of any such lines, marks or other indications, in the middle of the main travelled portion of the carriageway;

“**CEO**” means the chief executive officer of the City;

“**charter bus**” means any bus which is used, hired or chartered for any purpose but does not include a public bus;

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

Note: The *Road Traffic Code* defines children’s crossing to mean—

‘a portion of a carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words, “CHILDREN CROSSING-STOP”, in black letters, is displayed and, where the lines are so marked partly across a carriageway, includes the portion of the carriageway between the prolongations of those lines’.

“City” means City of Perth;

“clause” means a clause of this local law;

“commercial vehicle” means a motor vehicle constructed or adapted, and while being used, for the conveyance of goods or materials used in any industry but does not include a delivery vehicle;

“Council” means the council of the City;

“delivery vehicle” means a motor vehicle on which a business name as defined in the *Business Names Act 1962* or a trade mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible which is being used for the conveyance of documents and packages weighing less than 5 kilograms each;

Note: The *Business Names Act 1962* defines business name to mean—

‘a name, style, title or designation under which a business is carried on.’

The *Trade Marks Act 1995* defines trade mark to mean—

‘a sign used, or intended to be used, to distinguish goods or services dealt with or provided in the course of trade by a person from goods or services as dealt with or provided by any other person.’

“district” means the district of the City;

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

“eating area” means an area in which tables, chairs or other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public;

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

Note: The *Road Traffic Code* defines emergency vehicle to mean—

‘a motor vehicle—

- (a) conveying a member of the police force on urgent official duty;
- (aa) that has conveyed a member of the police force on urgent official duty and is stationary at any place where the urgent official duty is being carried out;
- (b) of a fire brigade travelling to, or on duty at, any place, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying to hospital any injured or sick person urgently requiring treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorized to carry a siren or bell for use as a warning instrument; or
- (e) duly authorized as an emergency vehicle for the purposes of these regulations, by the Director General’.

“entrance ticket” means a ticket issued by an entrance ticket machine;

“entrance ticket machine” means a machine installed at an entrance to a parking station (including attended parking station) and from which entrance tickets are issued to vehicles entering that parking station;

“exit ticket” means a ticket issued after payment of the fee by a fee collection machine;

“fee collection machine” means a machine installed in a parking station which upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;

“footpath” includes every footpath, lane 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 bicycle cyclists only; or
- (b) ordinarily used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicycle cyclists and not by vehicles other than bicycles;

“kerb” means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

“loading zone” means a parking bay designated for use by commercial vehicles or delivery vehicles;

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

Note: The *Road Traffic Code* defines median strip to mean—

‘any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions’.

“metered space” means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

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

“money” means any legal tender under the Currency Act 1965 (Cth);

“motorcycle” means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

“motor vehicle” means a self-propelled vehicle that is not operated on rails, and 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 lies—

- (a) between 2 consecutive signs inscribed with the words “No Parking” and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the words “No Parking” and whichever of the following lies in the general direction indicated by an arrow inscribed on the sign—
 - (i) the end of the carriageway; or
 - (ii) an area in which parking is prohibited;

“No Stopping area” means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the words “No Stopping” and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the words “No Stopping” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
 - (i) the end of the carriageway; or
 - (ii) an area in which stopping is prohibited;

“obstruct” means to interfere with, impede or hinder the passage of any vehicle or person;

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

“owner”—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning give to it by the Act;

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

- (a) avoiding conflict with other traffic;
- (b) complying with any written law; or
- (c) immediately taking up or setting down persons or goods; and

“parking area” means a portion of a carriageway—

- (a) between 2 consecutive signs inscribed with the word “Parking” and each with an arrow pointing generally towards the other; or
- (b) extending from a sign inscribed with the word “Parking” in the general direction indicated by the arrow inscribed on the sign—
 - (i) to any other sign inscribed with the words “No Parking” or “No Stopping”; or
 - (ii) to the end of the carriageway or an area in which the stopping or parking of vehicles is prohibited,

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

“parking bay” means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park but does not include a metered space;

“parking facility” includes a road, reserve, parking area, metered zone, ticket machine zone, parking bay, parking station, attended parking station and any other facility available to the public generally or a specified class of persons for the parking of a vehicle, whether or not a fee is charged;

“parking policy” means a policy adopted by the Council under Part 9;

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

“parking ticket” means a ticket which is issued from a ticket issuing machine and which authorizes the parking of a vehicle;

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

Note: The *Road Traffic Code* defines pedestrian crossing to mean—

‘a portion of a carriageway—

- (a) defined—
 - (i) by alternate black and white stripes; or
 - (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,in such a manner that each stripe is approximately parallel to the centre of the carriageway; and
- (b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a pedestrian crossing (walking legs) sign, as specified in Australian Standard No. E.36-1960, R.12, of the Standards Association of Australia’.

“pedestrian mall” has the meaning given to it in the Road Traffic Code;

Note: The *Road Traffic Code* defines pedestrian mall to mean—

‘any road or portion of a road that is designated as a pedestrian mall by signs erected thereon or adjacent thereto’.

“properly displayed” means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorized person at all times while the vehicle remains stopping or parked.;

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

“public bus” means any bus available to the general public in the course of general transport services but does not include a charter bus;

“reserve” includes any land—

- (a) owned by or vested in the City;
- (b) of which the City 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;

“residential parking permit” means a permit issued by the Council under Part 7;

“road” means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the road verge and footpath;

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

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

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

“Schedule” means a Schedule to this local law;

“service vehicle” has the same meaning as given to it in the Road Traffic Code;

Note: The *Road Traffic Code* defines service vehicle to mean—

‘a vehicle used or intended to be used for the purpose of picking up or setting down goods or merchandising in a pedestrian mall’.

“service zone” means any part of a pedestrian mall designated for stopping or parking of service vehicles;

“sign” includes a traffic sign, inscription, mark, structure or device approved by the Council on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting or regulating the stopping or 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 Force, a motor break-down service vehicle or a vehicle being used by a governmental or local authority in connection with its functions unless that vehicle is used for commercial purposes, but does not include an emergency vehicle’;

“stop”, in relation to a vehicle, means stop a vehicle and permit it to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with any written law;

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

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

Note: Section 47Z of the *Transport Coordination Act 1966* defines taxi car to mean—

‘a vehicle that is used for the purpose of stopping or plying for hire or otherwise for the carrying of passengers for reward’.

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

Note: The *Act* defines thoroughfare to mean—

‘a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end’.

“ticket” includes tokens;

“ticket issuing machine” means a machine or device which issues, as a result of money or other permitted form of payment being inserted into a machine, a ticket showing the period during which it is lawful to remain parked in the area to which the machine is referable;

“ticket machine zone” means a parking facility in which a ticket issuing machine is installed;

“traffic island” means a median strip intended for the use of pedestrians crossing or otherwise using a road;

“trailer” means any vehicle without motor 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;

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

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

“unexpired parking ticket” means a parking ticket on which a date and expiry time is printed and that time has not expired;

“vehicle” includes—

- (a) 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; and

- (b) where the context permits, an animal being driven or ridden; and
“**visitor’s parking permit**” means a permit issued by the Council under Part 7.

Application of particular definitions

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

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

(3) A reference to a parking station or metered zone includes a reference to part of the parking station or metered zone.

Undefined terms

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

Application of local law

1.7 This local law (except for clause 2.4) applies throughout the district but not to a parking station that—

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

Sign erected by the Commissioner of Main Roads

1.8 A sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the Council under the authority of this local law.

Application of signs

1.9 Where under this local law the stopping or parking of vehicles on a road is controlled by a sign, the sign shall apply to that part of the road which—

- (a) lies beyond the sign;
- (b) lies between that sign and the next sign; and
- (c) is on that half of the carriageway of the road nearest to that sign.

PART 2—STOPPING AND PARKING GENERALLY

Power to prohibit and regulate

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

Council resolutions in relation to stopping and parking

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

- (a) parking facilities;
- (b) permitted times and conditions of stopping and parking which may vary with the locality;
- (c) permitted persons who may stop or park their vehicles;
- (d) permitted classes of vehicles which may stop or park; and
- (e) the manner of stopping or parking.

Stopping or parking in accordance with signs

2.3 (1) A person must not stop or park a vehicle in a parking facility—

- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class;
- (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class;
- (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
- (d) unless clause 2.16 applies, for more than the maximum time specified by a sign;
- (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces; or
- (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopping or parked.

(2) A person must not stop or park a vehicle—

- (a) in a No Stopping area;
- (b) in a parking area, except in accordance with the signs referable to the parking area and this local law;
- (c) partly within and partly outside a parking area; or
- (d) in a bay marked ‘M/C’ unless it is a motorcycle without a sidecar.

- (3) A person must not park a vehicle in a no parking area.
- (4) A person must not stop a motorcycle without a side-car in a parking bay or metered space unless—
 - (a) the bay or space is marked 'M/C'; or
 - (b) a sign applying to the bay or space is inscribed 'M/C'.
- (5) If there is no sign referable to a parking bay or metered space marked 'M/C', a person must not stop or park a vehicle for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (6) Unless authorized by the City, a person must not stop or park a vehicle in an area designated by a sign inscribed 'Authorized Vehicles Only'.

Parking without consent

2.4 (1) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopping or parked.

(2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with the consent.

Disabled persons

2.5 (1) In this clause—

“**ACROD permit**” means a permit issued by ACROD Limited (WA Division) for the purpose of identifying vehicles driven by or carrying a disabled person or persons; and

“**disabled parking bay**” means a part of a parking facility which is identified or marked out by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a disabled person.

(2) A person must not stop or park a vehicle in a disabled parking bay unless an ACROD permit bearing a current date is properly displayed.

Parking positions

2.6 Where the signs referable to a parking area are not inscribed with the words “angle parking” then unless a sign referable to the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position—

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

Angle parking

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

Loading zone

2.8 (1) A person must not stop or park a vehicle in a loading zone unless—

- (a) the vehicle is a commercial vehicle or delivery vehicle; and
- (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.

(2) A person must not stop or park a commercial vehicle or a delivery vehicle in a loading zone for more than 15 minutes.

Reserves

2.9 (1) A person, other than an employee of the City in the course of his or her duties or a person authorized by the City, must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose.

(2) Unless authorized by the City, a person—

- (a) must not, for the purposes of conducting a business, stop or park a vehicle on any part of a reserve; or
- (b) must not stop or park a vehicle in front of or over any footpath constructed across a reserve.

Occupied parking bays

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

Payment for parking

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

Operation of ticket issuing machines and fee collection machines

2.12 A person must not operate a ticket issuing machine, fee collection machine or parking meter except in accordance with the operating instructions appearing on the ticket issuing machine, fee collection machine or parking meter.

Alternative methods of payment for parking

2.13 (1) The City may allow a person to pay for parking in advance or in arrears by issuing, for example, a permit, invoice, ticket or pass (referred to in this clause as "alternative methods of payment").

(2) A person who has been permitted by the City to make alternative methods of payment for parking is exempt from paying fees at the parking station providing that he or she complies with the terms of the alternative method of payment.

(3) An alternative method of payment may not be used by any person other than the person who received authorisation by the City.

Set aside parking stations

2.14 (1) Where a parking station has been set aside under clause 2.2(c) or (d) the City—

- (a) may issue a written permit to the relevant person or vehicles of the class; and
- (b) may vary or revoke a permit at any time.

(2) Except with the permission of an authorized person, a person must not stop or park a vehicle in a parking station set aside under sub-clause (1) unless—

- (a) the permit is properly displayed;
- (b) the permit bears a current date; and
- (c) the person or the vehicle's class as specified in the permit is specified on the sign which set aside parts or all the parking station.

Eating areas

2.15 A person must not stop or park a vehicle in a parking bay or metered space which is established or used as an eating area.

Urgent, essential or official duties

2.16 (1) Where by a sign the stopping or parking of vehicles is prohibited or permitted for a limited time in a parking facility, the City may permit a person to stop or park a vehicle in a parking facility although not otherwise permitted or for longer than the permitted time so that the person may carry out urgent, essential or official duties.

(2) Where authorization is given under sub-clause (1) the City may prohibit, for the duration of that authorization, the use by any other vehicle of that portion of the parking facility to which the authorization relates.

(3) A permit issued under sub-clause (1) may—

- (a) authorize the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by the City before the expiration of any time or period specified in the permit without responsibility for any liability for loss or claim.

(4) A person must not stop or park a vehicle in respect of which a permit has been issued under sub-clause (2)—

- (a) except at the times or during the period specified in the permit;
- (b) for any purpose other than the purpose specified in the permit; or
- (c) at any time after the cancellation, revocation or suspension of the permit.

Direction to move vehicle

2.17 A person must not stop or park a vehicle after being directed by an authorized person or a police officer to move the vehicle.

Selling or hiring in a parking facility

2.18 A person must not sell, hire or give away any goods or thing or erect an advertisement in a parking facility without the written authorization of the City.

Obstruction of a parking facility

2.19 A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility.

Behaviour in a parking facility

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

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

Damage to parking facilities

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

Special event parking

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

(2) A person must not stop or park a vehicle in a parking facility set aside under sub-clause (1) during the period for which it is set aside unless a ticket purchased from the City with respect to the special event is properly displayed.

(3) For the purpose of a special event, the Council by resolution or an authorized officer may declare that particular clauses are to be varied during the periods and days specified in the resolution.

(4) For the purpose of this clause a "special event" means any event or occurrence considered by the Council to be special.

Removal and impounding of vehicles

2.23 The powers of the City to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

Clamping

2.24 An authorized person may clamp a motor vehicle stopping or parked in a parking facility if there are 10 or more outstanding infringements in relation to the motor vehicle.

Council resolution

2.25 The Council may by resolution declare that particular clauses do not apply during the periods and days specified in the resolution.

PART 3—STOPPING AND PARKING ON ROADS AND OTHER AREAS

Stopping or parking on a carriageway

3.1 Subject to clause 2.3, a person stopping or parking a vehicle on a carriageway must stop or park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway;
- (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopping or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

Median strips and traffic islands

3.2 A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is—

- (a) on a median strip; or
- (b) adjacent to a median strip other than in a parking bay or metered space.

Prohibited parking of vehicles

3.3 A person must not park a vehicle on any portion of a road—

- (a) if the vehicle is exposed for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth;
- (c) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.

Traffic obstructions

3.4 (1) This clause does not apply to—

- (a) a vehicle stopping or parked in a parking bay or metered space established by the Council; or
- (b) a bicycle in a bicycle rack established by the City.

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

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

- (a) on any road so as to cause an obstruction on the road unless it is a public bus stopping next to a sign inscribed with the words "Bus Zone";
- (b) obstructing a thoroughfare or so close as to deny vehicles reasonable access to or egress from the thoroughfare;
- (c) on an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (d) within 6 metres of the nearer property line of any road intersecting the road on the side which the vehicle is stopping or parked;
- (e) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;

- (g) on a bridge or other elevated structure or within a tunnel or underpass; or
- (h) between the boundaries of a carriageway and any double longitudinal line consisting of 2 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.

Double parking

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

(2) Sub-clause (1) does not apply to—

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

Verge parking

3.6 (1) A person must not—

- (a) stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge;
- (b) stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road verge; or
- (c) stop or park a vehicle on a road verge that is intended for the use of pedestrians and evidenced, for example, by paving, concreting or garden beds.

(2) Subject to sub-clause (1) a person must not stop or park a vehicle if any portion of the vehicle is on the road verge unless he or she—

- (a) is the owner or occupier of the premises adjacent to that road verge; or
- (b) is a person authorized by the occupier of those premises to do so.

Parking near fire hydrant or post box

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

- (a) within 1 metre of a fire hydrant, fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
- (b) within 3 metres of a public post box, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

Bus stops, pedestrian, children and train crossings

3.8 (1) Subject to sub-clause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 9 metres of the departure side, or within 18 metres of the approach side, of—

- (a) a bus embayment or a sign inscribed with the words “Bus Zone” unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing;
- (c) a children’s crossing; or
- (d) the nearest rail of a railway level crossing.

(2) Sub-clause (1) does not apply if—

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

No parking within 1 hour

3.9 Where stopping or parking on a road is permitted for a limited time, a person must not move a vehicle along that road so that the total time of parking exceeds the maximum time permitted, unless—

- (a) the vehicle has first been removed from that road for at least 1 hour; or
- (b) 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.

Pedestrian malls

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

- (a) is, and is then being used as, an emergency vehicle;
- (b) is, and is then being used as, a special purpose vehicle;
- (c) is then being used by a medical practitioner in the practice of his or her profession;
- (d) is stopping or parked in accordance with a written authorization by the Council or an authorized person; or
- (e) is a service vehicle which—
 - (i) is in a service zone;
 - (ii) is in the pedestrian mall during a period when service vehicles are permitted;

- (iii) is continuously being loaded or unloaded; and
- (iv) is stopping or parking for a continuous period of less than thirty minutes.

Public bus bays

3.11 A person must not stop or park a vehicle other than a public bus in a parking bay set aside for use by a public bus.

Charter bus bays

3.12 A person must not stop or park a vehicle other than a charter bus in a parking bay set aside for use by a charter bus.

Bus parking

3.13 Unless otherwise stated on a sign—

- (a) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and
- (b) a charter bus must not stop or park in a bus embayment, other than a layover bay, except to pick up or set down passengers and, in any event, for no more than 15 minutes.

Construction site vehicle parking

3.14 (1) In this clause unless the context otherwise requires—

“**builder**” has the meaning given to it in the Building Regulations 1989;

“**construction site**” means any land subject to development;

“**construction site vehicle**” means a commercial vehicle or a heavy goods vehicle;

“**daily fee**” means the daily fee determined by Council;

“**development**” means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;

“**eligible person**” means an owner or occupier of a construction site or any builder carrying out work on a construction site;

“**establishment fee**” means the fee determined by Council resolution from time to time;

“**heavy goods vehicle**” means a vehicle which is defined in the First Schedule of the Road Traffic Act as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and

“**work zone**” means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the City by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.

(3) Where the City approves an application, it is to give the applicant written notice specifying—

- (a) the number and location of work zones the applicant may use;
- (b) the period during which the stopping or parking of construction site vehicles is permitted in the work zone; and
- (c) the amount of the establishment fee.

(4) The City is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.

(5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.

(6) The daily fee is payable monthly in advance.

(7) If the daily fee is at any time in arrears (whether or not any formal or legal demand is made), the City may remove any signs used to set aside the work zone.

(8) A person must not stop or park a vehicle in a work zone unless—

- (a) the vehicle is a construction site vehicle;
- (b) the vehicle is stopping or parked during a period in which the stopping or parking of a construction site vehicle in that zone is permitted by a sign; and
- (c) a person is continuously engaged in loading or unloading goods—
 - (i) to or from the construction site vehicle; and
 - (ii) to or from the construction site.

PART 4—METERED ZONES**Fees in metered zones**

4.1 (1) A person must not stop or 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) The payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in a metered space for the period shown on a sign referable to the space, but does not authorize the parking of the vehicle during any time when stopping or parking in that space is prohibited under this local law or the sign on the parking meter referable to the metered space.

Expired meter, parking limit and hooded meter

4.2 Unless authorized by the City a person must not leave or permit a vehicle to remain stopping or parked in a metered space—

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights;
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted; or
- (c) if the parking meter is hooded with a covering bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes.

Parking position in metered space

4.3 A person must not stop or park a vehicle in a metered space parallel to a kerb other than—

- (a) parallel to the kerb;
- (b) as close to the kerb as practicable;
- (c) wholly within the metered space; and
- (d) headed in the direction of the movement of traffic on the part of the road on which the space is situated.

(2) A person must not stop or park a vehicle in a metered space which is not parallel to a kerb other than wholly within the metered space.

No parking within 1 hour

4.4 A person who removes a vehicle from a metered space must not stop or park that vehicle in that metered space for at least 1 hour after the removal.

PART 5—TICKET MACHINE ZONES**Fees in ticket machine zones**

5.1 (1) A person must not stop or park a vehicle in a ticket machine zone unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone is inserted into the ticket issuing machine.

(2) The payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in a ticket machine zone for the period shown on the parking ticket, but does not authorize the stopping or parking of the vehicle in a space during any time when stopping or parking in that zone is prohibited—

- (a) under this local law;
- (b) by the sign on the ticket issuing machine referable to the zone; or
- (c) by a sign referable to that space.

Display of parking tickets and parking limits

5.2 (1) A person must not stop or park a vehicle in a ticket machine zone during the period stated on the ticket issuing machine referable to the zone during which stopping or parking is permitted upon the purchase of a parking ticket (the "permitted period") unless—

- (a) an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone; and
- (b) the date and time of issue or expiry, as the case may be, and the number (if any) of the ticket printed on the ticket, are properly displayed.

(2) Where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of the aggregate of those periods providing that the aggregate does not exceed the permitted period.

Parking limits

5.3 A person shall not stop or park a vehicle in a ticket machine zone—

- (a) except during the period stated on signs referable to the zone during which stopping or parking is permitted; and
- (b) for longer than the maximum period stated on the ticket issuing machine in the zone during which the continuous parking of a vehicle in the zone is permitted.

Parking position in ticket machine zones

5.4 (1) A person must not stop or park a vehicle in a ticket machine zone that has parking bays parallel to a kerb other than—

- (a) parallel to the kerb;
- (b) as close to the kerb as practicable;
- (c) wholly within a parking bay; and
- (d) headed in the direction of the movement of traffic on the part of the road on which the parking bay is situated.

(2) A person must not stop or park a vehicle in a ticket machine zone that does not have parking bays parallel to a kerb, other than wholly within a parking bay.

PART 6—PARKING STATIONS

Restrictions on entering a parking station

6.1 A person must not enter a parking station without first obtaining the authorization of an authorized person if one is on duty or an entrance ticket or a parking ticket unless that person is—

- (a) employed at the parking station and is in the course of his or her duties;
- (b) a police officer and is in the course of his or her duties; or
- (c) the driver of or a passenger in a vehicle stopping or parked in that station.

Stopping or parking in a parking station

6.2 (1) A person must not stop or park a vehicle in—

- (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or
- (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 5 of this local law; or
- (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

No entrance ticket

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

Removal of vehicles

6.4 (1) A person must not remove a vehicle which has been stopping or parked in a parking station until—

- (a) that person or another person has paid the appropriate fee for the period for which the vehicle has been stopping or parked; or
- (b) the City has issued a notice stating the fee and that it must be paid within from the time of issue.

(2) A person who receives a notice under paragraph (1)(b) must pay the fee within 3 working days from the time of issue of the notice.

Maximum parking period in parking stations

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

Loading dock below Forrest Place

6.6 (1) Subject to sub-clause (2), a person must not stop or park a vehicle in the loading dock located below Forrest Place or other parking station as determined by Council resolution from time to time—

- (a) unless the vehicle is a commercial vehicle and stops or parks in a bay other than a truck bay;
- (b) unless the vehicle is a truck and stops or parks in a truck bay;
- (c) except during times when commercial vehicles and trucks are permitted to enter the parking station as specified by signs at the entrance to the parking station;
- (d) unless a person is actively engaged in loading or unloading goods or materials used in any industry; and
- (e) for longer than the maximum period stated on a sign referable to the loading dock.

(2) Sub-clause (1) does not apply to a vehicle which is—

- (a) an emergency vehicle; or
- (b) a vehicle authorized by the City to stop or park in that parking station.

Parking restrictions for vehicles with multiple occupants

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

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

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

(4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under sub clause (1) and the manner of payment may be determined by Council resolution.

Council may lock parking stations

6.8 (1) At the expiration of the hours of operation the Council 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, to or from the parking station.

(2) The Council is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).

Councillor parking permit

6.9 (1) The City may issue to any member of the Council a councillor parking permit and may vary or revoke a permit at any time.

(2) The holder of a councillor parking permit is exempt from those clauses of this local law specified in the permit.

(3) The exemption conferred by sub-clause (2) applies only—

- (a) if the councillor parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be properly displayed;
- (b) if the councillor parking permit is valid; and
- (c) if the holder of the councillor parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.

(4) A councillor parking permit ceases to be valid—

- (a) when the holder of the permit ceases to be a member of the Council;
- (b) after the expiry date specified in the permit; or
- (c) when revoked by the City.

PART 7—RESIDENTIAL PARKING

Definitions

7.1 The City may issue a residential parking permit where a written application is made which meets the parking policy and is accompanied by the appropriate fee, if any, charged by the Council.

Exemption for permit holders

7.2 (1) Subject to sub-clauses (2) and (3), the holder of a valid residential or visitor's parking permit is exempt from—

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

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

- (a) to the part of a road or to the metered spaces or parking bays specified in the permit;
- (b) where the permit displayed is a residential parking permit, to the motor vehicle specified in the residential parking permit;
- (c) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle as to be properly displayed; and
- (d) if the permit is valid.

(3) The exemption conferred by sub-clause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit.

Issue of permits

7.3 The City on a written application by an eligible person, may issue a residential parking permit or visitor's parking permit in the form and for the fee prescribed by Council resolution.

Validity of a permit

7.4 A residential parking permit or visitor's parking permit ceases to be valid in accordance with the parking policy.

Revoking a permit

7.5 The City may, at any time and in accordance with the parking policy, revoke a permit has been issued.

Removal of a permit from vehicle

7.6 The holder of a residential or visitor's parking permit must immediately upon the permit being revoked or ceasing to be valid permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the City.

Replacement of permit

7.7 The City may issue a replacement permit where a written application is made which meets the parking policy and is accompanied by the appropriate fee, if any, charged by the Council.

PART 8—MISCELLANEOUS

Authorized person—certificate of appointment

8.1 An authorized person must be given a certificate of his or her appointment in the form determined by the City.

Authorized persons

8.2 No offence under this local law is committed by an authorized person while carrying out his or her duties.

Necessary power

8.3 An authorized person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law.

Impersonating an authorized person

8.4 A person who is not an authorized person must not impersonate an authorized person.

Obstructing of an authorized person

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

Removal of notices

8.6 A person, other than the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorized person.

Display of signs

8.7 A person must not without the authorization of the Council—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to or paint or write on any part of a sign, parking meter, ticket issuing machine or fee collecting machine.

Use of parking tickets

8.8 A person must not—

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

Marking tyres and valve stem readings

8.9 (1) An authorized person may—

- (a) mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance;
- (b) take a valve stem reading of a vehicle; or
- (c) record vehicle registration numbers,

for a purpose connected with his or her duties or powers.

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

Exemption when complying with directions

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

Sign presumed to have been established by the City

8.11 A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary, presumed to be a sign marked, set up, erected, established or displayed under the authority of this local law.

Power of an authorized person

8.12 An authorized person may—

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

Special purpose and emergency vehicles

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

PART 9—PARKING POLICY**Policy**

9.1 The Council may make a policy in accordance with clause 9.2 in specifying—

- (a) any matter which may be the subject of a Council resolution under this local law; and
- (b) any matter ancillary or necessary to give effect to a policy.

Procedure for making a policy

- 9.2** (1) The City is to give local public notice of its intention to make the parking policy.
- (2) The local public notice referred to in sub-clause (1) is to state that—
- (a) the City intends to make a parking policy, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed parking policy may be inspected and obtained from the offices of the City; and
 - (c) submissions in writing about the proposed parking policy may be lodged with the City within 14 days after the day of publication.
- (3) If no submissions are received in accordance with paragraph (2)(c), the Council is to decide to—
- (a) give local public notice that the proposed parking policy has effect as a policy on and from the date of publication;
 - (b) amend the proposed parking policy, in which case sub-clause (5) will apply; or
 - (c) not continue with the proposed parking policy.
- (4) If submissions are received in accordance with paragraph (2)(c), the Council is to—
- (a) consider those submissions; and
 - (b) decide—
 - (i) whether or not to amend the proposed parking policy; or
 - (ii) not to continue with the proposed parking policy.
- (5) If the Council decides to amend the proposed parking policy, it is to give local public notice—
- (a) of the effect of the amendments; and
 - (b) that the proposed policy has effect as a policy on and from the date of publication.
- (6) If the Council decides not to amend the proposed parking policy, it is to give local public notice that the proposed parking policy has effect as a policy on and from the date of publication.
- (7) A proposed policy is to have effect as a policy on and from the date of publication of the local public notice referred to in sub-clauses (3), (5) and (6).
- (8) A decision under sub-clauses (3) or (4) is not to be delegated by the Council.

Register of the parking policy

- 9.3** (1) The City is to keep a register of the parking policy made under clause 9.1 and of any amendments to or revocations of the parking policy made under clause 9.4.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in sub-clause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of the parking policy

- 9.4** (1) The Council may amend or revoke the parking policy.
- (2) The provisions of section 9.2 are to apply to an amendment of the parking policy as if the amendment were a proposed parking policy.
- (3) If the Council revokes the parking policy it is to give local public notice of the revocation and the parking policy is to cease to have effect on the date of publication.

PART 10—OFFENCES AND MODIFIED PENALTIES**Offences**

- 10.1** (1) A 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) Any person who commits an offence under this local law is liable, on 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.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

Notice of an offence and infringement notice

- 10.2** For the purposes of this local law—
- (a) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act is Schedule 1; and
 - (b) the form of the notice referred to in section 9.20 of the Act is set out in Schedule 2.

Modified penalty

- 10.3** (1) A person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 3 directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty then the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

Court proceedings

10.4 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records

10.5 The City must keep adequate records of all infringement notices served and modified penalties received.

Schedule 1**CITY OF PERTH PARKING LOCAL LAW****NOTICE OF OFFENCE AND INFRINGEMENT NOTICE**

Serial No.

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

To: (1)

of: (2)

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

at (4) your vehicle (5)

was involved in the commission of the following offence—

contrary to clause of the Parking 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 (6) within a period of 28 days after the giving of this notice or such further time as is allowed.

Unless within 28 days after being served with this notice or such further time as is allowed—

(a) you pay the modified penalty; or

(b) you—

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

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

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 changed 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 may have being suspended without your knowledge.

(7)

(8)

(1) Name of owner or "owner of (vehicle identification)"

(2) Address of owner (not required if owner not named)

(3) Time at which offence allegedly committed

(4) Place at which offence allegedly committed

(5) Vehicle identification

(6) Place where modified penalty may be paid

(7) Name and title of authorized person giving the notice

(8) Signature

Schedule 2

CITY OF PERTH PARKING LOCAL LAW

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

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

To: (1)

of: (2)

Infringement Notice No. dated/...../..... in respect of vehicle (3)
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

(4)

(5)

(1) Name of alleged offender to whom infringement notice was given

(2) Address of alleged offender

(3) Vehicle identification

(4) Name and title of authorized person giving this notice

(5) Signature

Schedule 3**[Modified penalties]**

| ITEM No. | OFFENCE CLAUSES | MODIFIED PENALTY |
|-------------|--|---------------------|
| 1. | 8.8(a); 8.8(b); 2.18. | \$115.00 |
| 2. | 3.4(3)(d); 3.4(3)(e); 2.3(1)(b); 2.3(2)(a); 2.3(1)(c); 2.3(6); 2.4(1); 2.4(2); 2.5(2); 2.9(2)(b); 2.11; 2.12; 2.19; 2.20(1); 2.20(2); 2.21; 3.4(3)(f); 3.4(3)(g); 3.4(3)(h); 3.6(1)(c); 3.8(1)(a); 3.8(1)(b); 3.8(1)(c); 3.8(1)(d); 3.11; 3.12; 3.13(a); 3.13(b); 6.1; 8.4; 8.5; 8.6; 8.7(a); 8.7(b); 8.7(c); 8.9(2). | \$100.00 |
| 3. | 2.9(1); 2.9(2)(a); 2.15; 2.16(4)(a) 2.16(4)(b); 2.16(4)(c); 2.17; 3.1(e); 3.3(b); 3.3(c); 3.3(d); 3.4(3)(a); 3.4(3)(b); 3.5(1); 3.4(3)(c); 6.2(1)(a); 6.2(1)(c); 6.4(1)(a); 6.4(1)(b). | \$ 55.00 |
| 4. | 2.3(1)(a); 2.3(3); 2.8(1)(a); (2.8(b); 2.8(2); 3.2(a); 3.2(b); 3.7(a); 3.7(b); 3.10; 3.14(8); 4.2(c); 6.6(1)(a); 6.6(1)(b) 6.6(1)(c); 6.6(1)(d); 6.6(1)(e); 6.7(2); 6.7(3). | \$ 42.00 |
| 5. | Any other clause | \$ 27.00 |

Dated this 14th day of December 1999.

GARRY HUNT, Chief Executive Officer.
Dr PETER NATTRASS, Lord Mayor.



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