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LOCAL GOVERNMENT ACT 1995

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**CITY OF SOUTH PERTH**

**LOCAL LAW RELATING TO  
PARKING OF VEHICLES AND  
PARKING FACILITIES**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF SOUTH PERTH

**LOCAL LAW RELATING TO PARKING OF VEHICLES AND  
PARKING FACILITIES**

No. 1 of 2000

In pursuance of the powers conferred upon it by the Local Government Act 1995 and of all other powers enabling it, the Council of the City of South Perth hereby records having resolved on 23 February, 2000 to make the following Local Law—

## ARRANGEMENT

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**PART 1—PRELIMINARY****Short Title**

1. This Local Law may be cited as the Parking Local Law 2000.

**Commencement**

2. This Local Law comes into operation fourteen days after the date of its publication in the *Government Gazette*.

**Content and Intent**

3. The purpose and effect of this Local Law is to provide for the regulation, management and control of the parking of vehicles within the parking facilities of the City of South Perth.

**Repeal**

4. The Local Law Relating to Parking Facilities as published by the Council in the *Government Gazette* of 1 October, 1997 as amended and all of the Council's other Parking Facilities Local Laws are hereby repealed.

**Definitions**

5. In this Local Law, unless the context requires otherwise—

“Act” means the Local Government Act 1995;

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

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

“authorised person” means a person appointed by Council to administer the Local Law;

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

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

“coin” means any coin which is legal tender pursuant to the Currency Act 1965 (Commonwealth);

“Council” means the Council of the City of South Perth;

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

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

- “expired meter indicator” means a plate, digital display, indicator or device on a parking meter which appears on the face thereof indicating that the time during which a vehicle may occupy the metered space to which it relates has expired;
- “CEO” means the Chief Executive Officer of the Council;
- “footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
- “median strip” means—
- (a) any physical provision, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two (2) one-way carriageways for vehicles proceeding in opposing directions in parking stations;
  - (b) any physical provision, including a traffic island, designed to separate parked cars from vehicle movement areas;
- “meter hood” means a cover designed to fit over a parking meter to indicate a temporary parking prohibition, restriction or reservation of the adjacent parking space or spaces;
- “metered space” means a parking space in a metered zone, in or adjacent to which a parking meter is installed;
- “metered zone” means streets or reserves or parts of streets or reserves in which parking meters are installed;
- “motorcycle” means a motor vehicle designed to travel on two wheels and does not include a motorcycle to which a side-car is attached;
- “Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 76 to 78 inclusive of this Local Law;
- “omnibus” means a passenger vehicle—
- (a) which is equipped and licenced under the Road Traffic Act to carry more than eight adult passengers; and
  - (b) which is used to carry passengers for separate fares.
- “owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;
- “park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law or of immediately picking up or setting down persons or goods, and ‘parking’ has a correlative meaning;
- “parking facilities” includes land, buildings, shelters metered zones, metered spaces, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things;
- “parking meter” means a machine either manually or electronically operated by the insertion of coins to measure and display the initial period of time purchased and decreasing time available until expired, for a vehicle to occupy the adjacent parking bay and includes the stand on which the meter is erected;
- “parking region” means the whole of the district of the City of South Perth excluding the following:
- (a) the Kwinana Freeway and its associated ramps which comes under the control of the Commissioner of Main Roads; and
  - (b) prohibition areas applicable to all bridges and subways;
- “parking space” means a section or part of a road, reserve or a parking station which is marked or defined by painted lines or by similar devices for the purpose of indicating where vehicles may stand or park whether on payment of a fee or charge or otherwise;
- “parking station” means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge but does not include metered zone or metered space or private garage;
- “property line” means the boundary between the land comprising a road and the land that abuts thereon;
- “public reserve” includes parklands, squares, reserves, beaches and other lands, included in or adjoining a district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control or management of the Council;
- “road” means any road, street, land, thoroughfare or similar place within the parking region, and includes all of the land lying between the property lines, including the road verge and footpath;
- “Road Traffic Act” means the Road Traffic Act 1974;
- “road verge” means that portion of a road which lies between the portion of a road that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line;
- “service vehicle” means a vehicle specifically designed, constructed and used primarily for the conveyance of goods being trucks, utilities and vans but does not include service type vehicles being used for private purposes, passenger vans, 4wheel drive vehicles, hatchbacks and station wagons;

- “sign” means a traffic sign, mark, structure, symbol or device placed or erected on or near a road or within a parking station or a reserve for the purpose of regulating, guiding or directing the parking of vehicles;
- “stand” in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and standing has a correlative meaning;
- “taxi” means a vehicle licensed under the Taxi-Car Control Act 1985;
- “ticket issuing machine” means a machine which—
- (a) is operated by the insertion of coins;
  - (b) issues a ticket to indicate the period of parking; and
  - (c) is installed by the Council at any place;
- “ticket parking space” means a parking space in a ticket zone;
- “ticket zone” means a place where ticket issuing machines are installed on-street to control a number of parking spaces, but does not include a parking station;
- “tour coach” means any vehicle licensed as a tour coach which is hired or chartered for the specific purpose of sightseeing or tourism;
- “unexpired parking ticket” means a ticket on which a date and expiry time is printed and that time has not expired;
- “vehicle crossing” means a crossing giving access from a public thoroughfare to—
- (a) private land; or
  - (b) public land;
- “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.

#### **Application of Local Law**

6. This Local Law shall apply to all parking stations, metered zones, and parking facilities in the parking region. However, the provisions of this Local Law shall not apply to any parking facility or parking station—

- (a) which is neither owned, controlled, nor occupied by the City of South Perth; or
- (b) which although owned by the City of South Perth is leased to another person.

#### **Vehicle Classification**

7. For the purposes of this Local Law vehicles are divided into classes as follows—

- (a) omnibuses;
- (b) service vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) tour coaches;
- (f) vehicle with trailer attached; and
- (g) all other vehicles not otherwise classified.

#### **Application of Signs**

8. (1) Where the standing or parking of vehicles in a road is regulated by a sign, the sign shall for the purposes of this Local Law apply to that part of the road which—

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

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

### **PART 2—METERED AND TICKET ZONES**

#### **Establishing Metered Zones, Metered Spaces and Ticket Zones**

9. (1) The Council may, by resolution—

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

metered zones, metered spaces and ticket zones.

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

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

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

**Fees in Metered Zones and Ticket Zones**

10. The fees payable for the standing and parking of vehicles in metered zones and ticket zones shall, in accordance with Section 6.16 of the Act, be such fees as shall be set by a resolution of Council.

**Parking Within Parking Spaces**

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

**Expired Meters and Parking Limits in Metered Spaces**

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

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

(2) In this clause—

- (a) “appropriate fee” is the fee set by Council under clause 10; and
- (b) “prescribed times” means any day or period stated on signs referring to the metered zone or metered space during which day or period parking meters are in use.

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

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

**Parking Next to a Hooded Meter**

13. Notwithstanding any other provision of this Local Law or any sign or notice, a person shall not, unless with the express permission of the Council or an authorised person, stand or park a vehicle in a metered space if the parking meter adjacent to that metered space is covered with a meter hood.

**Restrictions and Time Limits**

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

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

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

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

**Display of Tickets in Ticket Zones**

15. A person shall not stand or park a vehicle in a ticket zone during any permitted period unless an unexpired ticket applicable to that zone, with the date, expiry time and the number (if any) printed on the ticket is displayed inside the vehicle so that it is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains standing or parked in the zone.

**Reserved Parking for Ticket Zones**

16. (1) Notwithstanding any other provision of this Local Law or any sign or notice, a person shall not without permission of the Council or an authorised person stand or park a vehicle in a reserved section of a ticket zone, unless the vehicle has a reserved parking permit clearly displayed inside the vehicle.

(2) In this clause—

- (a) “reserved section” means a space or spaces within the ticket zone being reserved for a fee; and
- (b) “reserved parking permit” means a permit issued to allow vehicles to park in the reserved section on payment of a fee.

(3) The fees payable for a reserved parking permit are set by Council under section 10.

**Carrying out Works in Metered Zones and Ticket Zones**

17. The Council or an authorised person may permit a person carrying out urgent or essential work or services to stand or park a specified vehicle or vehicles in a metered zone or ticket zone without charge for as long as the Council or authorised person considers is necessary for the performance of that work or those services.

**PART 3—PARKING STATIONS****Establishing Parking Stations**

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

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

(d) the manner of parking or standing in parking stations, but such authority shall not be exercised in a manner inconsistent with the provisions of this Local Law or any other written law.

#### **Fees for Parking Stations**

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

#### **Conditions of Parking in a Parking Station**

20. (1) A person shall not park or stand a vehicle or permit a vehicle to remain parked in a parking station during any permitted period unless—

- (a) in the case of a parking station having an attendant on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station being equipped with meters, the appropriate fee is inserted in the meter.

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

#### **Display of Tickets**

21. (1) A person shall not stand or park a vehicle in a parking station equipped with a ticket issuing machine during any permitted period unless an unexpired parking ticket applicable to that parking station with the date, expiry time and the number (if any) printed on the ticket is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains standing or parked in the parking station.

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

#### **Lost Tickets and Parking Stations**

22. In any parking station where provision is made for payment of fees on the departure of vehicles, and the ticket issued when a vehicle entered the parking station is not produced on departure, the fees set by Council under clause 19 shall be calculated and payable from the time the parking station was opened on that day to the time of departure.

#### **Removal of Vehicles**

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

(2) A person shall not remove a vehicle which has been parked in a parking station and left there after opening hours, unless the fee appropriate to the period for which the vehicle has been parked, plus a special opening fee if the parking station has to be opened for the purpose of the removal of the vehicle has been paid.

(3) The fees payable for the opening of a parking station under clause 23(2), are as set by Council under clause 19.

#### **Obstruction of Parking Stations**

24. A person shall not stand or park a vehicle in a parking station, other than within a parking space.

#### **Restrictions and Time Limits in Parking Stations**

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

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

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

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

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

#### **Special Event Parking**

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

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

(3) For the purposes of this clause, “special event” means any event or occurrence considered by the Council to be special or likely to attract a substantial number of persons driving vehicles.

(4) During the period referred to in sub-clause (1) of this clause the provisions of clauses 25(1)(b), 25(2)(b) and 25(3) shall not apply to the parking station.

**Behaviour in Parking Stations**

27. (1) A person shall not remain in or on a parking station after having been directed to leave that parking station by an authorised person or a Police Officer.

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

**Council May Lock Parking Stations**

28. (1) At the expiration of the hours of operation of a parking station the Council may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

(2) Where a vehicle is locked in a parking station, the Council is not responsible for any loss of or damage to that vehicle or its accessories or contents or for any other loss, claim or liability howsoever caused.

**Selling and Hiring in Parking Stations**

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

**Authorised Spaces in Parking Stations**

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

(2) Where the Council authorises a person pursuant to sub-clause (1) of this clause the Council shall issue a written permit to the person, which permit may be revoked by the Council at any time.

(3) A person shall not park or stand a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle pursuant to this clause, is displayed inside the vehicle and is clearly visible to and able to be read by any authorised person examining the permit from outside the vehicle.

**Damage to Parking Stations**

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

**PART 4—PARKING ON ROADS****Establishing and Amending the Parking Scheme**

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

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

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

**Parking Contrary to Signs**

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

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

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

- (a) if that road or any part of the road is set apart for the parking of vehicles of a different class;
- (b) upon which the parking of vehicles is prohibited at all times by a sign; or
- (c) upon which the parking of vehicles at that time is prohibited by a sign.

(3) A person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

**Occupied Parking Spaces**

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

**Median Strips and Traffic Islands**

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

- (a) on a median strip;
- (b) adjacent to a median strip otherwise than in a parking space or metered space; or
- (c) on, or within nine metres of any portion of a carriageway bounded on one or both sides by a traffic island.

**Parking Position on Road**

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

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



- (b) headed in the direction of the movement of traffic on the part of the road on which the vehicle is parked; and
- (c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

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

#### **Parking Near Fire Hydrant and Post Box**

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

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

#### **Traffic Obstructions**

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

- (a) in front of a right of way, passage or vehicle crossing on to any land or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, passage or vehicle crossing on to any land;
- (b) upon an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (c) within six metres of the nearest property line of any road intersecting the road on the side on which the vehicle is standing or parked;
- (d) alongside any hoarding, scaffolding, obstacle or impediment to traffic;
- (e) on or over a footpath or a place of refuge for pedestrians; or
- (f) 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 the carriageway nearer to the continuous line, unless there is a distance of at least three metres clear between the vehicle and the double longitudinal line.

#### **Double Parking**

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

#### **Verge Parking**

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

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

#### **Bus Stops, Pedestrian and Children' Crossings**

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

- (a) a bus shelter, a post or sign indicating a bus stop, unless that vehicle is taking up or setting down passengers; or
- (b) a pedestrian or children's crossing established on a road.

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

- (a) a bus shelter, a post or sign indicating a bus stop, unless that vehicle is taking up or setting down passengers; or
- (b) a pedestrian or children's crossing.

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

#### **No Parking Within One Hour**

42. A person having parked a vehicle on a road where parking is restricted as to time, shall not park such vehicle again on such road on that day unless it has first been removed from such road for at least one hour.

#### **Direction to Move Vehicle**

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

#### **Loading Zones**

44. (1) A person shall not permit a vehicle to stand or park in a parking space which is at that time set aside for use by service vehicles carrying commercial goods unless some person is actively engaged in loading or unloading commercial goods to or from the vehicle, and in any case not for a period exceeding fifteen minutes.

(2) In this clause, "commercial goods" means an article or collection of articles weighting at least 10kg of which the content is at least 0.3 cubic metres.

(3) A parking space may be set aside for use by service vehicles by a sign marked "Loading Zone" or marked by other means.

#### **Repairs to or Sale of Vehicles**

45. A person shall not park a vehicle on any portion of a road—

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

### **PART 5—STANDING AND PARKING GENERALLY**

#### **Cycle Parking and Standing**

46. A person shall not park or stand any cycle in a parking space.

#### **Authorised Parking**

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

#### **Private Property**

48. (1) A person shall not stand or park a vehicle on registered private property without the consent of owner or occupier of the property.

(2) An owner or occupier of private property may apply to the Council under and in accordance with any policy, for the registration of the property for the purposes of subclause (1).

(3) The Council may refuse to consider an application which does not comply with subclause (2).

(4) The Council may approve, approve subject to any conditions or refuse to approve an application.

(5) The Council is to give an applicant written notice of its decision under subclause (4).

(6) The Council may vary or remove any condition of a registration and is to give written notice of that variation or removal to the applicant.

(7) A registration is valid from the date the application is approved under subclause (4) to—

- (a) where the application is approved before 1 May in a year, 30 April of the same year; or
- (b) where the application is approved after 1 May in a year, 30 April of the year next following,

unless it is sooner terminated under subclause (8).

(8) A registration may be terminated by the Council if the applicant has not complied with the conditions of the registration (as varied or removed under subclause (6)), and the termination shall be effective on and from the date of the decision to terminate subject to Part 9, Division 1 of the Act.

(9) An application for the renewal of a registration is to be made under and in accordance with any policy and the local government may approve, approve subject to any conditions or refuse to approve an application for the renewal of a registration.

(10) The Council may make a policy in relation to—

- (a) the manner in which an application is to be made;
- (b) the conditions which may be imposed on the approval of an application;
- (c) the manner in which an alleged breach of subclause (1) is to be enforced;
- (d) the manner in which a registration may be renewed;
- (e) any request of the applicant or the owner or occupier of registered private property to withdraw an infringement notice; and
- (f) any other matter which Council considers is necessary or expedient to give effect to the intent of this clause.

(11) Where a sign has been erected on registered private property describing the class of persons—

- (a) permitted to stand or park a vehicle on the property, and a person not of that class stands or parks a vehicle on the property; or
- (b) not permitted to stand or park a vehicle on the property, and a person of that class stands or parks a vehicle on the property,

then the person is to be taken to have stood or parked the vehicle without the consent of the owner or occupier of the property.

(12) In this clause—

"applicant" means the person who makes an application;

"application" means an application for the registration of private property for the purposes of subclause (1);

"policy" means a policy of the Council made under subclause (10);

"private property" means any land not being—

- (a) a road;
- (b) a parking facility; or
- (c) land—
  - (i) which belongs to the local government;
  - (ii) of which the local government is the management body under the Land Administration Act 1997; or

(iii) which is an “otherwise unvested facility” within section 3.53 of the Act;  
“registered private property” means private property which is the subject of a valid registration;  
“registration” means an application for registration which has been approved conditionally or unconditionally under subclause (4).”

#### **Service Vehicle Parking**

49. A person shall not park a service vehicle on a road verge—
- (a) for more than four consecutive hours; or
  - (b) for the purpose of repairing, servicing or cleaning that vehicle.

#### **Overlength Vehicle Parking**

50. A person shall not stand a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles is more than eight metres in length on a carriageway for any period exceeding one hour during any twenty-four hour period unless actively involved in the loading or unloading goods or furniture.

#### **Chalking of Tyres**

51. (1) An authorised person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of that authorised person’s duties and powers.

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

#### **Parking on Reserves**

52. A person shall not stand or park a vehicle in a public reserve, other than within a parking facility on that reserve, without the permission of the Council or an authorised person.

### **PART 6—RESIDENTIAL PARKING**

#### **Issue of Residential Parking Permits**

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

- (a) the occupier of a tenement dwelling house fronting a road within the City of South Perth; and
  - (b) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.
- (2) The residential parking permit issued by Council may be either—
- (a) an annual residential parking permit, issued for a period not in excess of one year and expiring on the 31st day of December in the year of issue; or
  - (b) a temporary residential parking permit, issued for a period not greater than six months.
- (3) Every residential parking permit shall specify—
- (a) a permit number;
  - (b) the registration number of the vehicle in respect of which the permit was issued;
  - (c) the name of the road(s) or parking stations to which the exemption granted by clause 54(a) applies; and
  - (d) the date on which the permit expires.

#### **Conditions of Exemption for Residential Parking Permits**

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

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

#### **Removal of Residential Parking Permit from Vehicle**

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

#### **Fees for Residential Parking Permits**

56. The fees payable for residential parking permits shall, in accordance with Section 6.16 of the Act, be such fees as shall be set by a resolution of Council.

**PART 7—REMOVAL OF VEHICLES CAUSING OBSTRUCTIONS****Lawfully Parked Vehicles**

57. A vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked does not cause an obstruction, unless—

- (a) the vehicle is so parked for any period exceeding twenty-four hours, without the consent in writing of the CEO or authorised person; or
- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

**Unlawfully Parked Vehicles**

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

**Obstruction of Public Places**

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

**Removal of Vehicles**

60. Where an authorised person or Police Officer finds a vehicle causing an obstruction that person or Officer—

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

**Recording of Vehicles in Appointed Place**

61. Where an authorised person or Police Officer places a vehicle in an appointed place, that person or Officer shall enter in a register to be provided by the Council for that purpose—

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

**Notification to Owner**

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

**Recovery of Removed Vehicles**

63. (1) If a vehicle, other than a vehicle which has been unlawfully used, has been removed to an appointed place, it may not be collected unless the costs incurred by Council in removing the vehicle to the appointed place and the holding of such vehicle in the appointed place, are paid.

(2) A person who removes a vehicle from an appointed place without complying with the provisions of clause 63(1), commits an offence.

**Sale of Removed Vehicles**

64. Where a vehicle in an appointed place has not been collected within two months after the notice referred to in clause 62 is given, the Council may—

- (a) sell such vehicle by public auction or by public tender; or
- (b) where no offer is made to purchase the vehicle cause the vehicle to be destroyed.

**Indemnity**

65. A person is not entitled to any claim, by way of damages or otherwise, against an authorised person, member of the Police Force, or the Council in respect of any vehicle seized and dealt with under this Part or against any person who purchases a vehicle sold by Council under clause 64.

**Application of Proceeds of Sale**

66. (1) The proceeds of the sale of a vehicle sold under the provisions of clause 64 shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the costs referred to in clause 63(1),

and these sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within ten years, to any person who satisfies the Council that they were the owner of the vehicle at the time of its sale by the Council.

(3) Any amounts under clause 66(2) may, if not paid to the owner within ten years, be paid into the Municipal Fund, on the condition that the Council shall repay it from that fund to a person claiming and establishing their right to that repayment.

**Recovery of Costs Where Sale Proceeds Insufficient**

67. Where the proceeds of the sale of any vehicle sold under clause 64, after deduction of the monies authorised to be applied by the Council by clause 66(1), do not cover the costs of the removal, custody and sale or disposal of that vehicle, the Council may recover the balance of these costs from the owner of that vehicle in a court of competent jurisdiction.

**PART 8—MISCELLANEOUS****Use of Coins in Parking Meters and Ticket Issuing Machines**

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

**Operating Parking Meters and Ticket Issuing Machines**

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

**Damage to Parking Meters and Ticket Issuing Machines**

70. A person shall not remove, damage, deface, misuse or interfere with any parking meter or ticket issuing machine or attempt to do any such act.

**Defacing a Parking Ticket**

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

**Affixing Signs and Notices**

72. A person shall not without the permission of the Council affix any board, sign, placard, notice or other thing to or paint or write upon any part of, a parking sign, a parking meter, ticket issuing machine or parking station.

**Appointment of Authorised Persons**

73. The Council may appoint a person as an authorised person for the purposes of this Local Law.

**Impersonation of Authorised Person**

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

**Obstruction of Authorised Person**

75. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this Local Law.

**Form 1—Original Notice**

76. An infringement notice served under subsection (1) of section 9.16 of the Act in respect of an offence against this Local Law shall be in or to the effect of either Form 1 or Form 2 of Schedule 1 of this Local Law.

**Form 2—Notice to Owner to Identify Driver**

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

**Form 3—Withdrawal Notice**

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

**Removal of Notice**

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

**Offence**

80. Any person, other than an authorised person whilst administering this local law, who contravenes or fails to comply with the provisions of this Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$5,000.

**Modified Penalties**

81. The amount appearing in column 3 of Schedule 2 is the modified penalty for an offence if the offence is dealt with under section 9.16 of the Act.

**Recovery of Penalties**

82. A penalty, other than a modified penalty, for an offence against this Local Law, may be recovered from the alleged offender by the Council in proceedings in a Court of Petty Sessions.

**Schedule 1**

## The City of South Perth

Form 1	Notice to Owner of Vehicle Involved in Offence
Form 2	Parking Infringement Notice
Form 3	Notice of Withdrawal

Form 1

LOCAL GOVERNMENT ACT 1995

The City of South Perth

Local Law Relating to Parking of Vehicles and Parking Facilities

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

To: .....  
of: .....

It is alleged that on ...../...../..... at .....  
at ..... am/pm your vehicle .....  
was involved in the commission of the following offence— .....

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

contrary to regulation ..... of the .....

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 twenty-eight days after being served with this notice—
  - (i) you inform the Chief Executive Officer, or another authorised officer, of the City of South Perth 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) 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 twenty-eight days after the notice was given or such further time as is allowed.

.....  
Signature of Authorised Officer

.....  
Designation

Form 2

LOCAL GOVERNMENT ACT 1995

The City of South Perth

Local Law Relating to Parking of Vehicles and Parking Facilities

INFRINGEMENT NOTICE UNDER SECTION 9.16(1)

PARKING INFRINGEMENT NOTICE No. ....

To the owner or driver of the vehicle make ..... Registration No. ....  
Type ..... it is alleged that on ...../...../..... at about .....  
at .....  
you committed a breach of Clause No. .... of .....

(A) the City of South Perth Parking By-Law as indicated by a cross or crosses in a box or boxes below—

Standing in a No Standing Area (Clause 33(1)(b))	\$75.00	<input type="checkbox"/>	Unauthorised Parking in a Loading Zone (Clause 44(1))	\$45.00	<input type="checkbox"/>
Parking in a No Parking Area (Clause 33(2)(b))	\$40.00	<input type="checkbox"/>	Parking facing oncoming traffic (Clause 36(1)(b))	\$40.00	<input type="checkbox"/>
Parking on a Footpath (Clause 38(e))	\$75.00	<input type="checkbox"/>	Standing or parking on a verge contrary to signs or without consent (Clause 40)	\$40.00	<input type="checkbox"/>
Parking on a road for more than the maximum period (Clause 33(3))	\$35.00	<input type="checkbox"/>	Parking in front of a driveway (Clause 38(a))	\$75.00	<input type="checkbox"/>
Parking longer than time allowed in a metered or ticket space (Clause 14(3))	\$35.00	<input type="checkbox"/>	Parking on a reserve (Clause 52)	\$35.00	<input type="checkbox"/>

Parking for more than the maximum period in a parking station (Clause 25(3))	\$35.00	<input type="checkbox"/>	
Failing to display an unexpired parking ticket in a ticket zone (Clause 15)	\$35.00	<input type="checkbox"/>	
Failing to display an unexpired parking ticket in a parking station (Clause 21(1))	\$35.00	<input type="checkbox"/>	
			\$ <input type="checkbox"/>

**(B)** the Uniform General (Parking for Disabled) By-laws 1988, as indicated by a cross or crosses below—  
 Parking in a Disabled Parking Bay (Clause 3) \$60.00

Name, Title and Signature of Authorised Person .....

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 wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after the day of service of this notice.

Unless within 28 days after the day of service of this notice you—

- (a) pay the modified penalty to the City of South Perth, Sandgate Street, South Perth; or
- (b) (i) inform the Chief Executive of the City of South Perth as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or
- (ii) satisfy the Chief Executive of the City of South Perth that the above vehicle had been stolen or was being unlawfully used at the time of the above offence,

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 MATTER 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 YOU CHANGE ADDRESS IT IS IMPORTANT THAT YOU ADVISE US IMMEDIATELY. FAILURE TO DO SO MAY RESULT IN YOUR DRIVERS LICENCE OR ANY VEHICLE LICENCE YOU HOLD BEING SUSPENDED WITHOUT YOUR KNOWLEDGE.

**REMINDER NOTICES WILL INCUR ADDITIONAL FEES.**

**Form 3**

LOCAL GOVERNMENT ACT 1995

The City of South Perth

*Local Law Relating to Parking of Vehicles and Parking Facilities*

**NOTICE OF WITHDRAWAL**

Fines, Penalties and Infringement Notices Enforcement Act 1994 (Section 22)

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

Name: .....

Address: .....

Dear Sir/Madam

Notice of Withdrawal of Proceedings under Section 22—

**DETAILS OF INFRINGEMENT NOTICE**

Infringement Number: .....

Date of Issue: .....

Alleged Offence: .....

**FER CASE DETAILS**

FER Case Number: .....

Take notice that I, being authorised to do so, hereby withdraw proceedings under Section 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994 in relation to the infringement notice issued for the above offence.

.....  
 Authorised Person

.....  
 Date

**Schedule 2**  
The City of South Perth  
**MODIFIED PENALTIES**

Clause	Nature of Offence	Modified Penalty \$
11	Parking in metered/ticketed zone outside a parking space	35
12(1)(b)	Standing or parking against an expired meter in a metered space	35
13	Standing or parking adjacent to a hooded meter	35
14(1)	Standing during a prohibited period in a metered or ticket parking space	75
14(2)(a)	Parking during a prohibited period in a metered or ticket parking space	40
14(2)(b)	Parking in a metered or ticket parking space set apart for vehicles of a different class	40
14(3)	Parking longer than time allowed in a metered or ticket space	35
15	Failing to display an unexpired parking ticket in a ticket zone	35
16(1)	Standing or parking in the reserved section of a ticket zone without a permit	35
20(1)(a)	Parking in a parking station and not paying the fee when requested by an attendant	35
20(1)(b)	Parking in a parking station equipped with meters without paying appropriate fee	35
21(1)	Failing to display unexpired parking ticket in a parking station	35
24	Parking outside a parking space in a parking station	35
25(1)(a)	Standing in a no standing area in a parking station	75
25(1)(b)	Standing during a prohibited period on part of a parking station	75
25(2)(a)	Parking in a no parking area in a parking station	40
25(2)(b)	Parking during a prohibited period on part of a parking station	40
25(2)(c)	Parking in a parking station space set aside for a different class of vehicle	40
25(3)	Parking for more than the maximum period in a parking station	35
26(2)	Parking without a permit in parking spaces set aside for special events	35
30(3)	Parking in an authorised space in a parking station without a permit	35
33(1)(a)	Standing in a no standing area	75
33(1)(b)	Standing on a road during a prohibited period	75
33(2)(a)	Parking on part of a road set aside for vehicles of a different class	40
33(2)(b)	Parking in a no parking area	40
33(2)(c)	Parking on a road during a prohibited period	40
33(3)	Parking on a road for more than maximum period	35
34	Standing or parking in an occupied parking space	35
35	Standing or parking on or adjacent to a median strip	35
36(1)(a)	Parking too far from kerb	35
36(1)(b)	Parking facing oncoming traffic	40
36(1)(c)	Parking outside parking space marked on road	35
37(1)	Standing or parking within 1 metre of a fire hydrant	75
37(2)	Standing or parking within 3 metres of a public post box	75
38(a)	Parking in front of a driveway	75
38(b)	Parking on an intersection	75
38(c)	Parking within 6 metres of intersection	75
38(d)	Parking next to a traffic obstruction	75
38(e)	Parking on a footpath	75
39	Double parking	75
40	Standing or parking on a verge contrary to signs or without consent	40
41(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings	35
41(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings	35
41(3)	Standing or parking in an omnibus stand	40
42	Parking within 1 hour	35
43	Failing to move vehicle after direction of Authorised Officer	75
44(1)	Unauthorised standing or parking in a loading zone	45
45	Parking on street to repair or sell	35



MODIFIED PENALTIES—*continued*

Clause	Nature of Offence	Modified Penalty \$
47	Unauthorised parking	40
48	Standing or parking on private property without consent	50
49	Parking a service vehicle on the street verge for more than 4 hours or to repair it	35
50	Overlength vehicle parking	35
51(2)	Removing a chalk mark	50
52	Parking on a reserve	35
59	Parking so as to cause an obstruction	75
68	Inserting anything other than the appropriate coin into a parking meter or ticket issuing machine	75
71	Altering or defacing a parking ticket	75
	All other offences not classified	35

Dated: 10 March 2000.

The Common Seal of the City of South Perth was hereunto affixed in the presence of—

S. E. PIERCE, Mayor.  
L. L. METCALF, Chief Executive.







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