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TOWN OF VINCENT

LOCAL GOVERNMENT ACT 1995

**LOCAL LAW RELATING TO PARKING
FACILITIES**

DOG ACT 1976

LOCAL LAW RELATING TO DOGS

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO PARKING FACILITIES

In pursuance of the powers conferred upon it by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent hereby records having resolved on the 9th day of May 2000 to submit the following Local Law.

PART 1—PRELIMINARY**Citation**

1. This Local Law may be cited as the Town of Vincent Parking Facilities Local Law.

Repeal

2. The Town of Vincent Local Law Relating to Parking Facilities published in the *Government Gazette* on 30 December 1994 is hereby repealed.

Interpretation

3. In this Local Law unless the context otherwise requires—

“Act” means the Local Government Act 1995 as amended.

“Appointed Place” means a place appointed by the Council to which vehicles causing an obstruction may be removed.

“Attended Parking Station” means a parking station attended by an officer of the Council and in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station.

“Board” has the same meaning as that expression in the Road Traffic Act.

“Built-up Area” has the same meaning as that expressed in the Road Traffic Code.

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

“Commercial Vehicle” means a vehicle which comes within the interpretation of a motor wagon, in the First Schedule to the Road Traffic Act, and includes any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for the conveyance therein or thereon of goods.

“District” means the Local Government district of the Town of Vincent.

“Eating Area” means an area in which tables, chairs and other structures are provided for purpose of the supply of food and beverages to the public or the consumption of food and beverages by the public.

“Emergency Vehicle” has the same meaning as that expressed in the Road Traffic Code.

“Footpath” includes a path set aside for use by pedestrians or both pedestrians and cyclists.

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

“Loading Zone” means a parking stall designated for use by commercial vehicles only.

“Median Strip” shall have the same meaning as given to it in clause 103(1) of the Road Traffic Code.

“Motor Cycle” means a motor vehicle designated to travel on two wheels but shall not include a motor vehicle to which a side car is attached.

“Obstruct” shall mean to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and *Obstruction* shall have a corresponding meaning.

“Omnibus” has the same meaning as that expression in the Road Traffic Act.

“Park” has the same meaning as given to it in clause 103(1) of the Road Traffic Code, and includes “parking”.

“Parking Stall” means a section of a road or of a parking station which is marked or defined in any way to indicate where a vehicle or vehicles may stop or be parked but does not include a metered space.

“Parking Station” means a parking station established by the Council pursuant to the Act and includes those listed and numbered in the Second Schedule.

“Parking Ticket” means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle in a parking stall or a parking station or part of a parking station.

“Pedestrian Mall” has the same meaning as that expression in the Road Traffic Code.

"*Public Bus*" means any omnibus operated by or on behalf of Transperth while in the course of normal operation and while not on private charter.

"*Ranger*" means a person appointed by the Council to carry out the functions conferred on a Ranger or Authorised Officer by this Local Law or by Sections 9.10, 9.11, 9.13 and 9.16 of the Act.

"*Residential Street*" means a road where the majority of properties are used for residential purposes.

"*Road*" has the same meaning as given to it in clause 5 of the Road Traffic Act.

"*Road Traffic Act*" means the Road Traffic Act 1974.

"*Road Traffic Code*" means the Road Traffic Code 1975.

"*Service Vehicle*" has the same meaning as that expression in the Road Traffic Code.

"*Sign*" includes any notice, mark, marking, device, symbol, stencil or structure in, on or over any road, parking station or parking facility.

"*Special Purpose Vehicle*" has the same meaning as that expression in the Road Traffic Code.

"*Stop*" has the same meaning as given to "Stand" in clause 103(1) of the Road Traffic Code, and includes "Stopping".

"*Tare Weight*" has the same meaning as that expression in the Vehicle Standards Regulations 1977.

"*Taxi*" has the same meaning as that expression in the Road Traffic Code.

"*Ticket Issuing Machine*" means a machine or device which is installed in a parking facility and which upon the insertion of coins or a token, pass, card, key or device issues a parking ticket.

"*Ticket Machine Zone*" means a parking facility in which ticket issuing machines are installed but does not include a parking station.

"*Tourist Bus*" means any omnibus used solely for the carriage of tourists but does not include a public bus.

"*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;
- but excludes wheeled mobility aids whether motorised or manually propelled.

"*Verge*" shall mean that portion of a road reserve which lies between the edge of the carriageway and the boundary of the adjacent property on the same side of the road and includes an area which has been paved, slabbed, concreted, bituminised or otherwise modified in any way using manufactured materials, in compliance with the Council Policy on such improvement, but excludes a footpath.

Application of Signs

4. Where the stopping or parking of vehicles in a road is regulated or prohibited by a sign then the sign shall for the purposes of this Local Law apply to that part of the road which—

- (1) lies beyond the sign;
- (2) lies between the sign and the next sign beyond the sign; and
- (3) is that half of the carriageway of the road nearest to the sign.

Application of Local Law

5. Subject to Clause 6 this Local Law applies to the whole of the district.

Exemption to Application

6. Except for the purpose of enforcement of Section 3.37 to 3.48 of the Act, this Local Law does not apply to the following areas—

- (1) The Mitchell Freeway.

PART 2—PARKING IN ROADS

Parking Contrary to Signs

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

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

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

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

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

(4) For the purpose of this Local Law a sign may—

- (a) prohibit or regulate parking and stopping;
- (b) specify maximum times;
- (c) specify permitted classes of vehicles;
- (d) specify permitted classes of persons;

by the use of any symbol or other traffic control device in accordance with Australian Standard AS 1742.11.

Median Strips and Traffic Islands

8. A person shall not stop or park a vehicle on any part of a road so that any portion of the vehicle is—
- (1) on a median strip;
 - (2) adjacent to a median strip otherwise than in a parking stall or metered space;
 - (3) on, or within nine (9) metres of any portion of a carriageway bounded on one or both sides by a traffic island.

Parking Position on Road

9. (1) A person shall not stop or park a vehicle on a road otherwise than—
- (a) parallel to the kerb of that road;
 - (b) as close to the kerb as practicable;
 - (c) headed in the direction of the movement of traffic on the part of the road on which the vehicle is parked;
 - (d) wholly within a parking stall if the part of the road upon which the vehicle is stopped or parked is provided with parking stalls.
- (2) A person shall not stop or park a vehicle in a parking stall which is not set out parallel to a kerb otherwise than wholly within that parking stall.

Parking in Occupied Stall

10. (1) Subject to Sub-clause (2), a person shall not stop or park or attempt to stop or park a vehicle in a parking stall in which another vehicle is stopped or parked.
- (2) Sub-clause (1) shall not apply to the parking of both a bicycle and a motor cycle in a stall marked "M/C".

Intersections, Hoardings and Footpaths

11. A person shall not stop or park a vehicle so that any portion of the vehicle is—
- (1) within six metres of the nearest lateral boundary of any road intersecting the road on the side of which the vehicle is stopped or parked;
 - (2) alongside any hoarding, scaffolding, obstacle or impediment to traffic;
 - (3) on or over a footpath or a place of refuge for pedestrians, except in the case of a bicycle and only then provided that it does not cause an obstruction.

Traffic Obstructions

12. (1) A person shall not stop or park a vehicle—
- (a) on any road so as to cause an obstruction thereof;
 - (b) at any place so as to cause an obstruction to any vehicular entrance or exit of any premises;
 - (c) upon an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway; or
 - (d) in any right of way except when the driver is actively engaged in loading or unloading of goods or passengers to a place adjacent to that place where the vehicle is parked or left;
- so as to cause an obstruction.
- (2) A vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction, unless the vehicle is parked for any period exceeding twenty-four hours, without the consent in writing of the Chief Executive Officer or a Ranger.
- (3) A vehicle which is parked in any portion of the district where vehicles may not lawfully be parked is deemed to be causing an obstruction.

Double Parking

13. (1) Subject to Sub-clause (2), a person shall not stop or park a vehicle on a road so that any portion of the vehicle is between any vehicle which is parked or stopped on a carriageway of that road and the centre of that road.
- (2) Sub-clause (1) shall not apply to—
- (a) a person who parks a motor cycle or a bicycle in a stall marked "M/C";
 - (b) a person who stands or parks a vehicle in a parking stall or metered space abreast of or alongside another vehicle.

Verge Parking

14. (1) The Council may authorise the occupier of any premises to improve the verge adjacent to that premises, by the laying of bricks slabs concrete or other thing in compliance with the Council Policy on such improvements.
- (2) Subject to Sub-clause (3), a person shall not stop or park a vehicle so that any portion of the vehicle is on a verge other than a bicycle.
- (3) The occupier of premises and any person authorised by the occupier may stop or park a vehicle on verge unless—
- (a) the parking or stopping of vehicles on that verge is prohibited by a sign;
 - (b) parking is permitted on the adjacent roadway at all times;
 - (c) the verge is less than 2 metres between the footpath and the face of the kerb; or
 - (d) the verge has not been paved or otherwise improved, in accordance with Council Policy, to allow such parking to be effected in an orderly manner.

(4) Nothing in Sub-clauses (1), (2) or (3) shall authorise a person to stop or park any portion of a vehicle—

- (a) on a footpath; or
- (b) within 6 metres of the nearest lateral boundary of any road intersecting the road on the same side.

Parking near Fire Hydrant

15. A person shall not stop or park a vehicle on a road so that any portion of the vehicle is within one metre of a pillar fire hydrant.

Parking on Pedestrian Crossing

16. (1) Subject to Sub-clause (2) a person shall not stop or park a vehicle on a pedestrian crossing.

(2) Sub-clause (1) shall not apply if—

- (a) the driver of the vehicle is prevented from proceeding by circumstances beyond his control;
- (b) it is necessary for the driver of the vehicle to stop in order to avoid an accident.

No Parking within One Hour

17. Where parking in a road is restricted as to time and a vehicle has been parked in that road a person shall not park that vehicle again in that road unless—

- (1) the vehicle has been removed from the road for at least one hour;
- (2) 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.

Parking in Set Aside Roads

18. (1) The Council may by use of signs set aside any road or part of a road, whether marked as a parking stall or not, for the parking of vehicles by persons of a particular class.

(2) A person shall not stop or park a vehicle on a road or part of a road set aside under Sub-clause (1)—

- (a) unless the person is a member of the class referred to in Sub-clause (1);
- (b) except with the permission of the Council or a Ranger.

(3) The Council may, by use of signs, set aside any road or part of a road, whether marked as a parking stall or not, for the parking of vehicles of a particular class.

(4) A person shall not stop or park a vehicle on a road or part of a road set aside under Sub-clause (3)—

- (a) unless the vehicle is a vehicle of the class referred to in Sub-clause (3);
- (b) except with the permission of the Council or a Ranger.

Construction Site Vehicle Parking

19. (1) In this Clause, unless the context otherwise requires—

"Builder" has the same meaning as that expression is given 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 the Council and advertised from time to time.

"Development" means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on the 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 the Council and advertised from time to time.

"Heavy Goods Vehicle" means a vehicle which comes within the interpretation of either a tractor (prime mover type) or a tractor (other than prime mover type) in the First Schedule to the Road Traffic Act 1974 and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle.

"Work Zone" means any road or part of a road, whether or not marked as a metered space, parking stall or ticket machine zone, set aside by the Council 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 make written application to the Council which may approve or refuse the application.

(3) Where the Council approves an application made under Clause 18(2), it shall give the applicant written notice specifying—

- (a) the number and location of work zones which the Council determines may be set aside;
- (b) the period which the Council determines during which the parking or stopping of construction site vehicles in a work zone is permitted; and
- (c) the amount of the establishment fee calculated in accordance with the Council's advertised charges.

(4) A person shall not stop or park a vehicle in a work zone unless—

- (a) the vehicle is a construction site vehicle;
- (b) the vehicle is stopped 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.

Direction to Move Vehicle

20. A person shall not stop or park a vehicle on any part of a road, after a Ranger, Inspector or a member of the Police Service directs the driver of the vehicle to move the vehicle therefrom.

Loading Zones

21. (1) Subject to Sub-clause (2), a person shall not stop or park a vehicle in a loading zone.
- (2) A person may stop or park a vehicle in a loading zone—
- (a) if the vehicle is a commercial vehicle; and
 - (b) if a person is continuously engaged in loading or unloading goods to or from the vehicle.
- (3) A person shall not stop a commercial vehicle in a loading zone—
- (a) for more than five minutes unless the tare weight of the vehicle is greater than 1,000 kilograms;
 - (b) for more than fifteen minutes.

Pedestrian Malls

22. (1) Subject to Sub-clause (2), a person shall not stop or park a vehicle in a pedestrian mall other than a bicycle.

- (2) A person may stop or park a vehicle in a pedestrian mall if the vehicle is—
- (a) an emergency vehicle;
 - (b) a special purpose vehicle;
 - (c) a vehicle being used by a medical practitioner in the practice of his profession;
 - (d) the subject of a written authorisation by the Board applicable to the vehicle and to the time in which the vehicle is stopped or parked in the pedestrian mall;
 - (e) a service vehicle which is—
 - (i) in a loading zone;
 - (ii) during a period in which service vehicles are permitted to enter the pedestrian mall;
 - (iii) has a person continuously engaged in loading or unloading goods to or from the vehicle; and
 - (iv) stopping or parking for a continuous period of not more than thirty minutes.

Public Bus Parking Stalls

23. A person shall not stop or park a vehicle other than a public bus in a parking stall set aside for use by public buses.

Tourist Bus Stalls

24. A person shall not stop or park a vehicle other than a tourist bus in a parking stall set aside for use by tourist buses.

Eating Areas in Parking Stalls

25. A person shall not stop or park a vehicle in a parking stall which has been authorised in writing by the Council, to be set up or conducted as an eating area.

Permits in parking facilities

26. (1) The Council or a Ranger may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park—

- (a) in a specified kerbside area;
- (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
- (c) in any other place under the Control of the Council.

(2) A permit issued under Sub-clause (1) may—

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

(3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to Sub-clause (2)—

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

(4) The fee payable in clause (1) above shall be determined by the Council and advertised from time to time.

Commercial Vehicles in Residential Streets

27. (1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by the vehicle or combination of vehicles, is more than eight metres in length on a carriageway or parking facility in a Residential Street, for any period in excess of one hour.

(2) A person shall not park a vehicle that has a Tare Weight of greater than 3,000 kg on a carriageway or parking facility in a Residential Street, for any period in excess of one hour.

Vehicles in Motor Cycles Spaces

28. A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall—

- (1) marked with the symbol "M/C"; or
- (2) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

Parking Limits for Motor Cycles

29. A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol "M/C"—

- (1) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall or metered space;
- (2) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked in any parking stall adjacent thereto; or
- (3) otherwise than wholly within the stall.

Motor Cycles in M/C Spaces Only

30. A person shall not park a motor cycle or bicycle in a parking stall unless the stall is marked with the symbol "M/C".

Damage to Parking Restriction Signs or Ticket Issuing Machines

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

Signs on Parking Restriction Signs or Ticket Issuing Machines

32. A person shall not, without the permission of the Council, affix any board, sign, placard, notice, cover or other thing to or paint, mark or write upon any parking restriction sign or ticket issuing machine.

Use of Coins in Ticket Issuing Machines

33. A person shall not insert or cause to be inserted or attempt to insert into a coin slot of a ticket issuing machine any thing other than an Australian coin appropriate to that slot.

Operating Ticket Issuing Machines

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

PART 4—TICKET MACHINE ZONES

Fees in Ticket Machine Zones

35. The fees for stopping and parking of vehicles in a ticket Machine Zone shall be determined by the Council and advertised from time to time.

Display of Tickets

36. (1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period unless—

- (a) an unexpired 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 displayed inside the vehicle and are clearly visible to and able to be read by a Ranger from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

(2) In this Clause "*Unexpired Parking Ticket*" means a parking ticket on which—

- (a) a date and expiry time is printed and that time has not expired;
- (b) a date and time of issue is printed and the period for which that ticket remains valid as stated on the ticket issuing machine from which the ticket was purchased has not expired.

(3) For the purpose of this Clause, where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket referred to in paragraph (b) of Sub-clause (2) shall be aggregated and the tickets shall be deemed not to have expired until the expiry of the aggregate of those periods.

Parking Limits

37. (1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period for longer than the maximum period.

(2) A reference in this Clause to—

- (a) "*Maximum Period*" with respect to a ticket machine zone means the maximum period stated on the ticket issuing machines in the zone during which the continuous parking of a vehicle in the zone is permitted;
- (b) "*Permitted Period*" with respect to a ticket machine zone means the period stated on the ticket issuing machines in the zone during which the parking of vehicles is permitted upon purchase of a parking ticket.

Parking Position in Ticket Machine Zones

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

- (1) on any part of which there are parking stalls set out parallel to a kerb otherwise than—
 - (a) parallel to that kerb;
 - (b) as close to the kerb as practicable;
 - (c) wholly within a parking stall;
 - (d) headed in the direction of the movement of traffic on the part of the road on which the parking stall is situated;
- (2) on any part of which there are parking stalls not set out parallel to a kerb otherwise than wholly within a parking stall.

PART 5—PARKING STATIONS AND PARKING FACILITIES**Display of Tickets**

39. (1) Subject to Sub-clause (2) a person shall not stop or park a vehicle in any part of a parking station equipped with a ticket issuing machine or a parking facility during any permitted period unless—

- (a) an unexpired parking ticket or unexpired parking tickets applicable to that part of the parking station and issued on that day; and
- (b) the date and time of issue or expiry of the ticket, as the case may be, and the number of the ticket, if any, printed thereon, are displayed inside the vehicle and clearly visible to and able to be read by a Ranger from outside the vehicle at all times while the vehicle remains stopped or parked in that part of the parking station.

(2) For the purposes of Sub-clause (1), a parking ticket issued in respect of any parking station or any part of a parking station which has been set aside under Clause 45 shall be applicable only to that parking station or that part of that parking station, as the case may be.

(3) A reference in this Clause to—

- (a) "*Permitted Period*" with respect to a parking station equipped with a ticket issuing machine means the period stated on the ticket issuing machines in the zone during which the parking of vehicle is permitted upon the purchase of a parking ticket;
- (b) "*unexpired parking ticket*" means a parking ticket on which—
 - (i) a date and expiry time is printed and that time has not expired;
 - (ii) a date and time of issue is printed and the period for which that ticket remains valid as stated on the ticket issuing machine from which the ticket was purchased has not expired;

Use of Parking Tickets

40. A person shall not—

- (1) deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket or any information, printing or imprint thereon;
- (2) park a vehicle in a parking station or parking facility if there is displayed in that vehicle so as to be visible from outside the vehicle a parking ticket which has been defaced, altered, added to, erased, obliterated or otherwise interfered with;
- (3) produce to a Ranger or a person authorised by the Council to accept payment of parking fees, a parking ticket which is, or any information, printing or imprint on which is defaced, altered, added to, erased, obliterated or otherwise interfered with;

Fees for Motor Cycles in Parking Stations

41. (1) The fee payable for the parking of a motor cycle and the period of application of the fee in a parking station shall be determined by the Council and advertised from time to time.

(2) The Council shall not be obliged to accept payment of any fee referred to in this Clause.

Parking Position for Motor Cycles

42. A person shall not stop or park a motor cycle in a parking station equipped with a ticket issuing machine unless—

- (1) wholly within a parking stall marked with the symbol "M/C" or otherwise designated as being set aside for the parking of motor cycles;
- (2) that person has paid to the Council the fee referred to in Clause 40; and
- (3) during the period for which the fee is applicable.

Set Aside Parking Stations

43. (1) The Council may by use of signs set aside any parking station or any space in a parking station for—

- (a) the parking of vehicles by persons or classes of persons authorised by the Council;
- (b) the parking of vehicles of a particular class.

(2) Where the Council authorises a person or class pursuant to Sub-clause (1) the Council—

- (a) may issue a written permit upon payment of a fee to the person or to persons of the class;
- (b) may revoke a permit at any time.

(3) The fee referred to in (2)(a) above shall be determined by the Council and advertised from time to time.

(4) A person shall not park or stop a vehicle in a parking station or space set aside under Sub-clause (1)(a) unless—

- (a) a permit is issued with respect to the vehicle is displayed inside the vehicle and is clearly visible and readable by any Inspector requiring to examine the permit from outside the vehicles;
- (b) the permit bears a current date; and
- (c) the person or the person's class as specified in the permit is also specified on the signs which set aside the parking station or space.

(5) A person shall not park or stop a vehicle in a parking station or space set aside under Sub-clause (1)(b)—

- (a) unless the vehicle is a vehicle of the class referred to in Sub-clause (1)(b);
- (b) except with the permission of the Council, or a Ranger.

Restrictions and Time Limits in Parking Stations

44. (1) A person shall not stop a vehicle on any part of a parking station or parking facility—

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

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

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

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

(4) A person shall not park or stop a vehicle in a parking station otherwise than wholly within a parking stall.

Maximum Parking Period in Parking Stations

45. Where in relation to a parking station described in the Second Schedule a maximum parking period is specified a person shall not stop or park a vehicle in that parking station—

- (1) continuously for longer than that period;
- (2) again in that parking station within one hour after removing that vehicle from that parking station.

Set aside Parking Stations for Multiple Occupants

46. The Council in respect of any period or time may by the use of signs set aside any parking station or any part of a parking station and prohibit entry thereto by vehicles other than vehicles carrying in addition to the driver at least one other person.

Parking Restrictions for Vehicles with Multiple Occupants

47. (1) The fee payable for the parking of a vehicle in any parking station or part of a parking station which has been set aside under Clause 45 at the times or within such period specified pursuant to Clause 45 is the fee determined by the Council and advertised from time to time.

(2) A person shall not stop or park a vehicle in any parking station or part of a parking station which has been set aside under Clause 45 at the times or within such period specified pursuant to Clause 45 unless the vehicle is carrying at least one other person.

(3) A person shall not enter any parking station or part of a parking station which has been set aside under Clause 45 at the times or within such period specified pursuant to Clause 45 unless that person is the driver of or passenger in a vehicle carrying at least one other person.

Special Event Parking

48. (1) The Council may by the use of signs, set aside for any period specified on the signs, any parking station, parking facility or other land owned or controlled by the Council for the parking of vehicles by persons attending a special event.

(2) A person shall not park or stop a vehicle in a parking station, parking facility or land owned or controlled by the Council set aside under Sub-clause (1) during the period for which it is set aside unless a ticket purchased on entry to that parking station, parking facility or land with respect to the special event is clearly visible to and readable by a Ranger from outside a vehicle.

(3) The fee payable for Special Event Parking shall be determined by the Council and advertised from time to time.

(4) For the purpose of this Clause a 'special event' means any event or occurrence considered by the Council to be special and likely to attract a substantial number of persons driving vehicles.

(5) During the period referred to in Sub-clause (1) the provisions of Clauses 38, 43(1)(b), 43(2)(b), 43(3), 45 and 46 shall not apply to the parking station, parking facility or other land.

Direction to Move Vehicle

49. A person shall not stop or park a vehicle on any part of a parking station or Parking facility after a Ranger or a member of the Police Service directs the driver of the vehicle to move the vehicle therefrom.

Selling and Hiring

50. A person shall not, without the written permission of the Chief Executive Officer, park or stop a vehicle on any part of a road, parking station, parking facility or land under the control of the Council otherwise than in compliance with the following conditions—

- (1) The vehicle itself shall not be sold, hired, raffled or given away or offered or exposed for sale, hire or raffle upon that part of a road, parking station, parking facility or land; and
- (2) No goods, wares or merchandise, or any article or thing of whatsoever nature or kind shall be sold, hired, raffled or given away or offered or exposed for sale, hire or raffle upon that part of a road, parking station, parking facility or land.

Obstruction of Parking Stations

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

Behaviour in a Parking Station

52. (1) A person shall not remain in or on a parking station or parking facility after having been required to leave that parking station or parking facility by a Ranger, or a member of the Police Service.

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

Damage to Parking Stations and Facilities

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

Affixing Signs and Notices

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

Council may Lock Parking Stations

55. 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 or to or from the parking station without the Council being responsible for any loss or damage to any such vehicle or its accessories or contents or for any other loss, claim or liability.

PART 6—RESIDENTIAL PARKING**Definitions**

56. In this part of this Local Law, unless the context otherwise requires—

“Dwelling Unit” means premises lawfully used for self contained living quarter.

“Eligible Person” where used—

- (a) In relation to an application for a residential parking permit means a single house occupier, a unit occupier or a unit owner;
- (b) in relation to an application for a visitor’s parking permit means—
 - (i) A single house occupier;
 - (ii) A Strata company;
 - (iii) A unit owner of a residential unit which is not a strata lot.

“Residential Parking Permit” means a permit issued to a resident by the Council pursuant to Clause 58(1).

“Residential Unit” means a dwelling unit which is part of a building adjacent to a part of a road on which road the Stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) two or more dwelling units with or without any non residential units;
- (b) one dwelling unit with one or more non residential units.

“Single House” means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road on which the Stopping or parking of vehicles is prohibited for more than a specified period.

“Single House Occupier” means an occupier of a single house.

“Strata Company” means a body corporate constituted under Section 32 of the Strata Titles Act 1985.

“Unit Occupier” means a person who is an occupier of a residential unit but does not include a unit owner.

“Unit Owner” means a person who is an owner and occupier of a residential unit.

“Visitor’s Parking Permit” means a permit issued by the Council pursuant to Clause 58(2).

Exemption for Permit Holders

57. (1) (a) Where on any part of a road the stopping or parking of vehicles is prohibited by a sign for more than a specified period or where any part of a road is a metered space, the holder of a valid permit is exempted from such prohibition or from the requirements of Clauses 7(3) and 37 as the case may be.

- (b) The Chief Executive Officer may also issue a permit which exempts the holder from compliance with the requirements of clauses 7(2)(a) and 7(2)(b).

- (2) The exemption conferred by Sub-clause (1) shall apply only—
- (a) to the part of a road specified in the permit;
 - (b) where the time restriction applicable to that part of the road is for a period exceeding 30 minutes;
 - (c) where the permit displayed is a residential parking permit to the motor vehicle specified in the residential parking permit;
 - (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by a Ranger or Inspector from outside the vehicle;
 - (e) if the permit is valid.

(3) The exemption conferred by Sub-clause (1) shall not, unless specifically noted on the permit, 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

58. (1) The Council may upon a written application of an eligible person issue a residential parking permit in the form in Item 1 of the Third Schedule.

(2) The Council may upon a written application of an eligible person issue, for the occasional use of visitors, a visitor's parking permit in the form in Item 2 of the Third Schedule.

(3) The Council's power to issue, replace and revoke permits under this Part may be exercised by a Ranger or Inspector.

Restrictions on Issue of Permits to Single House Occupiers

59. The Council shall not issue—

- (1) more than two residential parking permits to any single house occupier where the single house is situated on land where no parking can be provided;
- (2) more than one residential parking permit to any single house occupier where the single house is situated on land where parking for one vehicle only can be provided;
- (3) a residential parking permit to any single house occupier where the single house is situated on land where parking for two or more vehicles can be provided.

Restrictions on Issue of Permits to Unit Owners or Unit Occupiers

60. The Council shall not issue—

- (1) more than one residential parking permit to any unit owner or unit occupier where the unit is situated on land where no parking can be provided;
- (2) a residential parking permit to any unit owner or unit occupier where the unit is situated on land where parking for one vehicle only can be provided;

Restrictions on Number of Permits

61. (1) The Council shall not issue more than two residential parking permits in respect of any single house or residential unit.

(2) Notwithstanding Sub-clause (1), where a unit occupier is issued with a residential parking permit, the Council shall not issue any further residential parking permits in respect of that residential unit.

(3) The Council shall not issue more than two visitors parking permits in respect of any single house.

Validity of Permit

62. Every residential parking permit or visitor's parking permit as the case may be shall cease to be valid—

- (1) upon the expiry of a period of twelve months from and including the date on which it is issued;
- (2) upon the holder of the permit ceasing to be an eligible person;
- (3) upon revocation of the permit by the Council pursuant to Clause 63;
- (4) upon the replacement of any permit by a new permit issued by the Council pursuant to Clause 65(1).

Revocation of a Permit

63. (1) The Council may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this Local Law notice requiring that person to notify the Council of any reason why that permit should not be revoked.

(2) The Council shall give notice referred to Sub-clause (1) in the form in Item 3(a) of the Fourth Schedule by serving the notice on the eligible person to whom the permit was issued.

(3) If within seven (7) days after the date of receipt of the notice referred to in Sub-clause (2) the eligible person to whom the permit was issued—

- (a) fails to give the Council notice in writing of any reason why the permit should not be revoked;
- (b) gives the Council notice in writing of any reasons why the permit should not be revoked;

then the Council may in its absolute discretion revoke that permit.

(4) For the purpose of Sub-clause (3) the date of receipt of the notice shall be the date the notice was served.

(5) The Council shall give notice of the revocation in the form in Item 3(b) of the Third Schedule by serving the notice on the eligible person to whom the permit was issued.

Removal of Permit from Vehicle

64. The holder of a residential parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.

Replacement of Permit

65. (1) The Council may upon a written application of an eligible person and upon payment of the fee referred to in Sub-clause (2), if any, issue a permit to replace a residential parking permit or visitor's parking permit which is lost, destroyed or stolen.

(2) The fee payable for the issue of a replacement permit pursuant to this Clause shall be determined by the Council and advertised from time to time.

(3) Notwithstanding Sub-clause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the Town—

- (a) that the vehicle in which the permit is displayed has been disposed of;
- (b) that the vehicle's windscreen in which the permit is displayed has been replaced;
- (c) which the Town considers warrants the waiving of the fee.

Discretionary Authority

66. Notwithstanding any other provisions in this Local Law which restrict the number of residential or visitors' parking permits that may be issued, the Chief Executive Officer may approve the issue of additional residential or visitors parking permits to any property owner or occupier under such conditions as the Council considers necessary.

PART 7—MISCELLANEOUS AND PENALTIES**Parking Without Consent**

67. A person shall not stop or park a vehicle on land which is not a road or parking facility without the consent of the person in occupation of that land.

Inspector's Immunity

68. No offence under this Local Law is committed by a Ranger whilst carrying out his or her duties.

Compliance with Signs

69. A person shall comply with every sign displayed, marked, placed, or erected pursuant to the Act.

Inspector's Certificate of Appointment

70. A Ranger shall be furnished with a Certificate of his or her appointment in the form of the Fifth Schedule.

Personation of a Ranger

71. A person who is not a Ranger shall not assume or attempt to assume the duties of a Ranger or purport to be a Ranger to any person.

Obstruction of a Ranger

72. A person shall not obstruct or hinder a Ranger in the execution of his or her duties.

Offence

73. A person who contravenes any provisions of this Local Law commits an offence and is liable, on conviction, to a penalty not less than \$200 and not exceeding \$5,000 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

Display of Signs

74. A person shall not, without the permission of the Council, display, mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council pursuant to the Act or this Local Law.

Marking Tyres

75. (1) For the purpose of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this Local Law a Ranger may mark a tyre or tyres of such vehicles with chalk or any other non-indelible substance.

(2) A person shall not remove or interfere with any such mark referred to in Sub-clause (1) so that the purpose of affixing the same is or may be defeated.

Modified Penalties

76. (1) The modified penalties prescribed with respect to offences against this Local Law are specified in the Sixth Schedule.

(2) The prescribed form of the Modified Penalty Notice is set out in the Seventh Schedule.

Part 4

First Schedule
TICKET MACHINES ZONES
PERIOD AND FEES

Location	Between	Period of operation
William Street	Brisbane Street and Newcastle Street	9am to 5.30pm Mon-Fri and 8am to 12 noon Sat

Part 5

Second Schedule

DESCRIPTION	DAYS AND HOURS OF OPERATION	FEES PAYABLE ON LEAVING PARKING STATION	PLACES WHERE PARKING TICKET MAY BE PURCHASED FOR USE IN A PARKING STATION AND FEES PAYABLE
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	Monday to Friday, 8.00am to 8.00pm and Saturday 8.00am to 12 noon.	Not applicable	Not applicable
Frame Court Parking Station, situated between Frame Court and Oxford Street, Leederville	8.00pm to 8.00am Monday to Sunday inclusive.	Not applicable	Not applicable
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	Monday to Friday, 8.00am to 8.00pm and Saturday 8.00am to 12 noon.	Not applicable	Not applicable
Brisbane Street Parking Station, situated in the area bounded by Greenway Street, Beaufort Street and Brisbane Street, Highgate	8.00pm to 8.00am Monday to Sunday inclusive.	Not applicable	Not applicable
That portion of The Avenue Parking Station, situated in the area bounded by Aberdeen Street and Vincent Street, Leederville, shown at Appendix A attached to this schedule as long term parking area	Monday to Friday, 8.00am to 8.00pm and Saturday 8.00am to 12 noon.	Not applicable	Not applicable
The Avenue Parking Station, situated in the area bounded by Aberdeen Street and Vincent Street, Leederville	8.00pm to 8.00am Monday to Sunday inclusive.	Not applicable	Not applicable
That portion of Chelmsford Road Parking Station, situated in the area bounded by Grosvenor Road and Chelmsford Road, Mount Lawley, shown at Appendix C attached to this schedule	Monday to Friday, 8.00am to 8.00pm and Saturday 8.00am to 12 noon.	Not applicable	Not applicable
That portion of land, seven metres wide, on the west side of Raglan Road Parking Station adjacent to the Right of Way, as shown at Appendix B attached to this schedule	Monday to Friday, 8.00am to 8.00pm and Saturday 8.00am to 12 noon.	Not applicable	Not applicable

Part 6 Clauses 59 to 61 & 66

Third Schedule
LOCAL GOVERNMENT ACT 1995
RESIDENTIAL PARKING PERMIT

ITEM 1

Residential Parking Permit

Permit No:

Vehicle Make/Type:

Registration No:

Exempted Road/Metered Space:

Date of Expiry:

.....

for TOWN OF VINCENT

TOWN OF VINCENT
LOCAL GOVERNMENT ACT 1995
VISITOR'S PARKING PERMIT

ITEM 2

<p>PARKING FACILITIES BY-LAW VISITOR'S PARKING PERMIT</p> <p>PERMIT No. Exempted Road:</p> <p>Name of Person to Whom Exemption Issued:</p> <p>..... Expiry Date:</p> <p>For the Town of Vincent</p>

Part 6 Clause 63

Fourth Schedule
LOCAL GOVERNMENT ACT 1995
NOTICE OF INTENT TO REVOKE PERMIT

ITEM 3(a)

Notice of Intention to Revoke Permit

Take notice that within seven days from the day of the person to whom (Residential Parking Permit/Visitors Parking Permit)* No. was issued is required to give the Council notice in writing of any reason why that permit should not be revoked. If no written notice is received by the Council within that time, Council may revoke that permit.

.....

for TOWN OF VINCENT

.....

Date of Service

* Delete whichever is inapplicable

TOWN OF VINCENT
LOCAL GOVERNMENT ACT 1995

ITEM 3(b)

Notice of Revocation of Permit

Take notice that from and including the day of (Residential Parking Permit/Visitor's Parking Permit)* No. is revoked and invalid.

.....


for TOWN OF VINCENT

* Delete whichever is inapplicable

Part 7 Clause 70

Fifth Schedule
LOCAL GOVERNMENT ACT 1995

Front

	<p>TOWN OF VINCENT</p> <p>AUTHORISATION</p> <p>This is to certify that</p> <p>whose signature appears hereunder is an authorised officer under the provisions of the Acts, Bylaws and Regulations listed overleaf. He is empowered to exercise all the powers and functions of a Ranger, conferred under these and to obtain the name and address of any person whom he has reasonable grounds to suspect has committed an offence against them</p> <p>Dated this Xxday xx (day)xx (month) xx(year)</p> <p>_____ Signature Chief Executive Officer</p>
---	--

Reverse

The person whose signature appears overleaf is an Authorised Officer under the following Acts, Local Laws and Regulations:

Local Government Act 1995
Litter Act 1979 Dog Act 1976
Control of Vehicles (Off Road Areas) Act 1978
Bush Fires Act Town Planning Act 1928
1954
Town of Vincent Parking Facilities Local Law
Town of Vincent Local Laws relating to Streets & Footpaths, Parks & Reserves, Eating Areas,
Street Traders, Street Entertainers, Abandoned Vehicles, Dogs

Part 7 Clause 76(1)

Sixth Schedule
LOCAL GOVERNMENT ACT 1995

Modified Penalties

ITEM NO.	OFFENCE	MODIFIED PENALTY
1.	CLAUSES: 11(3), 16(1), 49, 50(1), 50(2), 74	\$100.00
2.	CLAUSE: 7(1)(a), 7(1)(b), 12(1)(a), 12(1)(b), 12(1)(c), 12(1)(d), 12(1)(e), 13(1), 18(2), 20, 23, 24, 44(1)(a), 44(1)(b), 51, 67	\$80.00
3.	CLAUSES: 7(2)(a), 7(2)(b), 11(2), 18(4), 19(4), 25, 27(1), 27(2), 40(1), 40(2), 40(3), 43(5)(a), 43(5)(b), 44(2)(a), 44(2)(b)	\$50.00
4.	CLAUSES: 8(1), 8(2), 8(3), 9(1)(a), 9(1)(b), 9(1)(c), 9(1)(d), 9(2), 10(1), 11(1), 14(2), 15, 17(1), 17(2), 21(1), 21(3), 26(3)(a), 26(3)(b), 26(3)(c), 28, 29(1), 29(2), 29(3), 30, 36, 37(1), 38(1)(a), 38(1)(b), 38(1)(c), 38(1)(d), 38(2), 39(1), 42(1), 42(2), 42(3), 43(4)(a), 43(4)(b), 43(4)(c), 44(4), 45(1), 45(2), 48(2)	\$30.00
5.	CLAUSES: 7(3), 44(3)	

In the case of an offence under Clauses 7(3) and 44(3) where the specified time referred to in that clause is one half hour or less—

- (a) where the vehicle stops on that part of the road or parking station referred to in that clause for a period of one half hour or less in excess of the specified time—thirty dollars (\$30.00)
- (b) where the vehicle stops on that part of the road or parking station referred to in that clause for a period of more than one half hour in excess of the specified time—thirty dollars (\$30.00) with respect to the first one half hour in excess and thirty dollars (\$30.00) with respect to any time thereafter.

Modified Penalties—*continued*

ITEM NO.	OFFENCE
6.	CLAUSES: 7(3), 44(3)

MODIFIED PENALTY

In the case of an offence under Clauses 7(3) and 44(3) where the specified time referred to in that clause is one hour or more—

- (a) where the vehicle stops on that part of the road or parking station referred to in that clause for a period of one hour or less in excess of the specified time thirty dollars (\$30.00);
- (b) where the vehicle stops on that part of the road or parking station referred to in that clause for a period of more than one hour in excess of the specified time – thirty dollars (\$30.00) with respect to the first hour in excess and thirty dollars (\$30.00) any time thereafter.

Part 7 Clause 76(2)

Seventh Schedule
LOCAL GOVERNMENT ACT 1995

Front

Reverse

TOWN OF VINCENT INFRINGEMENT NOTICE	
It is alleged that the following offence was committed as indicated below:	
Town of Vincent Local Law Relating to _____ :	
Infringement No: 000001	
Date: <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>	20 <input style="width: 20px;" type="text"/> <input style="width: 20px;" type="text"/>
Time: <input style="width: 20px;" type="text"/> : <input style="width: 20px;" type="text"/>	
Officer Number: <input style="width: 20px;" type="text"/>	
Location: <input style="width: 100%;" type="text"/>	
Offence: _____	
Clause No: <input style="width: 20px;" type="text"/>	
PENALTY: \$ <input style="width: 20px;" type="text"/>	
DUE DATE: <input style="width: 20px;" type="text"/>	
Registration Number: <input style="width: 100%;" type="text"/>	
State: <input style="width: 20px;" type="text"/>	
Officer Signature: _____	
PAYMENT OF THIS PENALTY BY THE DUE DATE AS INDICATED ABOVE WILL PREVENT ADDITIONAL COSTS BEING INCURRED.	
PARKING INFRINGEMENT ONLY	
PLEASE NOTE: PURSUANT TO section 9.13(6) of the Local Government Act 1995 , you will be deemed to be the person who committed the above offence unless within 28 days of the date on which this notice was issued:	
(i) - you inform the Town of Vincent in writing of the full name and address of the offender; or	
(ii) - you furnish information to the Town of Vincent from which the Town is satisfied that the vehicle had been stolen or was being unlawfully used at the time the offence was alleged to have been committed; or	
(iii) - the modified penalty prescribed for the offence is paid to the Council.	
As the registered owner, you will be deemed to be the offender and liable for the imposed penalty.	
(SEE OVER)	

TOWN OF VINCENT INFRINGEMENT NOTICE	
YOU MAY FINALISE THIS MATTER BY PAYMENT:	
(1) In person Mon. - Fri. 8.00am - 5.00pm to the Cashier: Town of Vincent Administration & Civic Centre 244 Vincent Street Leederville; or	
(2) By Mail, addressed to the Chief Executive Officer Town of Vincent, PO Box 82, Leederville 6902	
For enquiries in relation to this infringement please telephone 9273 6026.	
Cheques should be made payable to the Town of Vincent	
PLEASE BE AWARE THAT IF A FINAL DEMAND IS ISSUED IN RELATION TO THIS MATTER, ADDITIONAL COSTS WILL BE INCURRED	
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.	
THIS SECTION MUST BE COMPLETED WHEN MAKING PAYMENT. If you change address prior to finalisation of this matter, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.	
OWNER:	_____
First Name:	_____
Surname:	_____
Address:	_____

Part 5 Clauses 45 & 46

Eighth Schedule

LOCAL GOVERNMENT ACT 1995

Vehicles with Multiple Occupants—Parking Stations and Fees.

ITEM NO	PERIOD	FEE
Not Applicable	Not Applicable	Not Applicable

Dated this 9th day of May 2000.

The Common Seal of the Town of Vincent was affixed in the presence of—

JOHN HYDE, J.P., Mayor.
JOHN GIORGI, J.P., Chief Executive Officer.

DOG ACT 1976

TOWN OF VINCENT

LOCAL LAW RELATING TO DOGS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Town of Vincent hereby records having resolved on the 9th day of May 2000 to make the following Local Law.

Citation

1. This Local Law may be cited as the Town of Vincent Local Law Relating to Dogs.

Repeal

2. The Local Laws published in the *Government Gazette* on 30 December 1994, and amended from time to time thereafter relating to dogs are hereby repealed.

Interpretation

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

“Act” means the Dog Act 1976;

“Council” means the Council of the Local Government of the Town of Vincent;

“District” means the district of the Local Government of the Town of Vincent.

- (2) Words and expressions used in this Local Law have the meanings respectively given to them in and for the purpose of the Act.

Pound

4. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Act or this Local Law.

5. The location of the pound to be used by the Town of Vincent shall be advertised from time to time in a newspaper circulating in the district.

Fees

6. The fees and charges in relation to the seizure, impounding and maintenance of a dog pursuant to the provisions of the Act shall be determined by the Council and advertised from time to time.

7. The fee payable by the owner of a dog which has been destroyed pursuant to the provisions of the Act shall be determined by the Council and advertised from time to time.

Prohibited Places

8. Any person liable for the control of a dog who permits to enter or be in or on any of the following places—

- (1) public building, shop or business premises, with the exception of a shop or business premises where dogs are sold;

- (2) a theatre or picture garden;

- (3) a house of worship; or

- (4) a building site where every part of the fence is of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence;

commits an offence.

Dog Exercise Areas

9. The public places described in the Seventh Schedule being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of sections 31 and 32 of the Act.

10. (1) Subject to sub-clause (2) of this clause, the public places described in the Eighth Schedule, being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of section 31 and 32 of the Act.

- (2) The specification as a dog exercise area of a public place described in Column 1 of the Eighth Schedule shall apply only during the times stated in Column 2 of the Eighth Schedule immediately opposite that public place.

Fouling of Streets and Public Places

11. Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the district without the consent of the occupier commits an offence unless the excreta are removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the Council may approve.

Fencing Requirements

12. (1) The owner or occupier of premises within the district on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in accordance with the provision of this Clause.

(2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.

(3) If there is a gate in the fence the gate shall be—

- (a) of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the gate;
- (b) kept closed at all times except when the dog is not kept on the premises; and
- (c) fitted with—
 - (i) an efficient self-closing mechanism;
 - (ii) an efficient self-latching mechanism attached to the inside of the gate; and
 - (iii) a mechanism which enables the gate to be permanently locked.

(4) In this Clause the term “fence” includes a wall and a gate in the fence.

Maximum Number of Dogs

13. (1) Subject to sub-clause (2) of this clause the owner or occupier of premises situated within the district who keeps or permits to be kept on those premises more than two dogs over the age of three months and the young of those dogs under that age commits an offence for each dog more than the specified two dogs.

(2) The Council may issue to the owner or occupier of premises an exemption pursuant to section 26(3) of the Act or a license as an approved kennel establishment under section 27 of the Act.

Notice of Application for Kennel Establishment Licence

14. An intending applicant for a licence to keep an approved kennel establishment shall—

- (1) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence specifying that any interested person may within 28 days after the date of such publication object to or make representations in respect of the application in writing directly to the Council; and
- (2) forward a notice substantially in the form of the Fourth Schedule to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

15. An application for a licence to keep an approved kennel establishment shall be in or substantially in the form contained in the Fifth Schedule and shall be accompanied by—

- (1) evidence that notice of the proposed use of the land has been given in accordance with Clause 14; and
- (2) a plan showing the details and specifications of all kennels and yards appurtenant thereto and showing the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the Council may require.

Kennel Establishment Requirements

16. The occupier of any premises licensed as an approved kennel establishment who fails to ensure that the dogs in that establishment are kept in kennels and yards appropriate to the breed or kind in question and in accordance with the following requirements—

- (1) each kennel shall have a yard appurtenant thereto;
- (2) each kennel and each yard and every part thereof shall not be any less distance than three metres from the boundaries of the land or the dwelling house in the occupation of the occupier;
- (3) each kennel and each yard and every part thereof shall not be any less distance than 20 metres from any dwelling house, church, school room, hall or factory;
- (4) each kennel and each yard and every part thereof shall not be any less distance than 25 metres from any road or street;
- (5) the walls of each kennel shall be rigid impervious and structurally sound;
- (6) the roof of each kennel shall be constructed of impervious material;

- (7) all external surfaces of a kennel shall be well painted and in good condition;
 - (8) the internal height of each kennel shall be at least two metres from the floor;
 - (9) the yard appurtenant to each kennel shall be securely fenced with a fence not less than two metres in height and constructed of galvanised iron, wood, galvanised link mesh netting or other material as approved by the Council;
 - (10) all kennels and appurtenant yard gates shall be provided with catches or similar means of fastening as approved by the Council;
 - (11) the upper surface of the floor of each kennel shall be set at least 10 centimetres above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100;
 - (12) each yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped;
 - (13) all floor washings shall pass through a drain and shall be disposed of in accordance with the reasonable requirements of the Council;
 - (14) the constructed floor of any appurtenant yard shall be built in the same manner as the floor of any kennel; and
 - (15) every kennel shall have not less than 2.5 square metres in area for each dog kept therein,
- commits an offence.

Duties of Licence Holder

17. The holder of a licence to keep an approved kennel establishment who fails to ensure that—
- (1) the establishment is maintained in a clean, sanitary and tidy condition;
 - (2) all refuse, faeces and food waste is disposed of daily in a manner approved by the Council; and
 - (3) all practical measures for the destruction of fleas, flies and other vermin are taken,
- commits an offence.

Licence

18. A licence to keep an approved kennel establishment shall be substantially in the form contained in the Sixth Schedule and fees payable to the Council on the issue, renewal and review or re-assessment of such licences shall be as specified in the Schedule 1a.

Penalty

19. A person who contravenes any provisions of this Local Law commits an offence and is liable, on conviction, to a penalty not less than \$200 and not exceeding \$5,000 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

Modified Penalties

20. (1) The modified penalties prescribed with respect to offences against this Local Law are specified in the First Schedule.
- (2) The prescribed form of the Modified Penalty Notice is set out in the Second Schedule.
- (3) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him at the time of or immediately following the occurrence giving rise to the allegation of the offence or as recorded by Council pursuant to the Act.
- (4) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within any further time as in any particular case is allowed by the Council, the Council may take all reasonable steps to secure the payment, including prosecution in a Court of Law or lodgement with the Fines Enforcement Registry.
- (5) An alleged offender on whom an infringement notice has been served may, within the time specified in the notice or further time as in any particular case is allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the council may thereupon—
- (a) appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
 - (b) withdraw the infringement notice and refund the amount so paid.
- (6) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by the sending of a notice substantially in the form prescribed in the Third Schedule to the alleged offender at the address specified in the notice or his last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceedings in respect of the alleged offence be deemed not to have been issued.

Clause 20(1)

First Schedule
Town of Vincent
Local Law Relating to Dogs
 PENALTIES

Item	Clause	Nature of Offence	Modified Penalty
1.	8(1)	Permitting a dog to enter or be in or on a public building, shop or business premises	\$50.00
2.	8(2)	Permitting a dog to enter or be in or on a theatre or picture garden	\$50.00
3.	8(3)	Permitting a dog to enter or be in or on a house of worship	\$50.00
4	8(4)	Permitting a dog to enter or be in or on a building site	\$50.00
4.	11	Permitting a dog to excrete on a street or public place or other land and failing to remove and dispose of such excreta in an approved manner or without the written consent of the occupier of the land	\$50.00
5.	12	Failing to keep premises fenced as required by the Local Law	\$100.00
6.	16	Keeping dogs in a kennel establishment contrary to requirements of the Local Law	\$100.00
7.	17(a)	Failing to maintain a kennel establishment in a clean, sanitary and tidy condition	\$100.00
8.	17(b)	Failing to dispose of all refuse, faeces, and food waste from a kennel establishment daily in an approved manner	\$100.00
9.	17(c)	Failing to take all practical measures for the destruction of fleas, flies and other vermin	\$100.00

Schedule 1a
Town of Vincent
Local Law Relating to Dogs
 FEES

ITEM	FEE
Issue of a Kennel Establishment Licence	\$250.00
Renewal of a Kennel Licence	\$250.00
Review or reassessment of Licence	\$100.00

Fourth Schedule

Town of Vincent

Local Law Relating to Dogs

NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL LICENCE

To:
.....
.....
.....

Please take note that I intend to make application to the Town of Vincent for a kennel licence in respect of premises situated at

Any objections to or representations in respect of this application should be made in writing and addressed to:

The Chief Executive Officer
Town of Vincent
PO Box 82
Leederville 6902

within thirty (30) days of the date hereof.

Other information concerning the proposal:

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

Dated the day of 20.....

(Signature of Applicant)

Fifth Schedule

Town of Vincent

Local Law Relating to Dogs

APPLICATION FOR LICENCE OR RENEWAL OF LICENCE TO KEEP APPROVED KENNEL ESTABLISHMENT

I/We (full name/s)

of (address)

hereby apply for a licence/the renewal of a licence to keep an approved kennel establishment upon premises situated at:

Enclosed herewith are—

- (a) a plan of the premises showing kennel locations and yards and all other buildings, structures and fences.
(b) plans and specifications of the kennels.
(c) evidence that notice of this Application has been given to persons in the locality.
(d) the fee of \$.....

Type of dogs to be kept:

Maximum number of dogs to be kept:

Dated the day of 20.....

(Signature of Applicant)

Note: Items (a), (b) and (c) may be struck out if the application is for the renewal of a licence and no change in circumstances has occurred since the previous application.

Sixth Schedule
Town of Vincent
Local Law Relating to Dogs
 KENNEL ESTABLISHMENT LICENCE

.....
 is/are the holder(s) of a licence to keep an approved kennel establishment at premises situated at

This licence is effective for a period of twelve (12) months from the date hereof.

Dated the day of 20.....

.....
 Chief Executive Officer

Seventh Schedule
Town of Vincent
Local Law Relating to Dogs
 UNRESTRICTED TIME LIMITS

Item No.	Description of Public Place
1.	Britannia Road Reserve: Between Velodrome and Freeway Reserve, north-east of Velodrome, Leederville.
2.	Lake Monger Estate: Between Brentham Street and Oxford Street, south of Wylie Street, Leederville.
3.	The south east portion of Charles Veryard Reserve, situated between the car park of the Macedonian Hall and Bourke Street, North Perth.
4.	Robertson Park: on the north-east corner of the intersection of Fitzgerald and Stuart Streets, Perth (South of Halvorson Hall).
5.	Jack Marks Reserve: on the north east corner of the intersection of Broome and Wright Streets, Highgate.
6.	Banks Reserve: Joel Terrace, East Perth.

Eighth Schedule
Town of Vincent
Local Law Relating to Dogs
 DOG EXERCISE AREAS DURING SPECIFIED TIMES ONLY

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
1.	Forrest Park-Mount Lawley:—Reserve No. 7338.	At all times except where the public place is used for a function, sports training or activities approved by the Council.
2.	Woodville Reserve-North Perth: Bounded by Namur, Fitzgerald, Farmer and Mignonette Streets, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the Council.
3.	Les Lilleyman Reserve-North Perth:—Volume 1077, folio 517(Pt).	At all times except where the public place is used for a function, sports training or activities approved by the Council.
4.	Menzies Park-Mount Hawthorn: Bounded by East, Purslowe, Egina and Berryman Streets, Mount Hawthorn.	At all times except where the public place is used for a function, sports training or activities approved by the Council.
5.	Britannia Road Reserve South: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatjira Place where it meets the Mitchell Freeway.	At all times except where the public place is used for a function, sports training or activities approved by the Council.

Dated this 9th day of May 2000.

The Common Seal of the Town of Vincent was affixed in the presence of—

JOHN HYDE, J.P., Mayor.
 JOHN GIORGI, J.P., Chief Executive Officer.



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