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LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

**PARKING AND PARKING
FACILITIES LOCAL LAW**

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PARKING AND PARKING FACILITIES LOCAL LAW

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LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Town of Claremont resolved to make the following Local Law on the eighteenth day of November 2003 and to repeal the Local Laws relating to Parking and Parking Facilities published in the *Government Gazette* on 16 May 2000 and 21 February 2003.

PART 1—DEFINITION AND OPERATION

1.1 Commencement

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

1.2 Repeal

The Town of Claremont Local Law Relating to Parking Facilities published in the *Government Gazette* on 21 February 2003 is repealed.

1.3 Interpretation

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

ACROD sticker has the same meaning as in the Code;

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

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

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

“bicycle” means a vehicle with two or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor)—

(a) including a pedicab, penny farthing and tricycle; but

(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

“bicycle path” has the same meaning as in the Code;

“bus” means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

“bus embayment” has the meaning as in the Code;

“bus zone” has the same meaning as in the Code;

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

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

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

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

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

“Code” means the *Road Traffic Code 2000*;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“continuous dividing line” has the same meaning as in the Code;

“district” means the district of the local government;

- “**driver**” means any person driving or in control of a vehicle;
- “**emergency vehicle**” has the meaning as in the Code;
- “**edge line**”, for a carriageway, means a line marked along the carriageway at or near the far left or far right side of the carriageway;
- “**footpath**” means an area that is open to the public that is designated for, or has one of its main uses, use by pedestrians;
- “**keep clear marking**” means the words “keep clear” marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;
- “**level crossing**” means an area where a road and a railway meet at substantially the same level, whether or not there is a “level crossing” sign on the road at all or any of the entrances to the area;
- “**loading zone**” means a length of thoroughfare to which a loading zone sign applies;
- “**loading zone sign**” means the same as in the Code;
- “**local government**” means the Town of Claremont;
- “**median strip**” has the meaning as in the Code;
- “**motorcycle**” has the same meaning as in the Code;
- “**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “**no parking area**” means —
- (a) a portion of carriageway to which a “no parking” sign applies; or
 - (b) an area to which a “no parking” sign applies;
- “**No parking sign**” means a sign with the words “no parking” in red letters on a white background, or the letter “P” within a red annulus and a red diagonal line across it on a white background;
- “**No stopping area**” means —
- (a) a portion of carriageway to which a “no stopping” sign applies; or
 - (b) an area to which a “no stopping” sign applies;
- “**No stopping sign**” means a sign with the words “no stopping” or “no standing” in red letters on a white background, or the letter “S” within a red annulus and a red diagonal line across it on a white background;
- “**occupier**” has the meaning as in the Act;
- “**owner**” where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning as in the Act;
- “**park**” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —
- (a) avoiding conflict with other traffic;
 - (b) complying with the provisions of any law; or
 - (c) taking up or setting down persons or goods for a maximum of 2 minutes;
- “**parking area**” means a portion of a carriageway —
- (a) between two consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - (b) extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing” with equivalent symbols depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited,
- and is on that side of the carriageway of the thoroughfare nearest the sign;
- “**parking control sign**” has the same meaning as in the Code;
- “**parking facilities**” includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles;
- “**parking region**” means the area described in the First Schedule;
- “**parking stall**” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;
- “**parking station**” means any land, or structure provided for the purpose of accommodating vehicles;
- “**path**” includes bicycle path, footpath, separated footpath and shared path;
- “**pedestrian crossing**” has the meaning as in the Code;
- “**public bus**” means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not

include a vehicle operative as a taxi using taxi plates issued under the *Taxi Act 1994* or licensed as a taxi-car under Part IIIB of the *Transport Coordination Act 1966*;

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

“**reserve**” means any land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**road**” means a highway, road, street, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the verge and paths appurtenant thereto and which is within the parking region;

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

“**Schedule**” means a Schedule to this Local Law;

“**separated footpath**” has the same meaning as contained in the Code;

“**shared path**” has the same meaning as contained in the Code;

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

“**special purpose vehicle**” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, a vehicle duly authorised as a special purpose vehicle by the Director General of Transport, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

“**stop**” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

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

“**taxi**” has the same meaning as “*taxi*” in the *Taxi Act 1994* or a “taxi-car” in section 47Z of the *Transport Co-ordination Act 1966*;

“**taxi zone**” means a length of thoroughfare to which a taxi zone sign applies;

“**thoroughfare**” has the meaning as in the Act;

“**traffic-control signals**” has the same meaning as in the Code.

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

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

“**verge**” means the portion of a road, which lies between the boundary of a carriageway and the front boundary of adjacent land, but does not include a path;

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

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

1.4 Application and pre-existing signs

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

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

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

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

(5) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
- (b) relates to the parking or stopping of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the Local Government under the authority of this Local Law.

(6) The provisions of Parts 2, 3, 4, 5, 6, 7 and 8 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

(7) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor.

1.5 Classes of vehicles

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

- (a) buses and public buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.6 Part of thoroughfare to which sign applies

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

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

1.7 Powers of the Local Government

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

PASRT 2—PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

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

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

2.2 Vehicles to be within a parking stall on a thoroughfare

(1) Subject to subclauses (2), (3), (4) and (5), a person shall not stop a vehicle in a parking stall in a thoroughfare otherwise than—

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

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

(3) A person shall not stop a motor cycle without a trailer, or a bicycle in a parking stall unless the stall is designated by signs or road marking for the parking of motor cycles.

(4) Subclause (1)(a) does not apply to the rider of a motor cycle without a trailer if the rider positions the motor cycle so at least one wheel is as near as practicable to the far left or far right side of the carriageway.

(5) Subclause (1)(b) does not apply if a vehicle is too large to fit entirely within a single stall in which case it shall occupy the minimum number of stalls necessary to park the vehicle.

2.3 Vehicles to be within parking stall in parking station

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

2.4 Parking and stopping prohibitions and restrictions

(1) A person shall not—

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

- (2) A person shall not park any bicycle—
- (a) in a parking stall other than in a stall marked “M/C”; and
 - (b) in such stall other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—
- (a) the driver’s vehicle displays an ACROD sticker; and
 - (b) a person with disabilities is either the driver or a passenger in the vehicle.
- (4) A person shall not stop or park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class; or
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person, stop a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

PART 3—PARKING AND STOPPING GENERALLY

3.1 No stopping and no parking signs, and yellow edge lines

(1) *No stopping*

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

(2) *No parking*

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

“**unattended**”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 m from the closest point of the vehicle.

(3) *No stopping on a carriageway with yellow edge lines*

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

3.2 Stopping near intersections

(1) A person shall not stop a vehicle so that any portion of the vehicle is in an intersection, unless permitted to do so by this clause.

(2) A person shall not stop a vehicle on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and a driver is permitted to stop at that place under these Local Laws.

(3) A person shall not stop a vehicle so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops—

- (a) at a place on a carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under these Local Laws; or
- (b) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection.

(4) For this clause, distances are measured in the direction in which the person is or was driving.

3.3 Stopping on or near a children's crossing or pedestrian crossing

(1) This clause does not apply to a pedestrian crossing at an intersection.

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

- (a) within 20 m of the approach side of a pedestrian crossing or children's crossing; or
- (b) within 10 m of the departure side of a pedestrian crossing or children's crossing,

unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under these Local Laws.

(3) For this clause, distances are measured in the direction in which the person is or was driving.

3.4 Stopping on or near a marked foot crossing (except at an intersection)

(1) A driver shall not stop on a marked foot crossing that is not at an intersection, or on the carriageway within 10 m before the traffic-control signal pole nearest to the driver at the marked foot crossing and 3 m after the marked foot crossing, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under these Local Laws.

(2) A driver shall not enter upon, or attempt to cross, a marked foot crossing if the carriageway beyond it is blocked.

(3) For this clause, distances are measured in the direction in which the person is or was driving.

3.5 Stopping on or near a level crossing

(1) A person shall not stop a vehicle on a level crossing, or on a carriageway within 20 m before the nearest rail or track to a driver approaching the crossing and 20 m after the nearest rail or track to a driver leaving the crossing, unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under these Local Laws.

(2) For this clause, distances are measured in the direction in which the person is or was driving.

PART 4—STOPPING IN ZONES FOR PARTICULAR VEHICLES

4.1 Stopping in a loading zone

(1) A person shall not stop a vehicle in a loading zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers, but, in any event, shall not remain in that loading zone;
- (c) for longer than a time indicated on the “loading zone” sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

(2) For the purposes of subclause (1) “goods” means an article or collection of articles weighing at least 14 kg and of which the cubic measurement is not less than 0.2m³.

4.2 Stopping in a taxi zone or a bus zone

(1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.

4.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

4.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 5—OTHER PLACES WHERE STOPPING IS RESTRICTED

5.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

5.2 Double parking

(1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (a) a driver stopped in traffic; or
- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with clause.

5.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

5.4 Stopping on a bridge or in a tunnel, etc.

(1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

- (2) A driver shall not stop a vehicle in a tunnel or underpass unless—
- the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

5.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50m, within a built-up area, and from a distance of 150m outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.6 Stopping near a fire hydrant etc

- (1) A driver shall not stop a vehicle 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, unless—
- the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves a vehicle “**unattended**” if the driver leaves the vehicle so the driver is over 3 m from the closest point of the vehicle.

5.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 m of the approach side of a bus stop, or within 10 m of the departure side of a bus stop, unless—
- the vehicle is a public bus stopped to take up or set down passengers; or
 - the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) In this clause—
- distances are measured in the direction in which the driver is driving; and
 - a trailer attached to a public bus is deemed to be a part of the public bus.

5.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.9 Stopping on verge

- (1) A person shall not—
- stop a vehicle (other than a bicycle);
 - stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.
- (2) Subclause 1(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

5.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—
- the driver is dropping off, or picking up, passengers; or
 - the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—
- the driver is dropping off, or picking up, passengers; or
 - the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.

5.11 Stopping near a letter box

- A driver shall not stop a vehicle so that any portion of the vehicle is within 3 m of a public letter box, unless the driver—
- is dropping off, or picking up, passengers or mail; or

- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.12 Stopping on a carriageway—heavy and long vehicles

(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 7.5 m or more in length or exceeds a GVM of 4.5 t—

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

5.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a “bicycle parking” sign applies, unless the driver is dropping off, or picking up, passengers.

5.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a “motor cycle parking” sign applies, or an area marked “M/C”, unless—

- (a) the vehicle is a motor cycle; or
 (b) the driver is dropping off, or picking up, passengers.

5.15 Stopping in a parking stall for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver’s vehicle displays an ACROD sticker; and
 (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) in this clause a “parking area for people with disabilities” is a length or area—

- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies;
 (b) to which a “people with disabilities parking” sign applies;
 (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol; or
 (d) set aside within a parking region as a “parking stall for use of a disabled person” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

PART 6—PERMISSIVE PARKING SIGNS

6.1 Information on or with permissive parking signs

(1) The meaning of information on or with a “permissive parking” sign applying to a length of carriageway, or to an area is to be interpreted according with this clause

(2) A whole number, fraction, or whole number and fraction, immediately to the left of the letter “P” indicates that a driver must not park on the length of carriageway, or in the area, continuously for longer than the period of hours, or fractions of an hour, equal to the number, fraction, or number and fraction, shown.

(3) A number, together with the word “minute”, immediately to the right of the letter “P” indicate that a driver must not park on the length of carriageway, or in the area, continuously for longer than the number of minutes shown.

(4) The word “parking” together with the words indicating a number of hours or minutes, indicate that a driver must not park on the length of carriageway, or in an area, continuously for longer than the number of hours or minutes shown.

6.2 Parking for longer than indicated.

A driver shall not park continuously on a length of carriageway, or in an area, to which a permissive parking sign applies, for longer than—

- (a) the period indicated by information on or with the sign; or
 (b) if clause 6.3 applies to the driver—twice the period (as allowed under that clause).

6.3 Time extension for people with disabilities

(1) This clause applies to a driver if—

- (a) the driver’s vehicle displays an ACROD sticker; and
 (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) The driver may park continuously on a length of carriageway, or in an area, to which a “permissive parking” sign applies (except in a parking stall or area for people with disabilities) for twice the period indicated on the sign.

PART 7—PARALLEL PARKING

7.1 Parallel parking on a carriageway (except in a median strip parking area)

(1) The driver of a vehicle who parks on a carriageway (except in a median strip parking area) shall position the vehicle in accordance with subclauses (2) to (8), [subject to the exception in subclauses (9) and (10)].

- (2) The driver of a vehicle shall position the vehicle to face the direction of travel of vehicles in the marked lane or line of traffic on, or next to, the part of the carriageway where the driver parks.
- (3) If a carriageway is a two-way carriageway, the driver of a vehicle shall position the vehicle so that it is as near as practicable to, and parallel with, the left boundary of the carriageway.
- (4) If the carriageway is a one-way carriageway the driver of the vehicle shall position the vehicle so that it is as near as practicable to, and parallel with, either boundary of the carriageway unless otherwise indicated by information on or with a parking control sign.
- (5) If the driver of a vehicle does not park in a parking stall, the driver shall position the vehicle so that it is not less than one metre from any other vehicle, except a motor cycle without a trailer parked in accordance with these Local Laws.
- (6) If the carriageway has a double continuous dividing line or a median strip, the driver of a vehicle shall position the vehicle at least 3 metres from any continuous line or median strip, unless otherwise indicated by information on or with a parking control sign.
- (7) If a carriageway does not have a continuous dividing line or a median strip, the driver of a vehicle shall position the vehicle so that there is at least 3 metres of the carriageway alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign.
- (8) The driver of a vehicle shall position the vehicle so that the vehicle does not cause undue obstruction on the carriageway.
- (9) This clause does not apply to—
- the driver of a vehicle if the driver parks the vehicle on a length of carriageway, or in an area, to which a parking control sign applies, and the information on or with the sign or road marking includes the words “angle parking” or “angle”; or
 - subject to subclause (10), the rider of a motor cycle.
- (10) Subclauses (3) and (4) do not apply to the rider of a motor cycle if the rider positions the motor cycle so at least one wheel is as near as practicable to the far left or far right side of the carriageway.
- (11) If a carriageway has one or more service roads, the part of the carriageway used by the main body of moving vehicles, and each service road, is taken to be a separate carriageway for this clause.
- (12) In this clause—
- “**continuous dividing line**” means—
- a single continuous dividing line only;
 - a single continuous dividing line to the left or right of a broken dividing line; or
 - 2 parallel continuous dividing lines.

7.2 Parallel parking in a median strip parking area

- (1) This clause applies to the driver of a vehicle (other than a motor cycle) who parks in a median strip parking area if a parking control sign or road marking applies to the area, and information on or with the sign or road marking indicates that the vehicle must be positioned parallel to the median strip.
- (2) The driver of a vehicle shall position the vehicle—
- to face the direction of travel of vehicles in the marked lane or line of traffic to the left of the driver;
 - parallel, and as near as practicable, to the centre of the median strip; and
 - if the driver does not park in a parking stall—at least one metre from the closest point of any vehicle in front of it and any vehicle behind it.

PART 8—ANGLE PARKING

8.1 Angle Parking

- (1) This clause applies to the driver of a vehicle (other than a motor cycle) who parks in a parking area on the side of a carriageway, or in a median strip parking area, to which a parking control sign or road marking applies, and information on or with the sign or road marking includes the words “angle parking” or “angle”.
- (2) If information on or with the parking control sign or road marking indicates that the driver’s vehicle must be positioned at an angle of 45°, or does not indicate a particular angle, the driver shall position the vehicle—
- so the vehicle is at an angle as near as practicable to 45°; and
 - if the vehicle is parked on the side of a carriageway—with the rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks.
- (3) If information on or with the parking control sign or road marking indicates that the driver’s vehicle must be positioned at an angle of 90°, the driver—
- shall position the vehicle so the vehicle is at an angle as near as practicable to 90°; and
 - if the vehicle is parked on the side of a carriageway—may position the vehicle with either the front or rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks.

(4) If information on or with the parking control sign or road marking indicates that the driver's vehicle must be positioned at an angle of 135°, the driver shall position the vehicle—

- (a) so the vehicle is at an angle as near as practicable to 135°; and
- (b) if the vehicle is parked on the side of a carriageway—with the front of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks.

PART 9—MISCELLANEOUS

9.1 Authorized person may order vehicle on thoroughfare to be moved

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

9.2 Authorized person may mark tyres

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

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

9.3 No movement of vehicles to avoid time limitation

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

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

9.4 No parking of vehicles exposed for sale and in other circumstances

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

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

9.5 Parking on private land

(1) In this clause a reference to “land” does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
- (d) which is the subject of an agreement referred to in clause 1.4(2); or
- (e) which is identified in the Fourth Schedule.

(2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

9.6 Parking on reserves

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

9.7 Suspension of parking limitations for urgent, essential or official duties

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorized Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an Authorized Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

9.8 Removal of notices on vehicle

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

9.9 Unauthorized signs and defacing of signs

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

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

9.10 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

9.11 Special purpose and emergency vehicles

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

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

9.12 Vehicles not to obstruct a public place

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

(2) A person will not contravene sub clause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 10—PENALTIES**10.1 Offences and penalties**

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

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

(3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

10.2 Averment on complaint as to clause 1.4 (2) agreement

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

10.3 Form of notices

For the purposes of this Local Law—

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

First Schedule**PARKING REGION**

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

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

Second Schedule
TOWN OF CLAREMONT
PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2 (3)	Parking motor cycle in stall not marked "M/C"	45
2	2.2 (1) (c)	Parking against the flow of traffic	45
3	2.4 (1) (a)	Causing obstruction in parking station	50
4	2.4 (1) (b)	Parking contrary to sign in parking station	50
5	2.4 (1) (c)	Parking contrary to directions of Authorized Person	50
6	2.4 (4) (a)	Parking wrong class of vehicle	45
7	2.4 (4) (b)	Parking by persons of a different class	45
8	2.4 (4) (c)	Parking during prohibited period	45
9	3.1 (1)	Stopping contrary to a No Stopping sign	105
10	3.1 (2)	Parking in no parking area	105
11	3.1 (3)	Stopping contrary to yellow edge lines	105
12	3.2(1)	Stopping on intersection	65
13	3.2 (3)	Stop within 10 metres of intersection	85
14	4.1	Stopping in loading zone	45
15	5.2	Double parking	50
16	5.4	Park on bridge or tunnel	45
17	5.7 (1)	Stop a vehicle within 20 meters of approach side or 10 meters of a departure side of bus stop	55
18	5.8	Parking on footpath/traffic island/median strip	105
19	5.9 (1) (b)	Parking commercial vehicle, bus or caravan on verge	45
20	5.9 (1) (c)	Parking on verge contrary to sign	45
21	5.10	Denying access to private drive or right of way	85
22	5.12 (1) (a)	Park vehicle which is over length or exceeds a GVM of 4.5t for over one hour	55
23	5.14	Parking vehicle in motor cycle only area	45
24	5.15 (1)	Stopping in a parking stall for people with disabilities	65
25	6.2	Parking for longer than period indicated on carriageway	50
26	7.1 (3)	Fail to park on the left of two-way carriageway	45
27	7.1(4)	Fail to park on boundary of one-way carriageway	45
28	7.1(6)	Parking opposite double white lines/median strip	65
29	7.(1) (8)	Causing obstruction on carriageway	100
30	9.1	Parking contrary to direction of Authorized Person	105
31	9.4	Parking a trailer/caravan on a thoroughfare	45
32	9.5 (2)	Parking on land that is not a parking facility without consent	55
33	9.5.(3)	Parking on land not in accordance with consent	45
34	9.6	Driving or parking on reserve	65
35	9.12	Leaving vehicle so as to obstruct a public place	50
36		All other offences not specified	45

Third Schedule

Local Government Act 1995

Form 1

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4) your vehicle—

make:

model:

registration:

was involved in the commission of the following offence—

.....
.....

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

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert—

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

Third Schedule

Local Government Act 1995

Form 2

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No.

Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)

in respect of vehicle—

make:

model:

registration:

you committed the following offence—

.....
.....

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

The modified penalty for the offence is \$

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

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

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

- (6)
(7)

Insert—

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

Third Schedule

Local Government Act 1995

Form 3

PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No.
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)

in respect of vehicle—
make: ;
model: ;
registration:,

you committed the following offence—
.....
.....

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

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
(b) you:
(i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,
you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

- (6)
(7)

Insert—

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



Third Schedule
Local Government Act 1995
 Form 4

**PARKING AND PARKING FACILITIES LOCAL LAW
 WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No.

Date / /

To: (1)
 of: (2)

Infringement Notice No. dated / /

in respect of vehicle—

make:;
 model:;
 registration:

for the alleged offence of

has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * *delete as appropriate.*

(3)
 (4)

Insert—

- (1) Name of alleged offender to whom infringement notice was given or “the owner”.
- (2) Address of alleged offender.
- (3) Signature of authorized person
- (4) Name and title of authorized person giving notice



Fourth Schedule

**PARKING AND PARKING FACILITIES LOCAL LAW
 DEEMED PARKING STATIONS**

Parking Station No.1	16 Guger Street, Claremont
Parking Station No 2	Lot 307 Guger Street, Claremont 22 St Quentin Avenue, Claremont (Town Hall) 1/20 St Quentin Avenue, Claremont (Hungry Jacks)
Parking Station No. 3	331-333 Stirling Highway, Claremont
Parking Station No. 4	309 Stirling Highway, Claremont
Parking Station No 7	Lot 501 Leura Avenue, Claremont
Parking Station No. 9	40/42 Guger Street, Claremont
Parking Station No 10	1 Avion Way, Claremont



Dated this 18th day of November 2003.

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

PETER OLSON, Mayor.
 ARTHUR KYRON, Chief Executive Officer.

