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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

PARKING LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

PARKING LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 14 December 2010 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Perth Parking Local Law 2010*.

1.2 Commencement

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

1.3 Repeal

The City of Perth Parking Local Law 1999 published in the *Government Gazette* on 17 December 1999 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Definitions

In this local law unless the context otherwise requires—

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

“**ACROD sticker**” (also referred to as ACROD permits) has the meaning given to it in the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

“**authorised person**” means a person appointed by the City under section 9.10 of the Act to perform any function under this local law;

“**authorised vehicle**” means a vehicle authorised by the City or an authorised person to stop or park in a parking facility or any portion thereof;

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

“**bicycle crossing**” means a portion of a carriageway upon which may be erected, on each side of the carriageway, bicycle crossing lights;

“**bicycle crossing lights**” means a device designed to show, at different times, a green, yellow or red bicycle crossing light;

“**bicycle lane**” has the meaning given to it in the Code;

“**bicycle path**” has the meaning given to it in the Code;

“**bus**” has the meaning given to “public bus” in the Code;

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

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

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

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

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

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

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

- “**CEO**” means the Chief Executive Officer of the City;
- “**charter vehicle**” means a vehicle holding an omnibus license issued under the *Transport Co-ordination Act 1966*, thereby licensed to undertake tour and/or charter work, but does not include a “public bus”;
- “**charter vehicle zone**” means a parking bay or area designated for use by a charter vehicle;
- “**children’s crossing**” has the meaning given to it in the Code;
- “**City**” means City of Perth;
- “**clause**” means a clause of this local law;
- “**Code**” means the *Road Traffic Code 2000*;
- “**commercial vehicle**” means a motor vehicle constructed, adapted or fitted for the conveyance of goods or merchandise, and for the purpose of this local law, includes a vehicle which is used primarily for the conveyance of goods or merchandise and on which a business name as defined in the *Business Names Act 1962* or a Trade Mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible to an authorised person;
- “**Council**” means the council of the City;
- “**Cross-over**” means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of ingress and egress to and from the property;
- “**parking bay for people with a disability**” means a part of a parking facility which is identified or marked out by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a person with a disability;
- “**district**” means the district of the City;
- “**driver**” means any person driving or in control of a vehicle;
- “**driveway**” means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of ingress and egress to and from the property, and also includes the term cross-over;
- “**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;
- “**emergency vehicle**” has the meaning given to it in the Code;
- “**entrance ticket**” means a ticket or token issued by an entrance ticket machine;
- “**entrance ticket machine**” means a machine installed at an entrance to a parking station (including attended parking station) and from which entrance tickets or tokens are issued to vehicles entering that parking station;
- “**exit ticket**” means a ticket issued after payment of the fee by a fee collection machine;
- “**fee collection machine**” means a machine installed in a parking station which upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket or token;
- “**fee paying zone**” means a metered zone or a ticket machine zone;
- “**footpath**” has the meaning given to it in the Code;
- “**GVM**” (which stands for “gross vehicle mass”) has the meaning given to it in the Code;
- “**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;
- “**kerb**” means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;
- “**length of carriageway**” means the same side of the road between intersections on that side of the road;
- “**loading dock**” means a parking facility or parking station owned or operated by the City for the purpose of loading or unloading goods;
- “**loading zone**” means—
- (a) a parking facility to which a loading zone sign applies; or
 - (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;
- “**loading zone sign**” has the meaning given to it in the Code;
- “**local government property**” has the meaning given to it in the Act;
- “**median strip**” has the meaning given to it in the Code;
- “**metered space**” means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;
- “**metered zone**” means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;
- “**money**” means any legal tender under the *Currency Act 1965* (Cth);
- “**motorcycle**” means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

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

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel;

but does not include a power assisted pedal cycle;

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

“no parking area” means—

- (a) a portion of a carriageway to which a “no parking” sign applies; or
- (b) an area to which a “no parking” sign applies;

“no parking sign” has the meaning given to it in the Code;

“no stopping area” has the meaning given to it in the Code;

“no stopping sign” has the meaning given to it in the Code;

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

“owner”—

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

“park” means to permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with any written law; or
- (c) taking up or setting down persons or goods for a maximum of 2 minutes;

“parking area” has the meaning given to it in the Code;

“parking bay” means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park;

“parking control sign” has the meaning given to it in the Code;

“parking facility” includes land, buildings, shelters, parking bays, parking stations 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 permit” means a permit issued by the City;

“parking region” means the whole of the district of the City 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 City;

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

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

“path” includes a bicycle path, footpath, separated footpath and shared path;

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

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

“permissive parking sign” has the meaning given to it by Clause 172 of the Code;

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

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

“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 1996*;

“public bus zone” means a parking bay designated for use by a public bus;

“reserve” includes any land—

- (a) owned by or vested in the City;
- (b) of which the City is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**road**” means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

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

“**Schedule**” means a Schedule to this local law;

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

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

“**shared zone**” has the meaning given to it in the Code;

“**sign**” includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

“**special purpose vehicle**” has the meaning given to it in the Code and also includes any commercial vehicle owned by the City;

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

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

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

“**taxi**” has the same meaning as “taxi” in section 3 of the *Taxi Act 1994*, or a “taxi-car” in section 47Z of the *Transport Coordination Act 1966*;

“**taxi zone**” has the meaning given to it in the Code;

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

“**ticket**” includes tokens;

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

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

“**T-Intersection**” means an intersection where the end of a road intersects with the continuous side of a continuing road;

“**traffic**” includes the passage of both vehicles and pedestrians;

“**traffic island**” has the meaning given to it in the Code;

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

“**transit lane**” has the meaning given to it in the Code;

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

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

“**truck lane**” has the meaning given to it in the Code;

“**unattended**” means the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

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

“**vehicle**” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks by any means; and
- (b) where the context permits, an animal being driven or ridden;

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

1.5 Interpretation

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

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

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

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

(5) A reference to the wording of any sign in this Local Law shall also be deemed to be a reference to the corresponding symbol;

(6) In this Local Law, unless the context requires otherwise, a reference to a “thoroughfare”, “parking station”, “parking facility” or “public reserve” includes a reference to, as the case may be, any part of the “thoroughfare”, “parking station”, “parking facility” or “public reserve”.

(7) This Local Law (except for clause 2.4) applies to the whole of the parking region but not to a parking station that—

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

unless the City and the owner or the occupier of that parking station have agreed in writing that this local law will apply to that parking station.

(8) The agreement referred to in sub-clause (1) may be made on such terms and conditions as the parties agree.

1.6 Sign erected by the Commissioner of Main Roads

A sign that—

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

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

1.7 Application of signs

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

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

(2) For the purposes of this Local Law a sign may prohibit or regulate parking or stopping by the use of any symbol;

(3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law;

(4) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles;

(5) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

1.8 Classes of vehicles

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

- (a) public bus;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles; and
- (h) all other vehicles.

PART 2—STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

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

2.2 Determinations in relation to stopping and parking

The City may establish, determine, or vary—

- (a) parking facilities; or
- (b) permitted times and conditions of stopping and parking which may vary with the parking region.

2.3 Stopping or parking generally

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

- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class;
- (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class;

- (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign, or move along the same length of carriageway to avoid the time restriction, or return to the same length of carriageway so that the total parking time exceeds the maximum time permitted on the sign, unless—
 - (i) clause 2.15 applies; or
 - (ii) the vehicle displays an ACROD sticker in which case the vehicle may be parked for twice the maximum time specified by the sign;
 - (iii) the vehicle has been removed from the same length of carriageway for over 1 hour;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces unless a vehicle is too wide or long to fit completely within a single parking bay, in which case the vehicle shall be parked within the minimum number of parking bays needed to park that vehicle;
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
 - (g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any industry.
- (2) A person must not stop or park a vehicle—
- (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) in an area of a carriageway signed or marked with a keep clear marking;
 - (d) in a bay marked “M/C” unless it is a motorcycle without a sidecar attached;
 - (e) in a bus lane or bus way;
 - (f) in a transit lane;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path.
- Unless, in the case of sub-clause 2(a)-(d) inclusive, the person is driving a public bus, or charter vehicle or a taxi and is immediately dropping off, or picking up passengers.
- (3) A person must not park a vehicle in a “no parking area”, unless the driver—
- (a) is dropping off, or picking up, passengers or goods; and
 - (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.
- (4) A person must not stop a motorcycle in a parking bay or metered space unless—
- (a) the bay or space is marked “M/C”; or
 - (b) a sign applying to the bay or space is inscribed “M/C”.
- (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (6) Unless authorised by the City, a person must not stop or park a vehicle in an area designated by a sign inscribed “Authorised Vehicles Only”.

2.4 Parking contrary to consent

- (1) In this clause a reference to “land” does not include land—
- (a) which belongs to the City;
 - (b) of which is an “otherwise unvested facility” within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.7(1).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.5 Parking for people with a disability

- (1) A person must not stop or park a vehicle in a “parking bay for people with a disability” unless—
- (a) the vehicle displays a current ACROD sticker/permit so that it is clearly visible to and able to be read by an authorised person from outside the vehicle at all times; and
 - (b) either the driver or the passenger in that vehicle is the person entitled to use the displayed ACROD sticker/permit.

2.6 Parking positions

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

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

- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in that parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

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

2.8 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless—
- (a) the vehicle is a commercial vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (b) the vehicle is an authorised vehicle;
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign or if no time is indicated on the sign for longer than 30 minutes, unless authorised.

2.9 Parking Position in fee paying zone

- (1) A person must not stop or park a vehicle in a fee paying zone parallel to a kerb that has parking bays or metered spaces other than—
- (a) parallel to the kerb;
 - (b) as close to the kerb as practicable;
 - (c) wholly within the parking bay or metered space; and
 - (d) headed in the direction of the movement of traffic on the part of the road on which the parking bay or metered space is situated;
- (2) A person must not stop or park a vehicle in a parking bay or metered space which is not parallel to a kerb other than wholly within the parking bay or metered space as the case may be.

2.10 Reserves

- (1) A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person—
- (a) is an employee of the City in the course of his or her duties;
 - (b) is an authorised person; or
 - (c) has obtained the permission of the City or an authorised person.

2.11 Occupied parking bays

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

2.12 Payment for parking

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

2.13 Operation of ticket issuing machines and fee collection machines

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

2.14 Alternative methods of payment for parking

- (1) In this local law, a reference to "alternative method of payment" includes a permit, invoice, ticket or pass.
- (2) The City may authorise a person to pay for parking in advance or in arrears by an alternative method of payment.

2.15 Parking facilities where permit required

- (1) Where a parking facility has been established, determined or varied under clause 2.2(c) so as to only permit certain persons to stop or park their vehicles or under clause 2.2(d) or so as to only permit certain classes of vehicles to stop or park, then an authorised person—
- (a) may issue a written permit to the relevant persons or vehicles of the permitted class as the case may be; and
 - (b) may vary or revoke a permit at any time.
- (2) Where a written permit has been issued under sub-clause (1), a person must not stop or park a vehicle in the parking facility unless—
- (a) the permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times;
 - (b) the permit remains valid and has not expired; and

- (c) the person or the vehicle's class as specified in the permit is also specified on the sign which relates to the parking facility.

2.16 Urgent, essential or official duties

(1) Where a sign prohibits or permits the stopping or parking of a vehicle for a limited time in a parking facility, where a person needs to carry out any duties considered by an authorised person to be urgent, essential or official in nature that person may be permitted to stop or park a vehicle for longer than the permitted time.

(2) Where permission is given under sub-clause (1) an authorised person may prohibit, for the duration of that permission, the use by any other vehicle of that portion of the parking facility to which the permission relates, provided such prohibition is indicated by a sign.

(3) Permission issued under sub-clause (1) may—

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person without giving rise to any liability on the part of the City for loss or damages arising from the revocation or suspension of the permission.

(4) A person must not stop or park a vehicle in respect of which permission has been given under sub-clause (1) other than in accordance with the terms of that permission.

2.17 Direction to move vehicle

A person must not stop or park a vehicle or allow a vehicle to remain stopped or parked after being directed by an authorised person or a police officer to move the vehicle.

2.18 Selling or hiring in a parking facility

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

2.19 Behaviour in a parking station

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

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

2.20 Damage to parking facilities

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

2.21 Event parking

For the purpose of this clause an "event" means any event or occurrence considered by the City to warrant the setting aside of any parking facility.

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

(2) A person must not stop or park a vehicle in a parking facility set aside under sub-clause (1) during the period for which it is set aside unless—

- (a) a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times; or
- (b) such alternative method of payment for parking as may be authorised by the City is made.

2.22 Removal and impounding of vehicles

(1) The impounding of vehicles and other goods shall be carried out in accordance with Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

(2) An employee authorised specifically for the purposes of section 3.39. of the Act and this clause may remove and impound any vehicle that is involved in a contravention that can lead to impounding.

(3) A person authorised to impound a vehicle in accordance with clause (2) may use reasonable force to exercise the power given by that clause.

(4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.

2.23 Authorised Parking

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

2.24 Parking on Local Government property

A person must not stop or park a vehicle on or over any portion of a local government property other than an area specifically set aside for that purpose unless the person—

- (a) is an authorised person, or
- (b) has obtained the permission of the City or an authorised person.

PART 3—STOPPING AND PARKING ON ROADS AND OTHER AREAS**3.1 Stopping or parking on a carriageway**

Subject to clause 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it—

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

3.2 Median strips, traffic islands and paths

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island, median strip, path or nature strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Prohibited parking of vehicles

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

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

3.4 Obstructions Generally

(1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space established by the City;

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

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

- (a) on any road or thoroughfare so as to cause an obstruction on the road or thoroughfare unless it is a public bus stopping in a bus zone;
- (b) obstructing any entrance, exit, carriageway, passage or thoroughfare in a parking facility.
- (c) on an intersection, subject to paragraphs (d) and (e);
- (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law; or
- (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearest edge of any intersecting carriageway, at an intersection without traffic-control signals, intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this Local Law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass unless permitted to do so by a sign; or
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line.

3.5 Double parking

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

(2) Sub-clause (1) does not apply to—

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

3.6 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for vehicles travelling to or from land adjacent to a road or thoroughfare, unless the person is immediately dropping off or picking up passengers.

3.7 Parking near fire hydrant or post box

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

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

3.8 Bus stops, pedestrian, children and train crossings

(1) Subject to sub-clause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of—

- (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing;
- (c) a children's crossing; or
- (d) the nearest rail of a railway level crossing.

(2) Subject to sub clause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of—

- (a) a pedestrian crossing, that is not at an intersection;
- (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection;

(3) Sub-clause (1) does not apply if—

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

3.9 Movement of vehicles to avoid time limitation

(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along the same length of carriageway or return to that length of carriageway so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the same length of carriageway for at least 1 hour.

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

3.10 Pedestrian malls

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

- (a) is, and is then being used as, an emergency vehicle;
- (b) is, and is then being used as, a special purpose vehicle;
- (c) is stopping or parked in accordance with a written authorisation by the City; or
- (d) is a service vehicle which—
 - (i) is in a service zone;
 - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
 - (iii) is continuously being loaded or unloaded; and
 - (iv) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with any sign applicable to the service zone.

3.11 Public bus zones

(1) A person must not stop or park a vehicle other than a public bus in a public bus zone.

(2) Unless otherwise stated on a sign—

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

3.12 Charter vehicle zones

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

3.13 Stopping in a Taxi Zone

- (1) A person shall not stop a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi shall not leave the taxi unattended whilst it is in a taxi zone.

3.14 Construction site vehicle parking

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

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

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

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

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

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

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

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

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

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

- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.
- (3) Where the City approves an application, it is to give the applicant written notice specifying—
 - (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
 - (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the City is subject; and
 - (e) the amount of the establishment fee.
- (4) The City is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the City has approved an application to establish a work zone adjacent to a construction site, the City may cancel its approval by written notice to the applicant in the event that—
 - (a) the applicant or any person authorised by the applicant to use the work zone stops or parks a vehicle other than in accordance with—
 - (i) any condition stipulated in the notice issued to the applicant pursuant to sub-clause (3); or
 - (ii) any sign applicable to the work zone;
 - (b) the applicant fails to pay the daily fee as required pursuant to sub-clause (5); or
 - (c) if the City or a person authorised by the City requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near the vicinity of that place.
- (8) A person must not stop or park a vehicle in a work zone unless the person is driving a vehicle that is—
 - (a) engaged in construction work in or near the zone; or
 - (b) permitted to stop in the works zone in accordance with this local law.

3.15 Parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle—

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

3.16 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 1 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 detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4—FEE PAYING ZONES**4.1 Payment of fees**

(1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign—

- (a) on the parking meter referable to the space in the case of a metered space; or
- (b) on the ticket issuing machine referable to the zone in the case of a ticket machine zone;

is inserted into the parking meter or ticket issuing machine as the case may be.

(2) Subject to the provisions of this Part 4, the payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in—

- (a) a metered space for the period shown on a sign referable to the space; or
- (b) in a ticket machine zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law or by a sign.

4.2 Expired meter, parking limit

Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a metered space—

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign "Expired", a negative time or a series of red flashing lights;
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.3 Display of parking tickets and parking limits

(1) A person must not stop or park a vehicle in a ticket machine zone during the period in which stopping or parking is permitted only upon the purchase of a parking ticket—

- (a) unless an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone is displayed inside the vehicle; and
- (b) the ticket is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while that vehicle remains standing or parked in that zone.

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

4.4 Reserved Fee Paying Zones

Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a fee paying space or zone if the parking meter or ticket machine is hooded with a covering bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the space or zone.

4.5 Parking restrictions in fee paying zones

(1) A person shall not stop or park a vehicle in a fee paying zone—

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

PART 5—PARKING STATIONS**5.1 Restrictions on entering a parking station**

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

- (a) permitted by signs applicable to that parking station; or

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

5.2 Stopping or parking in a parking station

- (1) A person must not stop or park a vehicle in—
 - (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or
 - (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 4 of this local law; or
 - (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

5.3 No entrance ticket

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

5.4 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until—
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee, which shall be payable within 3 working days from the time of issue of the notice.

5.5 Maximum parking period in parking stations

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

5.6 Entering and Exiting Parking Facilities

A person in a vehicle must not enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.7 Parking restrictions for vehicles with multiple occupants

- (1) The Council in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying in addition to the driver at least one other person.
- (2) A person must not stop or park a vehicle in any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless the vehicle is carrying at least one other person.
- (3) A person must not enter any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.
- (4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under sub clause (1) and the manner of payment may be determined by Council resolution.

5.8 City may lock parking stations

- (1) At the expiration of the hours of operation of a parking station, an authorised person whether or not any vehicle remains parked in the parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.
- (2) The City is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).

5.9 Councillor parking permit

- (1) The City may issue to any member of the Council a councillor parking permit and may vary or revoke a permit at any time.
- (2) The holder of a councillor parking permit is exempt from those clauses of this local law specified in the permit.
- (3) The exemption conferred by sub-clause (2) applies only—
 - (a) if the councillor parking permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times;
 - (b) if the councillor parking permit is valid; and
 - (c) if the holder of the councillor parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
- (4) A councillor parking permit ceases to be valid—
 - (a) when the holder of the permit ceases to be a member of the Council;

- (b) after the expiry date specified in the permit; or
 - (c) when revoked by the City,
- and shall be returned to the City on the happening of any of the above events.

PART 6—RESIDENTIAL PARKING

6.1 Application for parking permit

An application for a parking permit shall be made in the form and shall include payment of the fee determined by Council resolution.

6.2 Issue of parking permit

An authorised person may approve an application for a parking permit made pursuant to clause 6.1 provided that the application is consistent with the requirements of any policy applicable to residential parking that has been adopted by the Council.

6.3 Exemption for permit holders

- (1) Subject to sub-clauses (2) and (3), the holder of a valid parking permit is exempt from—
 - (a) a prohibition against the stopping or parking of vehicles on any part of a road for a specified period; and
 - (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the bay) exceeds 30 minutes.
- (2) The exemption conferred by sub-clause (1) applies only—
 - (a) to the part of a road or to the metered spaces or parking bays specified in the permit;
 - (b) where the permit displayed relates to a specified motor vehicle, to the motor vehicle specified in that permit;
 - (c) if the permit is displayed in the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates; and
 - (d) if the permit is valid.
- (3) The exemption conferred by sub-clause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit.

6.4 Validity of a permit

A parking permit ceases to be valid in accordance with the Residents On Street Parking Policy.

6.5 Use of counterfeit or altered parking permit

A person must not—

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

6.6 Revoking a permit

The City may, at any time and in accordance with the Council's Resident On-Street Parking Policy, revoke a permit which has been issued.

6.7 Removal of a permit from vehicle

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

6.8 Replacement of permit

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

PART 7—MISCELLANEOUS

7.1 Authorised person—certificate of appointment

An authorised person must be given a certificate of his or her appointment in accordance with section 9.10(2) of the Act.

7.2 Authorised persons

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

7.3 Necessary power

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

7.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the duties of an authorised person.

7.5 Obstructing of an authorised person

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

7.6 Removal of notices

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

7.7 Display of signs

A person must not without the authorisation of the City—

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

7.8 Use of counterfeit or altered parking tickets

A person must not—

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

7.9 Marking tyres and valve stem readings

(1) An authorised person may—

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

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

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

7.10 Exemption when complying with directions

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

7.11 Sign presumed to have been established by the City

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

7.12 Power of an authorised person

An authorised person may—

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

7.13 Special purpose and emergency vehicles

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

7.14 Interfere with or damage Local government property

A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other place.

PART 8—OFFENCES AND MODIFIED PENALTIES**8.1 Offences**

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

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

8.2 Form of notices

For the purposes of this local law—

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

8.3 Modified penalty

(1) Subject to subclauses 8.3(3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.

(2) The amount appearing in the final column of the table in Schedule 2 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.

(3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty then the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

(4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this Local Law by stopping or parking a vehicle for a time period which exceeds that shown on the sign—

- (a) the amount of the modified penalty shall be the amount referred to in Schedule 2 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
- (b) the amount of the modified penalty shall again be payable in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500.00 on the amount of modified penalties payable for each offence.

Schedule 1

Form 1

LOCAL GOVERNMENT ACT 1995

City of Perth Parking Local Law 2010

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 **City of Perth Parking Local Law 2010**.

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 must be paid to an authorised 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 authorised 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 authorised person
- [7] Identification number of the authorised person giving notice

Schedule 1

Form 2

LOCAL GOVERNMENT ACT 1995

City of Perth Parking 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 authorised person
- [4] Identification number of authorised person giving notice

Schedule 2
MODIFIED PENALTIES

Item No.	Offence Clauses	Modified Penalty
1.	7.8(a); 7.8(b), 6.5(a), 6.5(b), 7.14	\$500
2.	3.4(3)(a); 3.11(1); 2.5(2); 2.18	\$200
3.	2.3(1)(a); 2.3(1)(b); 2.3(1)(c); 2.3(2)(a); 2.3(2)(b); 3.1(e); 3.4(3)(f); 3.4.3(h) 3.12; 3.13(1)	\$120
4.	2.3(1)(a); 2.3(1)(b); 2.3(1)(g); 2.3(2)(c); 2.3(2)(e); 2.3(2)(f); 2.3(2)(g); 2.3(2)(h); 2.3(6); 2.4(1); 2.4(2); 2.9(1); 2.10(1); 2.12; 2.13; 2.15(2); 2.17; 2.19(1); 2.19(2); 2.20; 2.23; 2.24; 3.1(e); 3.4(3)(b); 3.4(3)(c); 3.4(3)(d) 3.4(3)(e)(i); 3.4(3)(e)(ii); 3.4(3)(g); 3.5(1); 3.8(1)(a); 3.8(1)(b); 3.8(1)(c); 3.8(1)(d); 3.8(2)(a); 3.8(2)(b); 3.10(d)(ii); 3.11(2)(a); 3.11(2)(b); 3.13(2); 3.14(8); 3.15(a); 3.15(b); 4.4; 5.1; 5.2(1)(a); 5.4(1)(a); 5.4(1)(b); 5.5; 5.6; 7.4; 7.5; 7.6; 7.7(a); 7.7 (b); 7.7(c); 7.9(2)	\$100
5.	2.3(3); 2.3(2)(d); 2,3(4); 2.16(4); 3.1 (a); 3.1(b) 3.2; 3.3(a); 3.3(b); 3.3(c); 3.3(d); 5.2(1)(c)	\$75
6.	Any other clause	\$50

Schedule 3

Form 1

NOTIFICATION OF IMPOUNDMENT OF VEHICLE

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

To: ^[1]

of: ^[2]

Department of Transport records indicate that you are the registered owner of the vehicle detailed below and notice is hereby given that the vehicle has been impounded in accordance with the provisions of the *Local Government Act 1995*.

Vehicle Registration No: ^[3]

Impounded from: ^[4]

Between: and

Date: ^[5] Time ^[6]

The vehicle has been taken to a secure facility at the following address—

^[7]

and is available for release, after payment has been processed (see below), between the following hours—

Monday to Friday—

^[8]

Prior to the release of the vehicle all necessary payments must be paid, in full, at the Customer Service Centre, Ground Floor, Council House, 27 St George's Terrace, PERTH, which is open from 8.30am until 5.00pm Monday—Friday (excluding Public Holidays) or in such alternative location as may be directed by an authorised person. Payments can be made by either cash or cheque and EFTPOS facilities are also available.

The following documentation is required before payment can be accepted and release of the vehicle is permitted—

Current Vehicle Registration Document.

Drivers licence or other legal form of identification.

Payment receipt (required for vehicle release at secure facility).

IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO THE RELEASE OF THE VEHICLE.

If you have an inquiry in regards to this notice (or monies owing to date), please call Compliance Parking Services between 9:00am and 4:30pm Monday to Friday (excluding Public Holidays).

Costs: Vehicle impound fee: ^[9]

Additional days storage fee or part thereof ^[10]

1. Subject to clause 2 below, if your vehicle is not collected within 2 months after the date of this notice the City may either;
 - (a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of removing and keeping the vehicle have been paid to the City; or
 - (b) under section 3.47 of the *Local Government Act 1995* sell or otherwise dispose of the vehicle and credit the money received from that sale or disposal to the City's trust fund except to the extent required to meet the cost and expenses incurred by the City in the removing, impounding and selling of the vehicle.
2. If the Local Government has made a declaration that in accordance with 3.40A (4) of the *Local Government Act 1995* the vehicle is an abandoned wreck then the vehicle may be disposed of within 7 days of that declaration being made.

If you are convicted of an offence against this Local Law, section 3.48 of the *Local Government Act 1995* allows the City to recover from you its outstanding expenses incurred in the removing, impounding and selling of the vehicle.

Take note: Unless all fees are paid for and the vehicle collected within 2 months from the date of impounding, the City of Perth may sell the subject vehicle.

^[1] Name of owner

^[2] Address of owner

^[3] Vehicle registration number

^[4] Street name (location where vehicle impounded from)

^[5] Date vehicle impounded

^[6] Time vehicle impounded

^[7] Address of secure location vehicle impounded to

^[8] Hours of business

^[9] Cost of vehicle impound fee

^[10] Cost of additional days storage fee

Dated this 20th day of December 2010.

The Common Seal of the City of Perth was affixed by authority of a resolution of the Council in the presence of—

Ms LISA SCAFFIDI, The Rt Hon the Lord Mayor.

Mr FRANK EDWARDS, Chief Executive Officer.