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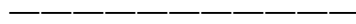
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LOCAL GOVERNMENT ACT 1995



CITY OF GOSNELLS



PARKING LOCAL LAW 2012

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PARKING LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 25 September 2012 to make the following local law.

PART 1—DEFINITIONS AND OPERATION**1.1 Citation**

This local law may be cited as the City of Gosnells Parking Local Law 2012.

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 Gosnells Parking and Parking Facilities Local Law 2005* published in the *Government Gazette* on 29 June 2005 and amended in the *Government Gazette* on 27 January 2006 is repealed.

1.4 Definitions

In this local law unless the context otherwise requires—

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

Act means the *Local Government Act 1995*;

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

authorised vehicle means a vehicle authorised by the local government or an authorised person to park on a thoroughfare or in a parking facility;

bicycle has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

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

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

children's crossing has the meaning given to it by the Code;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed, adapted or fitted for the conveyance of goods, merchandise or materials and includes a vehicle which is used 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 is used for that purpose;

district means the district of the local government;

dividing line has the meaning given to it by the Code;

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 boundary of the adjacent property that is constructed for the purpose of ingress and egress to and from the property;

edge line has the meaning given to it by the Code;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

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 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 means a sign with the words 'loading zone' in white letters on a red background and may have an arrow pointing in a direction;

local government means the City of Gosnells;

median strip has the meaning given to it by the Code;

motor cycle has the meaning given to it by the Code;

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; and
- (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;

no parking area has the meaning given to it by the Code;

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 has the meaning given to it by the Code;

no stopping sign means a sign with the words 'no stopping' 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;

obstruction has the meaning given to it by the Code;

occupier has the meaning given to it by the Act;

owner where used in relation to—

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

park has the meaning given to it by the Code;

parking area has the meaning given to it by the Code;

parking bay 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, pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking control sign has the meaning given to it by 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 an authorised person;

parking region means 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 road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government;

parking station means any land, building or structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged;

permissive parking sign has the meaning given to it by clause 172 of the Code;

postal vehicle has the meaning given to it by the Code;

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

reserve includes any land—

- (a) owned by or vested in 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 Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, permissive parking sign, inscription, road marking, 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 has the meaning given to it by the Code;

stop in relation to a vehicle has the meaning given to it by the Code;

symbol includes any symbol specified by the *Road Traffic Code 2000* for use in the regulation of parking;

taxi has the meaning given to it by the Code;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by the Act;

T-intersection has the meaning given to it by the Code;

traffic island has the meaning given to it by the Code;

trailer has the meaning given to it by 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;

vehicle has the meaning given to it by the Code; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the boundary of the adjacent property 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 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.

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

(3) 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, unless the context otherwise requires, the term shall have the meaning given to it in the Road Traffic Act or the Code.

(4) Unless the context otherwise requires, a reference to a 'thoroughfare', 'parking station', 'parking facility' or 'reserve' includes reference to, as the case may be, any part of the 'thoroughfare', 'parking station', 'parking facility' or 'reserve'.

(5) This local law applies to the whole of the parking region but does not apply to a parking station that—

(a) is not owned, controlled or occupied by the local government; or

(b) is owned by the local government but is leased to another person;

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

(6) The agreement referred to in subclause (5) may be made on such terms and conditions as the parties may agree.

1.6 Power to prohibit and regulate

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

1.7 Pre-existing signs

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 stopping or parking of vehicles within the parking region;

shall be deemed to have been erected by the local government under the authority of this local law.

1.8 Application of signs

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

(a) lies beyond the sign;

(b) lies between that sign and the next sign; and

(c) is on that side of the thoroughfare nearest to the 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.

1.9 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

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

PART 2—SIGNS AND ROAD MARKINGS

2.1 Signs generally

A driver shall 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) during any period when the stopping or parking of vehicles is prohibited by a sign; or
- (c) 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) the vehicle displays an ACROD sticker in which case the vehicle may be parked for twice the maximum time specified by the sign; or
 - (ii) the vehicle has been removed from the same length of carriageway for over 2 hours.

2.2 No stopping

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

2.3 No Parking

A driver shall not park a vehicle 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.

2.4 Stopping on a carriageway with motor cycle parking sign

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

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

2.5 Stopping in a parking bay for people with disabilities

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

- (a) the vehicle displays a current ACROD sticker 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 a passenger in that vehicle is a person entitled to use the displayed ACROD sticker.

(2) In this clause a 'parking bay for people with disabilities' is a length or area of a carriageway—

- (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 that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within a parking region as a 'parking bay for use by a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

2.6 Authorised vehicles only signs

Unless authorised by the local government, a driver shall not stop or park a vehicle in an area designated by a sign inscribed 'Authorised Vehicles Only'.

2.7 Display of signs

A driver shall not without the authorisation 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
- (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.

2.8 No stopping or parking on carriageway with yellow edge line

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

2.9 No stopping or parking on carriageway marked keep clear

A driver shall not stop or park a vehicle in an area of a carriageway signed or marked with a keep clear marking.

PART 3—STOPPING AND PARKING GENERALLY**3.1 Parking contrary to consent**

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

- (a) which belongs to the local government;
- (b) which is an "otherwise unvested facility" within the Act; or
- (c) which is the subject of an agreement referred to in clause 1.5(5).

(2) A driver shall 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 driver shall not stop or park on the land otherwise than in accordance with that consent.

3.2 Stopping or parking on a carriageway

A driver stopping or parking a vehicle on a carriageway shall stop or park the vehicle—

- (a) in the case of a two-way carriageway, so that the vehicle is as near as practicable to and parallel with, the left boundary of the carriageway;
- (b) in the case of a one-way carriageway, so that the vehicle is as near as practicable to and parallel with either boundary of the carriageway;
- (c) so that the vehicle is headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is stopped or parked;
- (d) so that at least 3 metres of the width of the carriageway lies between the vehicle and—
 - (i) the opposite boundary of the carriageway;
 - (ii) a vehicle stopped or parked on the opposite side of the carriageway; or
 - (iii) any continuous dividing line or median strip; and
- (e) so that there is more than 1 metre from any other vehicle, except a motor cycle without a trailer stopped or parked in accordance with this local law.

3.3 Parking on a carriageway—heavy or long vehicles

(1) A driver 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 metres or more in length or exceeds a GVM of 3 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 2 hours, 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 heavy or long vehicles.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

PART 4—STOPPING AND PARKING IN ZONES**4.1 Bus zone**

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 within the 'bus zone' sign applying to the bus zone.

4.2 Loading zone

(1) A driver shall 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 driver shall 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.

4.3 Shared zone

A driver shall not stop in a shared zone unless the driver—

- (a) 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 this local law;
- (b) stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;

- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

4.4 Taxi zone

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

PART 5—OTHER STOPPING AND PARKING RESTRICTIONS

5.1 Stopping on verge

- (1) A driver shall not stop—
 - (a) a vehicle (other than a bicycle);
 - (b) a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) 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 driver if he or she is—
 - (a) the owner or occupier of the premises adjacent to that verge; or
 - (b) 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 if 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 the carriageway or path.

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 this local law.

5.3 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 this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless—
 - (a) 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
 - (b) 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.

5.4 Stopping on crests, curves, etc.

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 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

5.5 Fire hydrants

A driver shall not stop or park a vehicle, other than in a marked bay, on a carriageway so that any portion of the vehicle is within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant, unless—

- (a) 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
- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

5.6 Bus stops

- (1) A driver shall not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side, or within 10m of the departure side of—
 - (a) a bus stop, bus embayment or bus zone; or
 - (b) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes).
- (2) Sub-clause (1) does not apply if—
 - (a) the vehicle is a bus stopped to take up or set down passengers; or
 - (b) the vehicle is stopped or parked in a marked bay.

5.7 Pedestrian, children and train crossings

(1) A driver shall 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 pedestrian crossing;
- (b) a children's crossing; or
- (c) the nearest rail of a railway level crossing.

(2) Sub-clause (1) does not apply if—

- (a) the vehicle is stopped or parked in a marked bay; or
- (b) it is permitted by a sign.

5.8 Median strips, traffic islands and paths etc

A driver shall 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, footpath or pedestrian crossing unless the driver stops or parks in an area to which a parking control sign applies and the driver is permitted to stop or park at that place under this local law.

5.9 Reserves

A driver shall 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 driver—

- (a) is an employee of the local government in the course of their duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the local government or an authorised person.

PART 6—OBSTRUCTIONS**6.1 Obstructions generally**

(1) This clause does not apply to a vehicle stopped or parked in a parking bay established by the local government or otherwise permitted under this local law.

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

- (a) on any thoroughfare so as to cause an obstruction on the thoroughfare unless it is a 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;
- (e) on a carriageway 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 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) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (g) adjacent to any median strip; or
- (h) on or within 10 metres of any portion of a carriageway bounded by a traffic island.

6.2 Obstructing a public place

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 authorised under any written law.

6.3 Obstructing driveways

A driver shall 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 thoroughfare unless the driver is immediately dropping off or picking up passengers.

6.4 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.

PART 7—PARKING BAYS AND PARKING FACILITIES**7.1 Bicycle parking**

No driver shall park any bicycle—

- (a) in a parking bay other than in a bay marked 'M/C'; and
- (b) in such bay other than against the kerb.

7.2 Selling or hiring in a parking facility

A person shall not sell, hire or give away any goods or thing in a parking facility without the written authorisation of the local government.

7.3 Parking positions

(1) Where the signs referring to a parking area are not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is adjacent to the boundary of a carriageway, a driver stopping or parking a vehicle in the parking area shall stop or park it as near as practicable to and parallel with that boundary.

(2) A driver shall not stop or park a vehicle in a parking facility other than wholly within a parking bay if the parking facility has parking bays 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.

7.4 Angle parking

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass, including any load, of over 3 tonnes; or
- (b) a driver parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign referring to a parking area is inscribed with the words 'angle parking' a driver stopping or parking a vehicle in the area shall 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.

7.5 Occupied parking bays

A driver shall not stop or park or attempt to stop or park a vehicle in a parking bay in which another vehicle is stopped or parked.

7.6 Parking facilities where permit required

(1) A sign may indicate that all or part of a parking station or road is set aside for the parking of vehicles with a permit.

(2) An authorised person may issue to a person a permit in respect of all or part of a parking station or a road referred to in subclause (1).

(3) A driver shall not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or road that is set aside under subclause (1), unless the permit issued under subclause (2) is displayed inside the vehicle so that it is clearly visible to and able to be read by an authorised person from outside the vehicle at all times.

(4) An authorised person may, at any time, revoke a permit issued under subclause (2).

PART 8—MISCELLANEOUS

8.1 Urgent, essential or official duties

(1) Where by a sign prohibits or permits the stopping or parking of a vehicle for a limited time on a portion of a thoroughfare or parking facility, an authorised person may permit a driver to stop or park a vehicle on that portion of the thoroughfare or parking facility for longer than the permitted time in order that the driver may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), an authorised person may prohibit for the duration of that permission, the use by any other vehicle of that portion of the thoroughfare or 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 local government for loss or damages arising from the revocation or suspension of the permission.

(4) A driver shall 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.

8.2 Direction to move vehicle

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

8.3 Prohibited parking of vehicles

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

- (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 of the Commonwealth; or
- (c) if that vehicle is a trailer or caravan unattached to a motor vehicle.

8.4 Authorised person may mark tyres

(1) An authorised 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 authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

8.5 Removal of notices

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 authorised person.

8.6 Special purpose and emergency vehicles

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

PART 9—PENALTIES**9.1 Offences**

(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) Any person who commits an offence under this local law shall be liable, upon 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) It is a defence to this local law if the driver of a vehicle on a carriageway—

- (a) is prevented from proceeding by circumstances beyond their control; or
- (b) is required to stop to avoid an accident.

9.2 Prescribed offences

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

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

9.3 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 2; and
- (b) the form of the notice referred to in section 9.20 of the Act is that of Form 2 in Schedule 2.

Schedule 1
PRESCRIBED OFFENCES

[clause 9.2]

Clause	Description	Modified Penalty \$
2.1	Parking contrary to signs or limitations	100
2.2	Stopping contrary to 'no stopping' sign	100
2.3	Parking contrary to 'no parking' sign	100
2.4	Parking vehicle in motor cycle parking area	75
2.5	Stopping in a disabled parking area	120
2.8	Stopping within continuous yellow edge lines	100
3.1	Parking contrary to consent	75
3.2(a)	Failure to park on the left of a two-way carriageway	100
3.2(b)	Failure to park on the boundary of a one-way carriageway	100
3.2(c)	Parking against the flow of traffic	100
3.2(d)(i)	Stopping or parking less than 3 metres from opposite boundary	100
3.2(d)(ii)	Stopping or parking less than 3 metres from a vehicle stopped or parked on opposite boundary	100
3.2(d)(iii)	Stopping or parking contrary to continuous line marking or median strip	100
3.2(e)	Parking closer than 1 metre from another vehicle	75

Clause	Description	Modified Penalty \$
3.3	Parking heavy or long vehicles on a carriageway	100
4.1	Stopping or parking unlawfully in a bus zone	100
4.2	Stopping or parking unlawfully in a loading zone	100
4.3	Stopping unlawfully in a shared zone	75
4.4	Stopping or parking unlawfully in a taxi zone	100
5.1	Stopping on a verge	100
5.2	Double parking	100
5.3	Stopping on a bridge, tunnel etc	100
5.4	Stopping on crests, curves etc	100
5.5	Stopping near fire hydrant	100
5.6	Stopping near a bus stop	100
5.7	Unlawfully stopping or parking on the approach or departure side of a pedestrian, childrens or rail crossing	100
5.8	Unlawfully parking on median strip, traffic island, paths etc	100
5.9	Unlawfully parking on a reserve	100
6.1	Causing an obstruction	100
6.2	Obstructing a public place	100
6.3	Obstructing a driveway or other way of access	100
6.4	Stopping near an obstruction	75
7.2	Unlawfully selling, hiring or giving away goods in a parking facility	100
7.3(1)	Failure to park at an appropriate angle	75
7.3(2)	Failure to park wholly within parking bay	75
7.4(2)	Failure to park at approximate right angle	75
7.5	Stopping or parking, or attempting to stop or park in an occupied parking bay	75
7.6	Fail to display parking permit	100
8.2	Parking contrary to direction of an authorised person	100
8.3(a)	Parking on a thoroughfare for purpose of sale	100
8.3(b)	Parking an unlicensed vehicle on a thoroughfare	100
8.3(c)	Parking a trailer or caravan on a thoroughfare	100
8.4(2)	Removing a mark made by an authorised person	100
8.5	Unauthorised removal of a notice	100
	All other offences not specified	75

Schedule 2

Form 1

Local Government Act 1995

City of Gosnells Parking Local Law 2012

INFRINGEMENT NOTICE

[clause 9.3]

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 Local Law 2012**.

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 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 person 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) Name and title of authorised person giving notice

Schedule 2

Form 2

Local Government Act 1995

City of Gosnells Parking Local Law 2012

WITHDRAWAL OF INFRINGEMENT NOTICE

[clause 9.3]

[clause 9.3]

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) Name and title of authorised person giving notice

Dated 2 October 2012.

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

DAVID GRIFFITHS, Mayor.
IAN COWIE, Chief Executive Officer.
