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TOWN OF BASSENDEAN

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

DOGS LOCAL LAW 2019

LOCAL GOVERNMENT ACT 1995

PARKING LOCAL LAW 2019

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

DOGS LOCAL LAW 2019

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SCHEDULE 1—OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

TOWN OF BASSENDEAN

DOGS LOCAL LAW 2019

Under the powers conferred by the *Dog Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on 25 June 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Dogs Local Law 2019*.

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 *Town of Bassendean Dogs Local Law* published in the *Government Gazette* on 16 August 2001 and as amended on 3 October 2006 is repealed.

1.4 Definitions

(1) In this local law, unless the context otherwise requires—

Act means the *Dog Act 1976*;

Authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

District means the district of the local government;

Local Government means the Town of Bassendean;

Regulations means the *Dog Regulations 2013*; and

Thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning that is given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—KEEPING OF DOGS

2.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other

means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) An occupier who fails to comply with subclause (1) commits an offence.

(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

2.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

2.3 Offence to excrete

(1) A dog must not excrete on—

(a) any thoroughfare or other public place; or

(b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

(4) Notwithstanding clause 3.2, the penalty for an offence under this clause is \$1,000.

PART 3—ENFORCEMENT

3.1 Interpretation

In this Part—

Infringement Notice means the notice referred to in clause 3.4; and

Notice of Withdrawal means the notice referred to in clause 3.7(1).

3.2 Offences and general penalty

(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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and 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.

3.3 Modified penalties

(1) The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence.

3.4 Issue of infringement notice

(1) Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, the authorised person may serve on the alleged offender a notice in the form of Form 8 of Schedule 1 of the Regulations, informing the alleged offender that, if he or she does not wish to be prosecuted in court for the offence, he or she may pay to the local government within the time specified in the notice, the amount prescribed as the modified penalty.

(2) An infringement notice may be served on an alleged offender personally, or by leaving it at or posting it to her or his address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.

3.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

3.6 Payment of modified penalty

An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the allegation, and then—

(a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or

(b) the local government, or an authorised person acting on behalf of the local government, may withdraw the infringement notice under clause 3.7 and refund the amount so paid.

3.7 Withdrawal of infringement notice

(1) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form of Form 9 in Schedule 1 of the Regulations to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event, any amount received by way of modified penalty must be refunded and any acknowledgement of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.

(2) A person appointed under section 29(1) of the Act to exercise the powers of an authorised person to serve infringement notices under clause 3.4(1) is not eligible to be appointed under that section to exercise the powers of an authorised person to withdraw infringement notices under clause 3.7(1).

Schedule 1

[Cl 3.3]

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

| Offence | Nature of Offence | Modified penalty \$ |
|----------------|--|--------------------------------|
| 2.1 | Failing to provide means for effectively confining a dog | 200 |
| 2.3 | Dog excreting in prohibited place | 100 |

Dated the 15th day of October 2019.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr RENEE JOY McLENNAN, Mayor.
Ms PETA MABBS, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

PARKING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on the 23 July 2019 to adopt the following local law.

PART 1—DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as *Town of Bassendean Parking Local Law 2019*.

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 *Town of Bassendean Parking and Parking Facilities Local Law 2010* published in the *Government Gazette* on 7 June 2011 is repealed.

1.4 Interpretation

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

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

authorised vehicle means a vehicle authorised by the local government, CEO, Authorised Person or by any written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle lane 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 has the meaning given to it by the *Caravan Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it by the Code;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications—

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

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

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

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

disability parking permit has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

driver means any person driving or in control of a vehicle;

drop-off zone means the parking stalls which are set aside for the use by persons collecting and setting down of people;

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;

Loading Zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone';

local government means the Town of Bassendean;

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

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

motorcycle 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 trailer, semi-trailer or caravan while attached to a motor vehicle, 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' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

notice means a notice in the form of Form 1, Form 2 or Form 3, in Schedule 1 of the Regulations;

obstruct means to prevent or impede or make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and 'obstruction' shall have a similar meaning;

occupier has the meaning given to it by the Act;

offence shall have the same meaning as defined in the Act;

owner—

(a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, 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 that vehicle; and

(c) where used in relation to land, has the meaning given to it by the Act;

park, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

(a) avoiding conflict with other traffic;

(b) complying with the provisions of any law; or

(c) taking up or setting down persons or goods (*maximum of 2 minutes*);

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

parking facilities includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian crossing has the meaning given to it by the Code;

permit means a permit issued under this local law;

private driveway means that area of land located within the boundaries of privately owned property which has been constructed, formed, shaped or otherwise designated for use by vehicles;

property line means the boundary between the land comprising a street and the land that abuts thereon;

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

Regulations means the *Local Government (Functions and General) Regulations 1996*;

reserve means any land—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

right of way means any lane, passage, thoroughfare or way, whether private or public, over which any person in addition to the owner, has a right of carriageway;

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, 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 parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

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

symbol includes any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

taxi means an 'on-demand passenger transport service' as per the *Transport (Road Passenger Services) Act 2018*;

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

thoroughfare has the meaning given to it by the Act;

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

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

vehicle 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 adjacent property line but does not include a footpath.

1.5 Application of Particular Definitions

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

(2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.6 Application and pre-existing signs

(1) Subject to subclause (2), this local law applies to the parking region.

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

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

(4) Where a parking facility or a parking station is identified in Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(6) An inscription or symbol on a sign referred to in subclause (5) 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 related to the parking of vehicles.

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

1.7 Classes of vehicles

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

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.8 Part of thoroughfare to which sign applies

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

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

1.9 Powers of the local government

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

PART 2—PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary—
 - (a) parking stalls;
 - (b) parking facilities and parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government determination under subclause (1) it shall erect signs to give effect to the determination.
- (3) Where a parking facility or a parking station is identified in the Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies.

2.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.
- (5) Where a vehicle is parked such that any part of it is in a prohibited or restricted area, the whole of the vehicle may be deemed to be in the prohibited or restricted area for the purposes of this local law.

2.3 Parking prohibitions and restrictions

- (1) A person shall not—
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorised Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
 - (a) in a parking stall other than in a stall marked 'M/C'; and
 - (b) in such stall other than against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a stall that is in a parking station (except where it is in a parking area for people with a disability) for twice the length of time allowed if—
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.

PART 3—PARKING GENERALLY**3.1 Restrictions on parking in particular areas**

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
- (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the time period indicated on the sign if—
- (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.
- (3) A person shall not park a vehicle—
- (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

3.2 Parking with a permit

- (1) A sign may indicate that all or part of a parking station or road is set aside, during the period indicated on the sign, for the parking of vehicles with a permit.
- (2) The local government may upon a written application of an eligible person, issue a parking permit, in the form of a permit issued by the local government, in respect of all or part of a parking station or road referred to in subclause (1).
- (3) A parking permit may be issued as—
- (a) a temporary parking permit for a period as specified on the permit; or
 - (b) an annual residential parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue; or
 - (c) an annual visitor parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue.
- (4) The local government's power to issue, replace and revoke permits under subclause (2) may be exercised by an authorised person.
- (5) A person must 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 an authorised person examining the permit from outside the vehicle.
- (6) The local government may, at any time, revoke a permit issued under subclause (2).

3.3 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign or markings on the roadway, a person parking a vehicle on a carriageway shall 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 thoroughfare on which the vehicle is 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 thoroughfare on which the vehicle is parked.
- (2) Unless otherwise permitted by a sign or markings on the roadway, a person parking a vehicle on a carriageway other than in a parking stall, shall park it—
- (a) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (b) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (c) so that it does not obstruct any vehicle on the carriageway.
- (3) In this clause, 'continuous line' means—
- (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

3.4 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is 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—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.5 When angle parking applies

(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 person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.6 General prohibitions on parking

(1) (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any continuous line, double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the continuous or double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;
- (l) on a bridge or other elevated structure or within a tunnel or underpass; or
- (m) within the head of a cul-de-sac,

unless a sign or markings on the carriageway indicate otherwise.

(3) A person shall not stop a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children's crossing or pedestrian crossing.

(4) A person shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children's crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

3.7 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an Authorised Person has directed the driver to move it.

3.8 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.

3.9 No movement of vehicles to avoid time limitation

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

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

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

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

- (a) for the purpose of exposing it, or goods thereon, for sale or hire;
- (b) if where the vehicle is required to be licensed under the Road Traffic Act—
 - (i) the vehicle is not licensed under the Road Traffic Act; or
 - (ii) each number plate issued for the vehicle is not fixed to the vehicle and displayed in accordance with regulation 119 of the *Road Traffic (Vehicles) Regulations 2014*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.11 Parking on reserves

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

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

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

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

PART 4—PARKING AND STOPPING GENERALLY**4.1 No stopping and no parking signs, yellow edge lines and bicycle lanes**

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

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

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

(3) In subclause (2) 'unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

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

(5) A driver must not stop in a bicycle lane unless the driver is driving a public bus or taxi, and is dropping off, or picking up, passengers.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES**5.1 Stopping in a loading zone**

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

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods;

but, in any event, shall not remain in that loading zone—

- (b) for longer than a time indicated on the 'loading zone' sign; or
- (c) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or bus zone

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

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

5.3 Stopping in a mail zone

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

5.4 Other limitations in zones

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

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

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

6.2 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.

6.3 Stopping near an obstruction

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

6.4 Stopping on a bridge

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.

6.5 Stopping on crests, curves, etc.

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.6 Stopping near a fire hydrant etc.

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (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.

(2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; 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) In this clause—

- (a) distances are measured in the direction in which the driver is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

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

6.9 Stopping on verge

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.11 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.12 Stopping on a carriageway or verge—heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway or verge 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 or verge outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

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

6.13 Stopping on a carriageway with a bicycle parking sign

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

6.14 Stopping on a carriageway with motor cycle parking sign

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

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

PART 7—MISCELLANEOUS**7.1 Removal of notices on vehicle**

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

7.2 Unauthorised signs and defacing of signs

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

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

7.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

7.4 General provisions about signs

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

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

7.5 Special purpose, emergency and vehicles driven by authorised persons

Notwithstanding anything to the contrary in this local law, the driver of—

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

7.6 Vehicles not to obstruct a public place

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

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

(3) The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

PART 8—PENALTIES**8.1 Offences and penalties**

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

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

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$250 and not exceeding \$5000, 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.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1—PARKING REGION

[Cl 1.4]

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

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. 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.
4. private land, other than private land which Council has resolved to control at the landowners request.

SCHEDULE 2—PRESCRIBED OFFENCES

[Cl 8.1(4)]

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|-----------------|------------------------|--|----------------------------|
| 1 | 2.2 | Failure to park wholly within parking stall | 75 |
| 2 | 2.2(4) | Failure to park wholly within parking area | 75 |
| 3 | 2.3(1)(a) | Causing obstruction in parking station | 100 |
| 4 | 2.3(1)(b) | Parking contrary to sign in parking station | 100 |
| 5 | 2.3(1)(c) | Parking contrary to directions of Authorised Person | 100 |
| 6 | 2.3(1)(d) | Parking or attempting to park a vehicle in a parking stall occupied by another vehicle | 75 |
| 7 | 3.1(1)(a) | Parking wrong class of vehicle | 75 |
| 8 | 3.1(1)(b) | Parking by persons of a different class | 75 |
| 9 | 3.1(1)(c) | Parking during prohibited period | 75 |
| 10 | 3.1(3)(a) | Parking in no parking area | 100 |
| 11 | 3.1(3)(b) | Parking contrary to signs or limitations | 75 |
| 12 | 3.1(3)(c) | Parking vehicle in motor cycle only area | 75 |
| 13 | 3.1(4) | Parking motor cycle in stall not marked 'M/C' | 75 |
| 14 | 3.1(5) | Parking without permission in an area designated for 'Authorised Vehicles Only' | 80 |
| 15 | 3.2(5) | Failure to display valid parking permit | 75 |
| 16 | 3.3(1)(a) | Failure to park on the left of two-way carriageway | 75 |
| 17 | 3.3(1)(b) | Failure to park on boundary of one-way carriageway | 75 |
| 18 | 3.3(1)(a) or 3.3(1)(b) | Parking against the flow of traffic | 80 |
| 19 | 3.3(2)(a) | Parking when distance from farther boundary less than 3 metres | 80 |
| 20 | 3.3(2)(b) | Parking closer than 1 metre from another vehicle | 75 |
| 21 | 3.3(2)(c) | Causing obstruction | 100 |
| 22 | 3.4(a) | Failure to park close and parallel to the boundary | 75 |
| 23 | 3.4(b) | Failure to park at approximate right angle | 75 |
| 24 | 3.5(2) | Failure to park at an appropriate angle | 75 |
| 25 | 3.6(2)(a) and 6.2 | Double parking | 80 |
| 26 | 3.6(2)(b) | Parking on or adjacent to a median strip | 75 |
| 27 | 3.6(2)(c) | Denying access to private drive or right of way | 80 |
| 28 | 3.6(2)(d) | Parking beside excavation or obstruction so as to obstruct traffic | 100 |
| 29 | 3.6(2)(e) | Parking within 10 metres of traffic island | 80 |
| 30 | 3.6(2)(f) | Parking on footpath/pedestrian crossing | 100 |
| 31 | 3.6(2)(g) | Parking contrary to continuous line markings | 80 |
| 32 | 3.6(2)(h) | Parking on intersection | 80 |
| 33 | 3.6(2)(i) | Parking within 1 metre of fire hydrant or fire plug | 100 |
| 34 | 3.6(2)(j) | Parking within 3 metres of public letter box | 80 |
| 35 | 3.6(2)(k) | Parking within 10 metres of intersection | 80 |

| Item No. | Clause No. | Nature of Offence | Modified Penalty \$ |
|----------|------------------------|--|---------------------|
| 36 | 3.6(2)(m) | Parking within the head of a cul-de-sac | 80 |
| 37 | 3.6(3)(a) or (b) | Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing | 100 |
| 38 | 3.6(4)(a) or (b) | Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing | 100 |
| 39 | 3.6(5) | Parking vehicle within 20 metres of approach side or departure side of railway level crossing | 100 |
| 40 | 3.7 | Parking contrary to direction of Authorised Person | 100 |
| 41 | 3.8(2) | Removing mark of Authorised Person | 100 |
| 42 | 3.9 | Moving vehicle to avoid time limitation | 75 |
| 43 | 3.10(a) | Parking in thoroughfare for purpose of sale or hire | 75 |
| 44 | 3.10(b) | Parking unlicensed vehicle in thoroughfare | 75 |
| 45 | 3.10(c) | Parking an unattached trailer/caravan on a thoroughfare | 75 |
| 46 | 3.10(d) | Parking in thoroughfare for purpose of repairs | 75 |
| 47 | 3.11 | Driving or parking on reserve | 75 |
| 48 | 4.1(1) | Stopping contrary to a 'no stopping' sign | 75 |
| 49 | 4.1(2) | Parking contrary to a 'no parking' sign | 75 |
| 50 | 4.1(4) | Stopping within continuous yellow edge lines | 75 |
| 51 | 4.1(5) | Stopping in a bicycle lane | 75 |
| 52 | 5.1 | Stopping unlawfully in a loading zone | 75 |
| 53 | 5.2(1) | Stopping unlawfully in a taxi zone | 75 |
| 54 | 5.2(2) | Stopping unlawfully in a bus zone | 75 |
| 55 | 5.3 | Stopping unlawfully in a mail zone | 75 |
| 56 | 5.4 | Stopping in a zone contrary to a sign | 75 |
| 57 | 6.1 | Stopping in a shared zone | 75 |
| 58 | 6.3 | Stopping near an obstruction | 80 |
| 59 | 6.4 | Stopping on a bridge | 75 |
| 60 | 6.5 | Stopping on crests/curves etc. | 100 |
| 61 | 6.6 | Stopping near fire hydrant | 100 |
| 62 | 6.7 | Stopping near bus stop | 80 |
| 63 | 6.8 | Stopping on path, median strip or traffic island | 75 |
| 64 | 6.9(1)(a) or 6.9(1)(c) | Stopping on verge | 75 |
| 65 | 6.9(1)(b) | Stopping commercial vehicle or bus, or unattached trailer/caravan on verge | 75 |
| 66 | 6.10 | Obstructing path, a driveway etc. | 75 |
| 67 | 6.11 | Stopping near letter box | 75 |
| 68 | 6.12 | Stopping heavy or long vehicles on carriageway or verge | 80 |
| 69 | 6.13 | Stopping in bicycle parking area | 75 |
| 70 | 6.14 | Stopping in motorcycle parking area | 75 |
| 71 | 7.6 | Leaving vehicle so as to obstruct a public place | 100 |
| 72 | | All other offences not specified | 75 |

SCHEDULE 3—DEEMED PARKING STATIONS

[Cl 1.6(4) and Cl 2.1(3)]

- PARKING STATION NO. 1—WILSON STREET CARPARK, corner Guildford Road and Wilson Street, Bassendean (Lot 9644 Park Lane).

Dated: 15th October 2019.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr RENEE JOY McLENNAN, Mayor.
Ms PETA MABBS, Chief Executive Officer.