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LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

PARKING LOCAL LAW 2023

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SCHEDULE 1—PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995**CITY OF SWAN****PARKING LOCAL LAW 2023**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Swan resolved on 12 April 2023 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Swan Parking Local Law 2023*.

1.2 Commencement

This local law comes into operation on 1 July 2023.

1.3 Consolidated Local Laws 2005 amended

The *City of Swan Consolidated Local Laws 2005* as published in the *Government Gazette* on 16 February 2005 and as amended in the *Government Gazette* on 19 September 2008, 22 January 2010 and 27 January 2023 are amended as follows—

- (a) Part 8—Parking and Parking Facilities is deleted;
- (b) Schedules 8.1 to 8.5 inclusive are deleted; and
- (c) references to Part 8 and Schedules 8.1 to 8.5 in the Table of Contents are deleted.

1.4 Application

- (1) Except as set out in this clause, 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) The provisions of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.5 Interpretation

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

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 of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the local government or an authorised person under this local law or by another written local law to park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

built-up area 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 has the meaning given to it by the Code;

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;

Council means the Council of the local government;

crossover means an area of the verge, constructed and used for the purpose of enabling a vehicle to access the adjacent property;

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

district means the district of the local government;

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

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

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

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;

intersection has the meaning given to it by the Code;

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

local government means the City of Swan;

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

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 trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area means a portion of a carriageway or any other land to which a "no parking sign" applies which—

- (a) lies beyond the sign;
- (b) lies between that sign and either the next sign beyond that sign or a dead end or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

no parking sign means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area means a portion of a carriageway or any other land to which a "no stopping sign" applies which—

- (a) lies beyond the sign;
- (b) lies between that sign and either the next sign beyond that sign or a dead end or an area in which stopping is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

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;

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 the vehicle; and
- (c) land, has the meaning given to it by the Act;

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

park has the meaning given to it by the Code;

parking bay means a section or part 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 park;

parking facility means any land, buildings, shelters, parking bays, parking station or other facility open to the public generally for the parking of vehicles;

parking permit means a permit issued under this local law;

parking region means the whole of the district except—

- (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) the prohibition areas that apply 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 other structure provided for the purpose of stopping or parking of vehicles, whether or not a fee is charged;

parking ticket means a ticket, whether printed or electronic, that—

- (a) is issued from a ticket issuing machine;
- (b) authorises the parking of a vehicle in a parking bay or a parking facility or part of a parking facility; and
- (c) includes the date and time that the authorisation expires;

path has the meaning given to it by the Code;

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

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

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

reserve means any land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an "otherwise unvested facility" as defined in section 3.53(1) of the Act;

road has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

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

road side rest area has the meaning given to it in the *Caravan Parks and Camping Grounds Regulations 1997*;

Schedule means a Schedule to this local law;

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

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

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

stop has the meaning given to it by the Code;

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 in the Act;

ticket issuing machine means a machine or device, authorised by the local government, which issues a parking ticket, whether or not the payment of a fee is required;

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

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

trailer has the meaning given to it by the Code;

unattended, in relation to a vehicle, means that the person has left the vehicle so that the driver is no more than 3 meters from the closest point of the vehicle;

valve stem reading means a method of recording the position of the tyre valve in relation to the kerb or road surface;

vehicle has the meaning given to it in the *Road Traffic (Administration) Act 2008*; 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. Where there is no clear delineation between a footpath and a verge, the area is taken to be a verge.

1.6 Application of particular definitions

(1) For the purposes of the application of the definitions 'no parking area' and 'no stopping 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) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or in the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.

1.7 Pre-existing signs

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles within the parking region,

is deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) An inscription or a symbol on a sign referred in in subclause (1) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping or parking of vehicles, it is to be taken to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

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

1.9 Part of thoroughfare to which sign applies

(1) This clause does not apply to a "no parking area" or "no stopping area".

(2) Where under this local law the stopping or parking of a vehicle in a thoroughfare is controlled by a sign, the sign must be read as applying to that part of the road which—

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

1.10 Powers of the local government

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

PART 2—PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

(1) The local government, by resolution, may constitute, determine and vary—

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

(2) Where the local government makes a determination under subclause (1) it must erect one or more signs to give effect to the determination.

2.2 Parking on thoroughfares

(1) Subject to subclause (2), (3) and (4), a person must not park a vehicle in a parking bay on a thoroughfare otherwise than—

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

(2) Subject to subclause (3), where a parking bay on a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that bay wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking bay, then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.

(4) A person must not park a vehicle partly within and partly outside a parking facility on a thoroughfare.

2.3 Parking prohibitions and restrictions

(1) A person must 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 written 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 after being directed by an authorised person to move the vehicle;
- (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked; or
- (e) park a vehicle other than wholly within a parking bay within a parking station.

(2) Notwithstanding the provisions of subclause (1)(b) a person may park a vehicle in a parking bay or station (except in a parking bay or station for persons with a disability) for an extended length of time, in accordance with regulation 174(2) of the Code, provided that—

- (a) the vehicle displays a disability parking permit; and
- (b) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(3) Notwithstanding the provisions of subclause (1)(e), if a vehicle is too long or too wide to fit completely within a single parking bay, the vehicle must be parked within the minimum number of parking bays needed to park that vehicle.

2.4 Parking where fees are payable

A person must not park a vehicle or permit a vehicle to remain parked in a parking station or parking facility where a sign indicates that a fee is payable for parking unless—

- (a) the vehicle is parked in compliance with any instructions on or with the sign or ticket issuing machine;
- (b) the necessary fee is paid for each parking bay that the vehicle occupies; and
- (c) a parking ticket has been issued for the parked vehicle and in the case of a printed parking ticket, the unexpired ticket is placed inside the vehicle in a position where the ticket is clearly visible and all details are able to be read by an authorised person from outside and from the front of the vehicle at all times while that vehicle remains stopped or parked in that parking station or parking facility.

2.5 Methods of payment

(1) The local government may introduce and apply methods of payment for parking fees which may include but not be limited to payment by—

- (a) Australian currency including coins and or bank notes;
- (b) credit or debit card; or
- (c) any other method of payment approved by the local government.

(2) The local government may introduce various paid parking processes which may include but are not limited to the following—

- (a) ticket parking;
- (b) pay by vehicle registration number;
- (c) pay by parking bay; or
- (d) pay on foot.

2.6 Use of counterfeit or altered parking tickets

A person must not—

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

2.7 Hooded ticket issuing machines

Unless authorised by the local government a person must not park a vehicle or permit a vehicle to remain parked in a parking station or parking facility if the ticket issuing machine is hooded with a cover bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the parking station or parking facility including temporary signage.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking facility—

- (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) This subclause applies to a person if—

- (i) the vehicle displays a disability parking permit; and
- (ii) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

- (b) A person may park a vehicle in a thoroughfare or a 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, in accordance with regulation 174(2) of the Code.

(3) A person must not park a vehicle—

- (a) in a no parking area;

- (b) in a parking facility, except in accordance with both the signs associated with the parking facility and this local law; or
 - (c) in a bay marked 'M/C' unless it is a motor cycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person must not park a vehicle or permit a vehicle to remain parked in a parking facility controlled by a sign stating 'Authorised Vehicles Only', without—
- (a) a valid permit issued by the local government and displayed inside the vehicle that must be displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle; or
 - (b) prior written permission of the local government, the CEO, or an authorised person to park within the area has been obtained and the written permission is displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle to indicate it has authorisation to park.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking bay must 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 carriageway 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 the left or right boundary of the carriageway and headed in the direction of the movement of traffic;
 - (c) 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 dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motor cycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a sign or markings on the carriageway.

unless otherwise indicated on a parking regulation sign or markings on the roadway.

- (2) In this clause '*continuous dividing 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.

3.3 When parallel and right-angled parking apply

Where a sign referring to a parking facility is not inscribed with the words 'angle parking', then unless a sign associated with the parking facility indicates, or marks on the carriageway indicate, that vehicles must park in a different position, where the parking facility is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking facility must 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 facility must park it at approximately right angles to the centre of the carriageway.

3.4 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 a motor cycle without a trailer.
- (2) Where a sign associated with a parking facility is inscribed with the words 'angle parking', a person parking a vehicle in the parking facility must park or stop 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.

3.5 General prohibitions on parking

- (1) (a) This clause does not apply to a vehicle parked in a parking bay.
- (b) Subclauses (2)(c), (f) and (h) do not apply to a vehicle which parks in a bus embayment.
- (2) A person must not park a vehicle so that any portion of the vehicle is—
- (a) on or adjacent to a median strip;
 - (b) obstructing a right of way, passage, private drive, carriageway or a crossover or park so close to deny a vehicle reasonable access to or egress from the right of way, passage, private drive, carriageway or a crossover;
 - (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would thereby obstruct traffic;
 - (d) in a location where it is likely to obstruct line of sight along a thoroughfare, is a safety concern or hazard or an obstruction to any person or vehicle;
 - (e) on or within 10 metres of any portion of a carriageway bounded on one or both sides by a traffic island;

- (f) on any path or pedestrian crossing;
- (g) between the boundaries of a carriageway and any 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 double longitudinal line;
- (h) 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;
- (i) within 3 metres of a public letter box, unless the person is dropping off or picking up passengers or mail;
- (j) within 10 metres of the prolongation of the nearer edge of any carriageway intersecting a carriageway on the side on which the vehicle is parked;
- (k) within 20 metres of the approach side or within 10 metres of the departure side of 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;
- (l) within 20 metres of the approach side or within 10 metres of the departure side of a children's crossing or pedestrian crossing; or
- (m) within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing,

unless a sign or markings on the carriageway indicate otherwise.

3.6 Authorised person may order vehicle on thoroughfare to be moved

A person must not park vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the person to move it.

3.7 Authorised person

(1) An authorised person—

- (a) may mark the tyres of a vehicle parking in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of their duties or powers;
- (b) take a valve stem reading of a vehicle;
- (c) record vehicle registration numbers; and
- (d) place a notice or parking fact sheet upon a vehicle.

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

(3) An authorised person may in the course of performing their duties park contrary to the provisions of a sign for the minimum amount of time to complete those duties.

3.8 Restrictions on avoiding time limitations

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must 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 on any day.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must not move a vehicle along a section of 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) Where, in a parking facility or thoroughfare—

- (a) the parking of a vehicle is prohibited unless a ticket from a ticket issuing machine is obtained; and
- (b) a period of free parking is permitted before a fee for parking applies,

more than one free ticket for the same vehicle in that parking facility or thoroughfare must not be obtained, used or displayed within that vehicle, at any time within the same day.

(4) For the purposes of subclause (2), a **section of thoroughfare** ends and another begins wherever an intersecting carriageway occurs.

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

A person must not park or permit a vehicle to be parked on any portion of a thoroughfare or parking facility—

- (a) for the purpose of exposing it for sale or hire;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974* or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if that vehicle is a boat, trailer or caravan unattached to a motor vehicle;
- (d) for the purpose of servicing or cleaning it;
- (e) 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 or parking facility; or
- (f) for the purpose of operating a business without first having first obtained the approval of the local government.

3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land—
- (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

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

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

3.12 Event Parking

- (1) For the purpose of this clause an **event** means an activity or occurrence approved by the local government which warrants the setting aside of any parking facility.
- (2) The local government may, by use of any type of sign, temporary or otherwise, and for any period specified on the sign—
- (a) set aside all or part of a parking facility; or
 - (b) establish additional parking facilities on a reserve,
- for the parking of vehicles by persons attending an event.
- (3) A person must not park a vehicle in a parking facility set aside under subclause (2) during the period for which it is set aside unless—
- (a) authorisation is first gained from the local government; or
 - (b) the person complies with any alternate method of payment for parking authorised by the local government.

PART 4—PARKING AND STOPPING GENERALLY

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

- (1) A person must not stop a vehicle on a length of carriageway, or in a parking facility, to which a 'no stopping' sign applies.
- (2) A person must not stop a vehicle on a length of carriageway, or in a parking facility, to which a 'no parking' sign applies, unless the person—
- (a) is 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) A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

4.2 Stopping at intersections

- (1) A person must not stop any portion of a vehicle on a thoroughfare within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the person stops at a place on a length of thoroughfare, or in an area, to which a sign applies and the person is permitted to stop at the place under this local law.
- (2) A person must not stop any portion of a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops—
- (a) at a place on the thoroughfare, or in an area, to which a sign applies and the person is permitted to stop at that place under this local law; or
 - (b) if the intersection is a T- intersection—along the continuous side of the continuing carriageway at the intersection.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

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

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

- (b) a motor vehicle taking up or setting down passengers,
- but, in any event, a vehicle must not remain in a loading zone—
- (c) for longer than the time indicated on the "loading zone" sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A person must not stop a vehicle in a taxi zone, unless the vehicle is a taxi.
- (2) A person must not stop a vehicle in a bus zone unless the vehicle is 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 must not stop a vehicle in a mail zone unless authorised under a written law.

5.4 Other limitations in zones

A person must not stop a vehicle in a zone to which a 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 the sign that applies to the zone.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

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

- (a) stops at a place on a length of carriageway, or in an area, to which a 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.

6.2 Double parking

- (1) A person must 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 vehicle stopped in traffic; or
 - (b) a vehicle angle parking on the side of the carriageway or in a median strip parking facility, in accordance with this local law.

6.3 Stopping near an obstruction

A person must not stop a vehicle on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping in a bus lane, transit lane or truck lane

A person must not stop a vehicle in—

- (a) a bus lane;
- (b) a transit lane;
- (c) a truck lane; or
- (d) a bicycle lane,

unless the person is driving a public bus or taxi, and is dropping off, or picking up, passengers.

6.5 Stopping on a bridge, ramp or in a tunnel

- (1) A person must 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 sign does not prohibit stopping or parking; or
 - (b) the person stops the vehicle at a place on a length of carriageway, or in an area, to which a sign applies and the person is permitted to stop the vehicle at that place under this local law.
- (2) A person must 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 sign does not prohibit stopping or parking; or
 - (b) the vehicle stops at a bus stop, or in a bus zone or parking facility marked on the carriageway, for the purpose of setting down or taking up passengers.

6.6 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person must 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—
 - (a) 50 metres within a built-up area; or
 - (b) 150 metres outside a built-up area.

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

6.7 Stopping near a fire hydrant etc.

A person must 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 vehicle is a public bus, and the person stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (b) the vehicle is a taxi, and the person stops the vehicle in a taxi zone and does not leave the taxi unattended.

6.8 Stopping at or near a bus stop

(1) A person must 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 vehicle stops at a place on a length of carriageway, or in an area, to which a sign applies and the vehicle 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 person is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.9 Stopping on a path, median strip, traffic island, painted island or dividing strip

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

6.10 Stopping on a verge

(1) A person must not stop—

- (a) a vehicle (other than a bicycle);
- (b) a commercial vehicle with a Gross Vehicle Mass in excess of 2.5 tonnes;
- (c) a bus;
- (d) a boat, trailer or caravan unattached (or attached) to a motor vehicle; or
- (e) a vehicle during any period when 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 a person if they are the occupier of premises that abuts the verge or is a person authorised by the occupier of those premises to park 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 or materials collected from or delivered to the premises that abuts the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any other vehicle or person using a carriageway or path.

6.11 Stopping in a road side rest area

A person must not rest, stop or camp in a vehicle in a road side rest area for longer than the time permitted by, or otherwise contrary to, a sign referable to the road side rest area.

6.12 Stopping on a carriageway—heavy and long vehicles

(1) A person must not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a load capacity of 3 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 2 hours, unless actively 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.

(2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with motor cycle parking sign

A person must not stop a vehicle on a length of carriageway or in an area to which a 'motor cycle parking' sign applies or an area marked 'M/C', unless the vehicle is a motor cycle.

6.14 Stopping in a closed area

(1) A person must not stop a vehicle on a thoroughfare or part of a thoroughfare or a parking station or part of a parking station where a sign indicates that the thoroughfare, or part of a thoroughfare, or a parking station or part of a parking station has been closed permanently or temporarily for a period of time as indicated by signs placed on that thoroughfare or parking station.

(2) The parking of a vehicle contrary to subclause (1) may be impounded by an authorised person in accordance with Part 3 Division 3 Subdivision 4 of the Act.

PART 7—PERMITS**7.1 Determination of classes of parking permits**

The local government, by resolution, may determine—

- (a) classes of parking permits;
- (b) areas in which a parking permit of any particular class is required; and
- (c) the eligibility criteria for each class of parking permit.

7.2 Application for parking permit

An application for a parking permit must—

- (a) be made in the form, if any, required by the local government;
- (b) provide the information or documents that are required by the local government or an authorised person; and
- (c) accompanied by the appropriate fee, if any, imposed by the local government.

7.3 Issue of parking permit

(1) An authorised person—

- (a) may approve an application made under clause 7.2 for a parking permit of a class determined under clause 7.1, subject to any conditions specified by the authorised person; and
- (b) must, where an application is approved, issue the applicant with a parking permit.

7.4 Exemption for permit holders

(1) The holder of a parking permit is exempt from—

- (a) a prohibition against the stopping or parking of vehicles on any part of a thoroughfare for more than a specified period; and
- (b) the requirement to obtain a parking ticket when parking a vehicle on any part of a thoroughfare or parking station where the maximum period for which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the part of the thoroughfare or parking station) exceeds 30 minutes.

(2) The exemption under subclause (1) applies only—

- (a) to the part of a thoroughfare or parking station specified in the permit;
- (b) where the permit specifies a particular vehicle, to the vehicle specified in the permit;
- (c) if the permit is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates; and
- (d) if the permit is valid.

(3) The exemption under subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited on the thoroughfare or parking station, or the part of the thoroughfare or parking station, specified in the permit.

7.5 When permit ceases to be valid

A parking permit ceases to be valid on—

- (a) the expiration of any time or period specified on the permit;
- (b) the holder of the permit ceasing to be eligible; or
- (c) the revocation of the permit under clause 7.7.

7.6 Use of counterfeit or altered parking permit

A person must not—

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.

7.7 Revoking a permit

(1) If a permit holder—

- (a) breaches any of the conditions of a parking permit; or
- (b) ceases to satisfy the eligibility criteria for that class of parking permit,

an authorised person may revoke the parking permit by written notice to the permit holder.

(2) A revocation under subclause (1) does not take effect until written notice of the revocation is provided to the permit holder.

7.8 Removal of invalid permit from vehicle

The holder of a parking permit which has ceased to be valid under clause 7.5 must, immediately upon the permit ceasing to be valid, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed.

7.9 Parking facilities where permit required

(1) Where in relation to a parking facility, or part of a parking facility, the local government has determined—

- (a) under clause 2.1(1)(d), that only permitted classes of persons may stop or park a vehicle; or
- (b) under clause 2.1(1)(e), that only permitted classes of vehicles may stop or park,

an authorised person may issue a written permit to a person within the permitted class, or to a person in respect of a vehicle of the permitted class, authorising the person to park in the parking facility.

(2) An authorised person may, by notice in writing to the holder of a permit issued under subclause (1), vary or revoke the permit at any time.

(3) Where the local government has made a determination under clause 2.1(1)(d) or 2.1(1)(e) in accordance with subclause (1), a person must not stop or park a vehicle in the parking facility unless—

- (a) the person holds a permit issued under subclause (1) authorising the person to park in the parking facility;
- (b) the permit is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times;
- (c) the permit remains valid; and
- (d) the person's permitted class, or the vehicle's permitted class, as specified in the permit is also specified on the sign which relates to the parking facility or part of the parking facility in which the vehicle is parked.

PART 8—MISCELLANEOUS**8.1 Impersonating an authorised person**

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

8.2 Obstructing an authorised person

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

8.3 Removal of notices from a vehicle

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

8.4 Unauthorised signs and defacing signs

A person must 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.

8.5 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.

8.6 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on any part of a parking facility or 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.

8.7 Special purpose and emergency vehicles

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

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

8.8 Vehicles not to obstruct a public place

(1) A person must not park a vehicle or permit a vehicle to remain parked in a public place so that any part of that vehicle obstructs the use of any part of that public place without the written permission of the local government or unless authorised under any written law.

(2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked is deemed to cause an obstruction for the purposes of subclause (1) and may be impounded in accordance with Part 3 Division 3 Subdivision 4 of the Act where—

- (a) the vehicle is parked for any period exceeding 24 hours;

- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
- (c) the vehicle is abandoned, unregistered or disused.

PART 9—PENALTIES

9.1 Offences and penalties

(1) Any person who—

- (a) fails to do anything required or directed to be done under this local law; or
- (b) 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 is liable, upon conviction, to a penalty not less than \$250 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.

(4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

9.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 9.1(4)]

ITEM NO	CLAUSE NO	NATURE OF OFFENCE	MODIFIED PENALTY \$
1.	2.2(1)(a)	Failure to park parallel to and close to kerb on thoroughfare	120
2.	2.2(1)(b)	Failure to park wholly within parking bay on thoroughfare	120
3.	2.2(1)(c)	Parking against the flow of traffic within a parking bay on thoroughfare	120
4.	2.2(2)	Failure to park wholly within parking bay on thoroughfare that is otherwise than parallel to the kerb	120
5.	2.2(4)	Failure to park wholly within parking facility	120
6.	2.3(1)(a)	Causing obstruction in parking station	120
7.	2.3(1)(b)	Parking contrary to sign in parking station	120
8.	2.3(1)(c)	Parking contrary to directions of authorised person	120
9.	2.3(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	120
10.	2.3(1)(e)	Failure to park wholly within parking bay in parking station	120
11.	2.4	Park contrary to requirements where fees are payable and a ticket is required to be displayed	120
12.	2.6	Use counterfeit or altered parking ticket	450
13.	2.7	Parking contrary to a hooded ticket issuing machine	120
14.	3.1(1)(a)	Parking wrong class of vehicle	120

15.	3.1(1)(b)	Parking by person of a different class	120
16.	3.1(1)(c)	Parking during prohibited period	120
17.	3.1(3)(a)	Parking in no parking area	120
18.	3.1(3)(b)	Parking contrary to signs or limitations	120
19.	3.1(3)(c)	Parking vehicle in motor cycle only area	120
20.	3.1(4)	Parking without permission in an area designated for "Authorised Vehicles Only"	120
21.	3.2(1)(a)	Failure to park on the left of two-way carriageway	120
22.	3.2(1)(b)	Failure to park on boundary of one-way carriageway	120
23.	3.2(1)(a) or 3.2(1)(b)	Failure to park headed in the direction of the movement of traffic on the side of the carriageway on which the vehicle is parked	120
24.	3.2(1)(c)	Parking when distance from farther boundary of carriageway less than 3 metres	120
25.	3.2(1)(d)	Parking closer than 1 metre from another vehicle	120
26.	3.2(1)(e)	Causing obstruction on carriageway	180
27.	3.3(a)	Failure to park adjacent to boundary of carriageway	120
28.	3.3(b)	Failure to park at approximate right angle	120
29.	3.4(2)	Failure to park at an appropriate angle	120
30.	3.5(2)(a)	Parking on or adjacent to a median strip	120
31.	3.5(2)(b)	Obstructing access to private drive or right of way	180
32.	3.5(2)(c)	Parking alongside or opposite excavation or obstruction so as to obstruct traffic	120
33.	3.5(2)(d)	Parking in a location likely to obstruct lines of sight along a thoroughfare, is a safety concern or hazard or an obstruction to any person or vehicle	120
34.	3.5(2)(e)	Parking within 10 metres of traffic island	120
35.	3.5(2)(f)	Parking on path or pedestrian crossing	180
36.	3.5(2)(g)	Parking contrary to continuous line markings	120
37.	3.5(2)(h)	Parking within 1 metre of fire hydrant or fire plug	120
38.	3.5(2)(i)	Parking within 3 metres of public letter box	120
39.	3.5(2)(j)	Parking within 10 metres of intersection	120
40.	3.5(2)(k)	Parking vehicle within 20 metres of approach side or 10 metres of departure side of bus stop	180
41.	3.5(2)(l)	Parking vehicle within 20 metres of approach side or 10 meters of children's crossing or pedestrian crossing	120
42.	3.5(2)(m)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	120
43.	3.6	Parking contrary to direction of authorised person	180
44.	3.7(2)	Removing mark of authorised person	120
45.	3.8	Moving vehicle to avoid time limitation	120

46.	3.9(a)	Parking in thoroughfare or parking facility for purpose of sale or hire	120
47.	3.9(b)	Parking unlicensed vehicle in thoroughfare or parking facility	120
48.	3.9(c)	Parking a boat, trailer or caravan on a thoroughfare or parking facility	120
49.	3.9(d)	Parking in thoroughfare or parking facility for servicing or cleaning	120
50.	3.9(e)	Parking in thoroughfare or parking facility for purpose of repairs	120
51.	3.9(f)	Parking in thoroughfare or parking facility for purpose of operating a business without approval	450
52.	3.10(2)	Parking on private land without consent of the owner or occupier	180
53.	3.10(3)	Park on private land contrary to consent of the owner/occupier	180
54.	3.11	Driving, stopping or parking on reserve	180
55.	3.12(3)	Parking in a parking facility set aside for an event	120
56.	4.1(1)	Stopping contrary to a "no stopping" sign	180
57.	4.1(2)	Parking contrary to a "no parking" sign	180
58.	4.1(3)	Stopping within continuous yellow lines on carriageway	180
59.	4.2(1)	Parking on thoroughfare within 20 metres of a signalised intersection	180
60.	4.2(2)	Parking on thoroughfare within 10 metres of an intersection	180
61.	5.1	Stopping unlawfully in a loading zone	120
62.	5.2(1)	Stopping unlawfully in a taxi zone	120
63.	5.2(2)	Stopping unlawfully in a bus zone	120
64.	5.3	Stopping unlawfully in a mail zone	180
65.	5.4	Stopping in a zone contrary to a sign	120
66.	6.1	Stop contrary to shared zone requirements	120
67.	6.2	Double parking	180
68.	6.3	Stopping near an obstruction on carriageway	120
69.	6.4(a)	Stopping in a bus lane	180
70.	6.4(b)	Stopping in a transit lane	180
71.	6.4(c)	Stopping in a truck lane	180
72.	6.4(d)	Stopping in a bicycle lane	180
73.	6.5	Stopping unlawfully on a bridge, ramp or tunnel	180
74.	6.6(1)	Stopping unlawfully on crests/curves etc.	120
75.	6.7	Stopping near fire hydrant	120
76.	6.8(1)	Stopping near bus stop	120
77.	6.9	Stopping on path, median strip or traffic island	180

78.	6.10	Stopping on verge	120
79.	6.11	Stopping unlawfully in road side rest area	120
80.	6.12(1)	Stop heavy or long vehicle on carriageway	450
81.	6.13	Stopping in motor cycle parking area	120
82.	6.14(1)	Stopping in a closed area	120
83.	7.6	Use of a counterfeit or altered parking permit	450
84.	7.8	Failure to remove a parking permit from vehicle which has been revoked	120
85.	7.9(3)	Stopping or parking a vehicle in a parking facility without required permit displayed	120
86.	8.1	Impersonating an authorised person	120
87.	8.2	Obstructing an authorised person	120
88.	8.3	Removal of notices from a vehicle	120
89.	8.4	Unauthorised signs and defacing signs	120
90.	8.5	Failure to comply with sign	120
91.	8.8(1)	Parking or leaving vehicle so as to obstruct a public place	120
92.		All other offences not specified	120

Dated 4 May 2023.

The Common Seal of the City of Swan was affixed in the presence of—

Cr DAVID LUCAS, Mayor.
STEPHEN CAIN, Chief Executive Officer.
