

Western Australia

Hospitals and Health Services Act 1927

Fiona Stanley Hospital By-laws 2014

As at 11 Oct 2014

Version 00-a0-00

Extract from www.slp.wa.gov.au, see that website for further information

Fiona Stanley Hospital By-laws 2014

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Fiona Stanley Hospital By-laws 2014

Part 1 — Preliminary

1. Citation

These by-laws are the *Fiona Stanley Hospital By-laws 2014*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day after that day.

3. Terms used

- (1) In these by-laws, unless the contrary intention appears —
 - approved*** means approved by the chief executive officer;
 - authorised person*** means an officer or servant of the board authorised in writing by the chief executive officer for the purpose of these by-laws;
 - board*** means the board of the Hospital;
 - chief executive officer*** means the person in charge of the day-to-day management of the affairs of the Hospital;
 - driver***, in relation to a vehicle, includes a rider;
 - Hospital*** means the Fiona Stanley Hospital;
 - officer or servant of the board*** includes —
 - (a) a person engaged by the board under section 19(1) of the Act to perform functions on its behalf; and

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- (b) an employee of a person engaged by the board under section 19(1)(b) of the Act to perform functions on its behalf;

parking facility means land or a structure on the site that contains a parking space;

parking permit means a permit granted under by-law 21(2);

parking space means a section whether in a parking facility or not that is marked by means of painted lines or metallic studs or similar devices for the purpose of indicating where a vehicle may be parked, whether or not a parking permit or a ticket is required in relation to the parking of the vehicle;

prescribed fee, in relation to a matter, means the fee specified for that matter in Schedule 1;

registered owner, in relation to a vehicle, means the person who is the holder of the vehicle licence issued under the *Road Traffic Act 1974* in respect of the vehicle;

roadway means a part of the site set aside for use by vehicular traffic, notwithstanding that it may not be a road within the definition of the *Road Traffic Act 1974*, but excludes a parking facility;

sign means a marking, notice or sign that is marked, erected or displayed by or with the authority of the chief executive officer;

site means the land in Lot 511 on Deposited Plan 66734, being part of Reserve 42037;

speed restriction sign means a sign, in or adjacent to a roadway or a parking facility, that displays a number;

ticket means a ticket from a ticket vending machine showing —

- (a) the day of issue of the ticket; and
(b) the time of issue or expiry, or the time of issue and expiry, of the ticket;

ticket vending machine means a machine situated in a parking facility which issues a ticket;

vehicle has the meaning given in the *Road Traffic Act 1974* section 5.

- (2) A reference in these by-laws to **permission** is a reference to permission that is —
- (a) given by the chief executive officer or an authorised person; and
 - (b) in writing; and
 - (c) obtained and not revoked prior to the performing of the act that is the subject of the permission.
- (3) For the purposes of these by-laws, other than by-law 18(3) and (6), an officer or servant of the board is to be treated as having the permission referred to in sub-by-law (2).

Part 2 — Trespass and order

4. No entry without cause

A person must not enter or remain on the site without a reasonable excuse.

Penalty: a fine of \$50.

5. Directions as to use of certain areas

(1) In this by-law —

specified means specified in the sign containing the direction.

(2) An authorised person may, by means of a sign, direct that a specified part of the site is open to members of the public or a specified section of the public.

(3) A direction under this by-law may be made subject to specified conditions.

(4) The chief executive officer may cancel or vary a direction or condition under this by-law.

(5) A person must not contravene a direction under this by-law.

Penalty: a fine of \$50.

6. Liquor

A person must not bring any alcoholic beverage onto the site, unless the person has permission to do so.

Penalty: a fine of \$50.

7. Smoking

A person must not smoke on the site.

Penalty: a fine of \$50.

8. Disorderly persons may be expelled from site

A person who does either of the following on the site may be expelled from the site —

- (a) uses abusive language;
- (b) behaves in a manner that is indecent, disorderly or inappropriate.

Part 3 — Traffic control

Division 1 — Driving and use of vehicles

9. Driving of vehicles

- (1) A person must not drive or bring a vehicle onto a part of the site that is not a roadway or a parking facility, unless the person has permission to do so.

Penalty: a fine of \$50.

- (2) A person must not drive or bring a vehicle that has an unladen weight of more than 4 tonnes onto the site, unless the person has permission to do so.

Penalty: a fine of \$50.

- (3) A person must not drive, use or stand a vehicle in a part of the site contrary to a direction in a sign that relates to that part of the site.

Penalty: a fine of \$50.

- (4) This by-law does not apply to a vehicle that is an emergency vehicle.

10. Driver to obey reasonable direction

The driver of a vehicle is to obey an authorised person's reasonable direction in relation to the parking or movement of the vehicle on the site, despite that direction being different from a direction in a sign.

Penalty: a fine of \$50.

11. Speed limits

- (1) A person must not drive a vehicle on a roadway or parking facility —
- (a) if a speed restriction sign is displayed in relation to a part of a roadway or parking facility, at a speed

exceeding the speed indicated by the speed restriction sign; or

- (b) if no speed restriction sign is displayed, at a speed exceeding 10 km/h.

Penalty: a fine of \$50.

- (2) Sub-bylaw (1) does not apply to the driving of an emergency vehicle.

12. Giving way

The driver of a vehicle that is entering or about to enter a parking facility is to give way to a vehicle that is leaving the parking facility.

Penalty: a fine of \$50.

13. No instruction or repairs on site

A person must not —

- (a) drive a vehicle on the site for the purpose of giving or receiving driving instructions; or
- (b) repair or adjust a vehicle on the site, except in an emergency.

Penalty: a fine of \$50.

Division 2 — Parking

14. Parking to be in parking spaces only

A person must not park a vehicle on the site unless the vehicle is parked in a parking space.

Penalty: a fine of \$50.

15. Signs to be obeyed

A person must not park, stand or move a vehicle on the site contrary to a direction in a sign.

Penalty: a fine of \$50.

16. Parking in parking spaces

- (1) In this by-law —
specified means specified in a sign.
- (2) A sign may contain a direction that parking in a parking space, parking facility or part of a parking facility is set aside for —
- (a) a specified vehicle or specified class of vehicle; or
 - (b) the vehicle of a specified person or specified class of persons; or
 - (c) parking of vehicles for a specified period of time; or
 - (d) parking of vehicles for a maximum period of time as is specified.
- (3) A person must not park, stand or move a vehicle in a parking space or a parking facility contrary to a direction in a sign.
Penalty: a fine of \$50.

17. Types of parking areas

- (1) The chief executive officer may set aside a parking facility or part of a parking facility as —
- (a) a ticket parking area or a boom gate controlled ticket parking area for the purposes of by-law 18; or
 - (b) a paid staff parking area for the purposes of by-law 19; or
 - (c) a permit parking area for the purposes of by-law 20.
- (2) An area set aside under sub-by-law (1) must be identified as such by a sign or signs.

18. Parking in ticket parking area or boom gate controlled ticket parking area

- (1) In this by-law —
boom gate controlled ticket parking area means a boom gate controlled ticket parking area set aside under by-law 17(1)(a);

ticket parking area means a ticket parking area set aside under by-law 17(1)(a).

- (2) A person must not park a vehicle in a ticket parking area unless —
- (a) the person has purchased a ticket by paying the prescribed fee for the length of time for which the vehicle is to be parked; and
 - (b) if a sign in the parking area requires that the ticket be displayed in the vehicle — the ticket is displayed as required.
- Penalty: a fine of \$50.
- (3) A person does not commit an offence under sub-bylaw (2) if —
- (a) the person has permission to park in the ticket parking area; and
 - (b) if a sign in the parking area requires that a ticket be displayed in the vehicle — the permission is displayed as required as if it were a ticket.
- (4) A person must not drive a vehicle into or park a vehicle in a boom gate controlled ticket parking area unless the person has obtained a ticket from a ticket vending machine situated at the entrance to the parking area.
- Penalty: a fine of \$50.
- (5) A person must not remove a vehicle from a boom gate controlled ticket parking area without paying the prescribed fee for the length of time for which the vehicle has been parked.
- Penalty: a fine of \$50.
- (6) A person does not commit an offence under sub-bylaw (4) or (5) if the person —
- (a) has permission to park in the boom gate controlled ticket parking area; and
 - (b) produces the permission for inspection when requested to do so by an authorised person.

- (7) A person who has parked a vehicle in a ticket parking area or a boom gate controlled ticket parking area must not leave the site while the vehicle is parked there.

Penalty: a fine of \$50.

19. Parking in paid staff parking area

- (1) In this by-law —

eligible staff member means a person who is in a class of persons determined by the chief executive officer under sub-by-law (5);

paid staff parking area means an area set aside under by-law 17(1)(b).

- (2) A person must not park a vehicle in a paid staff parking area unless the person is an eligible staff member.

Penalty: a fine of \$50.

- (3) An eligible staff member who parks a vehicle in a paid staff parking area must pay the prescribed fee for the length of time for which the vehicle has been parked before removing the vehicle from the parking area.

Penalty: a fine of \$50.

- (4) A fee payable under this by-law is to be paid in an approved manner.

- (5) The chief executive officer may determine classes of persons who are eligible to park in paid staff parking areas.

20. Parking in permit parking area

- (1) In this by-law —

permit parking area means an area set aside under by-law 17(1)(c).

- (2) A person must not park a vehicle in a permit parking area unless —

- (a) the person holds a parking permit of the class (if any) for which the area is set aside; and
- (b) the person parks the vehicle in accordance with that permit; and
- (c) the permit is displayed in or on the vehicle in the manner specified in the permit.

Penalty: a fine of \$50.

21. Parking permits

- (1) The chief executive officer may determine classes of parking permits and the eligibility criteria for each class of parking permit.
- (2) An authorised person may grant parking permits of such classes and subject to any conditions the authorised person thinks fit.
- (3) Without limiting sub-by-law (2) a parking permit may be subject to conditions relating to all or any of the following —
 - (a) the vehicle, vehicles, or kind of vehicles, to which it relates;
 - (b) the areas in which the permit holder is permitted to park;
 - (c) the times during which, or period of time for which, the permit holder is permitted to park;
 - (d) the number of persons who must be in the vehicle at the time it arrives at, or departs from, the site.
- (4) A parking permit —
 - (a) takes effect on the day specified in it; and
 - (b) remains in effect for the period specified in it, unless it is cancelled before the end of that period.
- (5) If the holder of a parking permit of a particular class ceases to satisfy any of the eligibility criteria for that class of permit, the permit holder must notify an authorised person.

Penalty: a fine of \$50.

22. Application for parking permit

- (1) A person may apply to an authorised person for the grant of a parking permit.
- (2) An application must be made in writing in an approved form.
- (3) An applicant must provide the authorised person with any additional information or document that the authorised person asks for.
- (4) If an applicant does not comply with the requirements of this by-law the authorised person may decline to deal with the application and is to advise the applicant accordingly.
- (5) An applicant or other person must not give information in relation to an application that the person knows to be —
 - (a) false or misleading in a material particular; or
 - (b) likely to deceive in a material way.

Penalty: a fine of \$50.

23. Fees for parking permits

- (1) The prescribed fee is payable for a parking permit.
- (2) The chief executive officer may waive the prescribed fee for a parking permit in a case where the chief executive officer, or an authorised person, believes that there are proper grounds for doing so.
- (3) An authorised person must not grant a parking permit unless at the time it is granted —
 - (a) the applicant pays the fee in full for the whole of the period for which the permit is to be in force; or
 - (b) the authorised person is satisfied that arrangements are in place for the fee to be paid by the applicant in fortnightly payments made by way of payroll deduction; or

- (c) the authorised person is satisfied that the fee for the permit has been or will be paid by the applicant in any other approved manner; or
- (d) the fee for the permit has been waived.

24. Cancellation of parking permit

- (1) There are grounds for cancelling a parking permit if —
 - (a) in the case of a permit holder who pays the fee for the permit as described in by-law 23(3)(b) or (c) — the permit holder fails to make a payment when it is due; or
 - (b) the permit holder fails to comply with a condition on the permit; or
 - (c) the permit holder breaches any of the by-laws in this Part; or
 - (d) the permit was granted in error in consequence of information provided in breach of by-law 22(5); or
 - (e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or
 - (f) the chief executive officer has determined that it is not practicable, for reasons relating to the operation or development of the site, for permits of a class to which the permit belongs to remain in force; or
 - (g) the permit holder requests that the permit be cancelled.
- (2) If an authorised person considers that there are grounds for cancelling a parking permit under sub-by-law (1)(a) to (e), the authorised person may cancel the permit by giving the permit holder 14 days written notice.
- (3) If the chief executive officer has made a determination under sub-by-law (1)(f) in relation to a class of parking permit, an authorised person may cancel a parking permit in that class by giving the permit holder 60 days written notice.

- (4) If the permit holder requests an authorised person to do so, the authorised person may cancel the permit by giving the permit holder written notice.
- (5) The notice given under this by-law must set out the grounds on which the permit is cancelled.

25. Refund of parking permit fees

- (1) If a parking permit is cancelled on a ground referred to in by-law 24(1)(f) or (g), the chief executive officer must cause any permit fee paid for any week commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (2) If a parking permit is cancelled on the ground referred to in by-law 24(1)(e) the chief executive officer may cause any permit fee paid for any week commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (3) If an authorised person is satisfied that a permit holder will not park, or has not parked, on the site for a continuous period exceeding 4 weeks, the authorised person may waive the fees payable for the permit for that period.

Part 4 — Infringement notices

26. Terms used

In this Part —

alleged offender includes the registered owner of a vehicle to which an infringement notice is attached;

infringement notice means an infringement notice under by-law 27;

modified penalty means a penalty prescribed in Schedule 2 for an offence under Part 3 or 4.

27. Infringement notices

- (1) An authorised person who has reason to believe that a person has committed an offence under Part 3 or this Part may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (2) An infringement notice may be given to an alleged offender by delivering it to the alleged offender or by attaching it to the vehicle involved in the commission of the alleged offence.
- (3) An infringement notice is to be in the form of Form 1 in Schedule 3 and in every case, is to —
 - (a) contain a description of the alleged offence; and
 - (b) advise that if the alleged offender does not wish to have the alleged offence heard and determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised person, other than the authorised person who issued the infringement notice, within a period of 28 days after the giving of the notice.
- (4) In an infringement notice the amount specified as being the modified penalty for the offence referred to in the notice is to be the amount that was the modified penalty at the time the alleged offence is believed to have been committed.

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- (5) An authorised person other than the authorised person who issued an infringement notice in a particular case, may extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
- (6) If the modified penalty specified in an infringement notice has been paid within 28 days or such further time as is allowed and the notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (7) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

28. Withdrawal of infringement notice

- (1) An authorised person other than the authorised person who issued an infringement notice in a particular case, may, whether or not the modified penalty has been paid, withdraw an infringement notice by delivering to the alleged offender a notice in the form of Form 2 in Schedule 3 stating that the infringement notice has been withdrawn.
- (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.

29. Authorised persons to have certificate

- (1) The chief executive officer is to issue to each person who may issue an infringement notice a certificate stating that the person is so authorised.
- (2) The person to whom an authorised person has given, or is about to give, an infringement notice may require the authorised person to produce the certificate referred to in sub-by-law (1).

- (3) The authorised person must comply with a request under sub-by-law(2).

30. Authorised persons only to endorse or alter infringement notices

A person must not endorse or alter an infringement notice unless the person is an authorised person.

Penalty: a fine of \$50.

31. Restriction on removal of infringement notices

A person must not remove an infringement notice that is attached to a vehicle unless the person is —

- (a) the driver, registered owner or person in charge of the vehicle; or
- (b) an authorised person.

Penalty: a fine of \$50.

Part 5 — General

32. Removal of vehicles

- (1) The chief executive officer or an authorised person may order that a vehicle be removed to a storage place on or off the site if it —
 - (a) is parked in contravention of these by-laws; or
 - (b) has been left on the site for more than 3 days.
- (2) The chief executive officer or an authorised person may order that a vehicle be removed immediately to a storage place on or off the site if it —
 - (a) is parked in contravention of these by-laws; and
 - (b) is obstructing other vehicles or activities of the Hospital.
- (3) An authorised person may take such action as is reasonably necessary for the purposes of removing a vehicle under this by-law, by way of unlocking, driving, towing or otherwise causing the removal of the vehicle.
- (4) The board may retain possession of a vehicle removed and stored under this by-law until the owner of the vehicle has paid the prescribed fee.

33. Registered owner may be treated as being driver or person in charge of vehicle at time of offence

- (1) If an offence under these by-laws is alleged to have been committed by the driver or person in charge of a vehicle, the chief executive officer or an authorised person may, by written notice delivered to the registered owner of the vehicle, request the name and address of the driver or person in charge of the vehicle at the time the offence is alleged to have been committed.
- (2) If the registered owner of the vehicle does not supply the requested details to the chief executive officer or the authorised person (as the case may be) within 14 days of the date of receipt

of the notice, the registered owner is to be treated as being the driver or the person in charge of the vehicle at the time the offence is alleged to have been committed.

34. Other offences

A person must not —

- (a) intentionally obstruct an officer or servant of the board in the discharge of his or her duty under these by-laws;
or
- (b) remove, damage, deface or misuse a sign.

Penalty: a fine of \$50.

Schedule 1 — Fees

[bl. 18, 19, 23 and 32]

By-law		Fee
18(2) or (5)	Ticket parking	\$2.00 per hour up to a maximum of \$10.00 per day
19(3)	Paid staff parking	\$3.60 per day
23(1)	Parking permit	No fee
32(4)	Removal and storage of vehicle — (a) basic fee plus (b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$140.00 \$10.00

Schedule 2 — Infringement notices and modified penalties

[bl. 27]

By-law	Description of offence	Modified penalty (\$)
9(1)	Driving or bringing vehicle on part of site other than on roadway or parking facility, without permission	40
9(2)	Driving or bringing onto the site, a vehicle with an unladen weight of more than 4 tonnes, without permission	20
9(3)	Driving, using or standing on part of site, a vehicle contrary to a sign	40
10	Disobeying an authorised person's reasonable direction	20
11(1)(a)	Driving in excess of speed limit indicated by speed restriction sign	40
11(1)(b)	Driving in excess of 10 km/h	40
12	Failing to give way when entering parking facility ...	20
13(a)	Driving on site for giving or receiving driving instruction	20
13(b)	Repairing or adjusting vehicle on site	10
14	Parking vehicle on site not in parking space	40
15	Failing to obey stop sign on site	45
15	Parking, standing or moving vehicle on site contrary to sign other than stop sign	40
16(3)	Parking, standing or moving vehicle in parking space or parking facility contrary to sign	40
18(2)(a)	Parking in ticket parking area without purchasing ticket for required period	30
18(2)(b)	Parking in ticket parking area without displaying ticket	30

By-law	Description of offence	Modified penalty (\$)
18(4)	Parking in boom gate controlled ticket parking area without ticket	30
18(5)	Removing vehicle from boom gate controlled ticket parking area without paying prescribed fee	30
18(7)	Parking vehicle in ticket parking area or boom gate controlled ticket parking area and leaving site while vehicle is parked there	30
19(2)	Parking in paid staff parking area when not an eligible staff member	45
19(3)	Failing to pay before leaving paid staff parking area	20
20(2)	Unlawfully parking in permit parking area	45
30	Unauthorised person endorsing or altering infringement notice	20
31	Removing infringement notice when not authorised to do so	20

Schedule 3 — Forms

[bl. 27 and 28]

Form 1: Infringement notice (by-law 27)

Government of Western Australia
Department of Health
Metropolitan Access and Parking Department
Fiona Stanley Hospital By-laws 2014

Infringement no.	Date	Time
Officer ID		
Location		
Car Park		

Offence

Date	Time	
By-law clause		
Description of infringement as per by-laws		
Modified Penalty	If paid before	Full Penalty

Vehicle

Reg. no.	State
----------	-------

Billpay Code

Ref.

You have 28 days from when this notice was given to you to pay the modified penalty, declare you were not the driver, dispute the allegation or elect to go to court. If you do not, enforcement proceedings will be taken against you.

See over for full payment options.

Metropolitan Access and Parking

You must on or before the due date —

Pay the Infringement

Pay in person at any post office, phone 13 18 16 or go to www.postbillpay.com.au.

By credit card by phoning 1800 753 191.

By cheque or money order made payable to “Metropolitan Access and Parking” and posted to —

Metropolitan Access and Parking
PO Box 1135
Osborne Park WA 6916

OR

If you were not driving or the owner of the vehicle at the time of the alleged offence — submit a declaration giving the full name and address of the driver or owner. Documentary proof of sale is required if the vehicle was sold prior to the alleged offence.

A declaration form is downloadable at —

www.health.wa.gov.au/parking/infringement

OR

Dispute the allegation that you committed the offence — you may first dispute the alleged offence informally in writing at the address below.

OR

Elect go to court — fill in below and post to the address below.

If no election is made for an offence —

One reminder notice will be sent (a reminder fee applies).

After that you may (without a court hearing) be convicted of the offence and the unpaid fee amount will be your fine. Court costs will be added.

I,

of

..... Post code

Elect to attend court in relation to the alleged offence.

Dated Signed

If enforcement proceedings are taken against you, your driver's licence and/or vehicle licence may be suspended until you pay the modified penalty and expenses or you elect to go to court.

Further information is available at —

www.health.wa.gov.au/parking/infringement
or by phoning 1800 753 181 Monday - Friday 8.30 a.m. - 4.00 p.m.
or email: parking@health.wa.gov.au
or by post:
Metropolitan Access and Parking
PO Box 1135 Osborne Park WA 6916

Form 2: Withdrawal of Infringement notice (by-law 28)

Government of Western Australia

Department of Health

Metropolitan Access and Parking Department

Fiona Stanley Hospital By-laws 2014

Date

Infringement notice

Dear

Infringement notice no. served on you on

for the alleged offence of

.....

.....

is hereby withdrawn and no further action will be taken against you.

If you paid the modified penalty before the infringement notice was withdrawn, please contact 1800 753 191 or post receipt to —

Metropolitan Access and Parking
PO Box 1135
Osborne Park WA 6916

Your payment will be refunded.

Yours sincerely

Signed for and on behalf of
the Parking Infringement Committee
Metropolitan Access and Parking Department

.....
The Minister in his capacity as the
board of the Fiona Stanley Hospital

Notes

- ¹ This is a compilation of the *Fiona Stanley Hospital By-laws 2014*. The following table contains information about those by-laws.

Compilation table

Citation	Gazettal	Commencement
<i>Fiona Stanley Hospital By-laws 2014</i>	10 Oct 2014 p. 3701-30	bl. 1 and 2: 10 Oct 2014 (see bl. 2(a)); By-laws other than bl. 1 and 2: 11 Oct 2014 (see bl. 2(b))

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
alleged offender	26
approved.....	3(1)
authorised person	3(1)
board	3(1)
boom gate controlled ticket parking area	18(1)
chief executive officer.....	3(1)
driver.....	3(1)
eligible staff member	19(1)
Hospital	3(1)
infringement notice	26
modified penalty	26
officer or servant of the board.....	3(1)
paid staff parking area.....	19(1)
parking facility	3(1)
parking permit.....	3(1)
parking space	3(1)
permission.....	3(2)
permit parking area	20(1)
prescribed fee.....	3(1)
registered owner.....	3(1)
roadway.....	3(1)
sign.....	3(1)
site.....	3(1)
specified	5(1), 16(1)
speed restriction sign.....	3(1)
ticket	3(1)
ticket parking area.....	18(1)
ticket vending machine	3(1)
vehicle.....	3(1)