

Town of Claremont

Local Government Act 1995

Parking and Parking Facilities Local Law 2009

LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

PARKING AND PARKING FACILITIES LOCAL LAW 2009

Under the powers conferred by the *Local Government Act 1995* and by any other laws and powers enabling it, the Council of the Town of Claremont resolved on *(date)* to make the following local law.

PART 1 – DEFINITION AND OPERATION

1.1 Operation

This local law will come into operation on *(date)*.

1.2 Citation

This local law may be cited as the Town of Claremont Parking and Parking Facilities Local Law 2009.

1.3 Repeal

The Town of Claremont Parking and Parking Facilities Local Law published in the *Government Gazette* on 12 December 2003 as amended, is hereby repealed.

1.4 Interpretation

In this local law unless the context otherwise requires:

“**ACROD sticker**” has the meaning given to it by the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

“**authorised person**” means a person authorised by the local government under section 9.10(1) 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 Council, the CEO or an authorised person, or by any written law, to stop or park in a parking facility;

“bicycle” has the meaning given to it by the Code;

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

“bus” has the meaning given to it by the Code;

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

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

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

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

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

“centre” has the meaning given to it by the Code;

“CEO” means the Chief Executive Officer of the local government;

“children’s crossing” has the meaning given to it by the Code;

“clearway sign” has the meaning given to it by the Code;

“Code” means the *Road Traffic Code 2000*;

“**coin**” means any coin which is legal tender under the *Currency Act 1965* (Cth);

“**clause**” means a clause of this local law;

“**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;;

“**council**” means the Council of the Town;

“**detection device**” means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking station or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;

“**district**” means the district of the Local Government;

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

“**driveway**” means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of ingress and egress to and from the property, not being the footpath and evidenced, for example, by paving or concrete and also includes the term cross-over;

“**edge line**”, for a carriageway, means a line marked along the carriageway at or near the far left or far right side of the carriageway;

“**emergency vehicle**” has the meaning given to it by the Code;

“**fire hydrant**” 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;

“Keep Clear Marking” has the meaning given to it by the Code;

“kerb” means any structure, mark, marking or device used to delineate or indicate the edge of a carriageway;

“loading zone” means a length of thoroughfare to which a loading zone sign applies;

“loading zone sign” has the meaning given to it by the Code;

“local government” means the Town of Claremont;

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

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

“metered space” means a section or part of a metered zone that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

“money” means any legal tender under the Currency Act 1965 (Cth);

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

“motor vehicle” has the meaning given to it by the Code;

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

“notice” means a notice in the form of Forms 1, 2, 3 or 4 of the Third Schedule of this Local Law;

“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;

“obstruct” means to interfere with, impede or hinder the passage of any vehicle or person;

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

“owner” -

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

“park” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of:

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) immediately taking up or setting down persons or goods (for a maximum of two minutes),

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

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

“parking facilities” includes any land, building, shelter, road, parking area, metered zone, ticket machine zone, parking bay, parking station, attended parking station, parking stall or other facility open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any signs, notices and facilities used in connection with the parking of vehicles;

“parking meter” includes the stand on which the meter is erected and a ticket issuing machine;

“parking region” means the area described in the First Schedule;

“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, but does not include a metered space;

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

“parking ticket” means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle in a parking stall or a parking station or part of a parking station;

“path” has the meaning given to it by the Code;

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

“permit” means a permit issued under this local law;

“properly displayed” means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains stopped or parked.;

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

“public bus” has the meaning given to it by the Code;

“public place” means any place to which the public has access whether or not that place is on private property and whether or not a fee is payable for such access;

“reserve” includes any land -

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

“road” means a highway, road, street, lane, thoroughfare, way or similar place which the public are allowed to use and includes all of the land lying between the property lines including any nature strip or path appurtenant thereto and which is within the parking region;

“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 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 or stopping of vehicles;

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

“stop” in relation to a vehicle, means to permit a vehicle to remain stationary, except for the purpose of –

- (a) avoiding conflict with other traffic or;
- (b) complying with the provisions of any law,

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

“taxi” means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

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

“thoroughfare” has the meaning given to it by the Act;

“ticket issuing machine” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

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

“traffic-control signals” has the meaning given to it by the Code;

“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;

“truck” has the meaning given to it by the Code;

“unattended” means the driver has left the vehicle so that the driver is more than three metres from the closest point of the vehicle.

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

“vehicle” has the meaning given to it by the Code;

1.5 Application of particular definitions

- (1). For the purposes of the application of the definitions of ‘no parking area’, ‘no stopping area’ and ‘parking area’, an arrow inscribed on a sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the sign was turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting that word or expression.
- (3) A reference to a parking station or metered zone includes a reference to part of the parking station or metered zone.

1.6 Undefined terms

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

1.7 Application of local law

- (1) This local law applies throughout the district but not to a parking facility or 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.
- (2) The agreement referred to in subclause 1 may be made on such terms and conditions as the parties may agree.

1.9 Application of signs

- (1) A sign shall apply to any area:-
 - (a) referred to in the inscription on the sign;
 - (b) between the sign and the next sign beyond it in the direction of any arrow inscribed on the sign;
 - (c) between the sign and the termination of the thoroughfare to which the sign applies which lies in the general direction indicated by an arrow inscribed on the sign; or
 - (d) between the sign and any no stopping area which lie in the general direction indicated by an arrow inscribed on the sign, as the case may be.
- (2) Where a sign is erected or displayed on or near a road, the sign shall apply to the side of the road nearest to the sign.
- (3) An inscription or symbol on a sign shall otherwise operate and have effect according to its tenor.

1.10 Existing Signs

A sign that -

- (a) Was erected or authorised by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) Relates to the stopping or parking of vehicles within the parking region; is taken to have been erected by the local government under the authority of this local law.

1.11 Classes of vehicles

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

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

1.14 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 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 OR STOPPING GENERALLY
*DIVISION A - PROHIBITION, REGULATION & RESTRICTION OF
PARKING*

2.1 Parking or stopping contrary to signs

A person shall not park or stop a vehicle contrary to a sign.

2.2 Parking in no parking area

A person shall not park a vehicle in a no parking area.

2.3 Parking or stopping in a no stopping area

A person shall not park or stop a vehicle in a no stopping area.

2.4 Parking or stopping of authorised vehicle area

A person shall not park or stop a vehicle in an area designated by a sign for the parking of authorised vehicles without the permission of an authorised person.

2.5 Disabled persons parking

(1) In this clause -

“disabled parking bay” means a part of a parking facility which is identified or marked out by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a disabled person.

(2) A person must not stop or park a vehicle in a disabled parking bay unless –

- (a) the vehicle displays an ACROD sticker; and
- (b) either the driver or a passenger in that vehicle is a person to whom the ACROD sticker applies.

2.6 Parking or stopping in motor cycle stalls

- (1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall –
 - (a) marked with the symbol “M/C”; or
 - (b) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

- (2) A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol “M/C” or in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall –
 - (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall or metered space;
 - (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
 - (c) otherwise than wholly within the stall.

2.7 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.

2.8 No movement of vehicles to avoid time limitation

Where the parking of vehicles in a parking facility or on a road is permitted for a limited time, a person shall not move a vehicle within the parking facility or on the road so that the total time of parking exceeds the maximum time allowed for parking, unless the vehicle has first been removed from the parking facility or road for at least one hour.

2.9 Vehicles to be within parking stall

- (1) Subject to sub-clause (2), unless otherwise directed by an authorised person, a person shall not park a vehicle in a parking facility or on a road otherwise than wholly within a parking stall.
- (2) Sub-clause (1) does not apply if:
 - (a) a vehicle is too large to fit entirely within a single stall, in which case it shall occupy the minimum number of stalls necessary to park the vehicle;
or
 - (b) no parking stalls are marked on the parking facility or road.

2.10 Occupied parking stalls

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

2.11 Repairs to vehicles

A person shall not park or stop a vehicle in a parking facility or on a road for the purpose of repairing the vehicle, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the parking facility or road.

2.12 Vehicles exposed for sale

A person shall not park or stop a vehicle in a parking facility or on a road for the purpose of exposing the vehicle for sale.

2.13 Parking or stopping of unlicensed vehicles

A person shall not park or stop a vehicle in a parking facility or on a road if that vehicle is not licensed under the *Road Traffic Act*.

2.14 Parking or stopping of unattached trailers or caravans

A person shall not park or stop a trailer or caravan in a parking facility or on a road if that trailer or caravan is unattached to a motor vehicle.

2.15 Urgent, essential or official duties

- (1) Where by a sign the stopping or parking of vehicles is prohibited or permitted for a limited time in a parking facility or on a road, the local government may authorise a person to stop or park a vehicle in a parking facility although not otherwise permitted or for longer than the permitted time so that the person may carry out urgent, essential or official duties.
- (2) Where authorisation is given under sub-clause (1) the local government may prohibit by signs, for the duration of that authorisation, the use by any other vehicle of that portion of the parking facility or road to which the authorisation relates.
- (3) An authorisation given under sub-clause (1) may –
 - (a) permit the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by the local government before the expiration of any time or period specified in the authorisation without giving rise to any liability on the part of the local government for loss or damages arising from the revocation or suspension of the authorisation. .
- (4) A person must not stop or park a vehicle in respect of which an authorisation has been given under sub-clause (2), other than in accordance with the terms of that authorisation.

2.16 Obstruction of a parking facility

A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility.

2.17 Vehicles not to obstruct a public place

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

2.18 Stopping near an obstruction

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

2.19 Obstruction of driveways

- (1) A person must not stop or park a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless –
 - (a) the driver is immediately dropping off, or picking up, passengers; or
 - (b) the vehicle is stopped or parked with the consent of the owner or occupier of the adjacent land.

2.20 Permissive Parking signs

- (1) A driver shall not park continuously on a length of carriageway, or in an area, to which a permissive parking sign applies, for longer than –
 - (a) the period indicated by information on or with the sign; or
 - (b) if clause 2.21 applies for the driver, for twice the period as allowed under that clause.

2.21 Time Extension for People with Disabilities

- (1) This clause applies to a driver if;
 - (a) the driver's vehicle displays a current, valid ACROD sticker; and
 - (b) either the driver or a passenger in that vehicle is a person to whom the ACROD sticker applies;
- (2) The driver may park continuously on a length of carriageway, or in an area, to which a sign applies (except in a parking stall or area for people with

disabilities) for twice the period indicated on the sign, during any period in which parking is permitted.

PART 3 - PARKING OR STOPPING IN PARKING STATIONS

3.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs –
 - (a) parking stalls;
 - (b) parking facilities;
 - (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;
 - (f) the manner of parking in parking stalls and parking stations;
 - (g) metered spaces and metered zones; and
 - (h) ticket issuing zones.
- (2) Where a parking facility or a parking station is identified in the First Schedule, then the facility or station shall be deemed to be a parking station to which this Local Law applies.

3.2 Stopping or parking in a parking station

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

- (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

3.3 Removal of vehicles from parking station

- (1) If a parking station makes provision for payment on departure of a vehicle:-
 - (a) a person shall not remove a vehicle from the parking station unless the appropriate fee has been paid for the period for which the vehicle was parked; and
 - (b) where the ticket issued when the vehicle entered the parking station is not produced on departure the fee for parking shall be calculated from the time the parking station opened on that day to the time of departure; and
 - (c) if a parking station has been opened outside its hours of operation in order that a vehicle be removed then in addition to the fee under subparagraph (a) the vehicle shall not be removed until any fee applicable for the opening of the parking station has been paid.

3.4 Maximum parking period in parking stations

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

3.5 Parking station may be locked

Outside of the hours of operation of a parking station the local government may lock the parking station or otherwise prevent the movement of vehicles within, to or from it.

3.6 Behaviour in parking stations

- (1) A person shall not loiter in a parking station.
- (2) A person shall not remain in a parking station after having been directed to leave the parking station by an authorised person.

3.7 Damage to parking stations

A person shall not remove, damage, deface or misuse any part of a parking station or attempt to do any of those acts.

PART 4 – TICKET MACHINE ZONES & METERED ZONES

4.1 Damage to Ticket Issuing Machines, Parking Meters or Detection Devices

A person shall not or attempt to remove, damage, deface, misuse or interfere with any ticket issuing machine, parking meter or detection device.

4.2 Signs on Ticket Issuing Machines

A person shall not, without the permission of the local government, affix any board, sign, placard, notice, cover or other thing to or paint, mark or write upon any ticket issuing machine.

4.3 Operating Ticket Issuing Machines

A person shall not::

- (a) operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine; or
- (b) insert or attempt to insert into a coin slot of a ticket issuing machine any thing other than a coin appropriate to that slot.

4.4 Fees in ticket machine zones

- (1) Fees for the stopping and parking of vehicles in a ticket machine zone may be determined and imposed by the local government in accordance with section 6.16 of the Act.
- (2) A person must not stop or park a vehicle in a ticket machine zone unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone is inserted into the ticket issuing machine and the ticket obtained is then displayed in accordance with clause 4.5.
- (3) The payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in a ticket machine zone for the period shown on the parking ticket, but does not authorise the stopping or parking of the vehicle in a parking stall, or part of the zone, during any time when stopping or parking in that zone is prohibited –
 - (a) under this local law;
 - (b) by a sign on the ticket issuing machine referable to the zone; or
 - (c) by a sign referable to that stall.

4.5 Display of tickets

- (1) A person shall not stop or park a vehicle in any part of a ticket machine zone during any permitted period unless an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone 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 while that vehicle remains stopped or parked in that zone;
- (2) Where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of the aggregate of those periods providing that the aggregate does not exceed the maximum period of time a vehicle is permitted to park in that zone.

- (3) A reference in this clause to:
- (i) **“permitted period”** means the period stated on the ticket issuing machines in the parking station during which the parking of vehicles is permitted upon the purchase of a parking ticket;
 - (ii) **“unexpired parking ticket”** means a parking ticket on which:
 - (a) a date and expiry time is printed and that time has not expired; or
 - (b) a date and time of issue is printed and the period for which that ticket remains valid as stated on the ticket issuing machine from which the ticket was purchased or on the ticket has not expired.

4.6 Use of parking tickets

- (1) A person shall not –
- (a) deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket or any information, printing or imprint thereon;
 - (b) display in any vehicle so as to be visible from outside the vehicle a parking ticket which has been defaced, altered, added to, erased, obliterated or otherwise interfered with; or
 - (c) produce to an authorised person or the local government as payment for parking, a parking ticket which has been defaced, altered, added to, erased, obliterated or otherwise interfered with.

4.7 Parking limits

- (1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period for longer than the maximum period.
- (2) A reference in this clause to –
- (a) **“maximum period”** means the maximum period for which a vehicle may be parked as stated on a ticket issuing machine or sign in the ticket machine zone;
 - (b) **“permitted period”** has the meaning given to it in clause 3.8(3).

4.8 Parking position in ticket machine zones

A person shall not stop or park a vehicle in a ticket machine zone:

- (a) on any part of which there are parking stalls set out parallel to a kerb otherwise than –
 - (i) parallel to that kerb;
 - (ii) as close to the kerb as practicable;
 - (iii) wholly within a parking stall;
 - (iv) headed in the direction of the movement of traffic on the part of the carriageway on which the parking stall is situated;
- (b) on any part of which there are parking stalls not set out parallel to a kerb otherwise than wholly within a parking stall.

4.9 Expired meter, parking limit and hooded meter

Unless authorised by the Town of Claremont a person must not stop or park a vehicle in a metered space -

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights, other than temporarily so as to permit the driver of the vehicle to insert payment into the applicable parking meter;
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted; or
- (c) if the parking meter is hooded with a covering bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the metered space.

PART 5 - PARKING OR STOPPING ON ROADS

5.1 Manner of parking or stopping

- (1) A person shall not park or stop a vehicle on a road unless: -
 - (a) the vehicle is parallel with and as close as practicable to the boundary of the carriageway;
 - (b) the vehicle is headed in the direction of the movement of traffic on the side of the road on which the vehicle is parked or stopped;
 - (c) at least 3 metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between the vehicle and another vehicle stopping on the far side of the carriageway is available for the passage of other vehicles; and
 - (d) the vehicle is not less than 1.2 metres from any other vehicle, except a motorcycle or a bicycle parked in accordance with this local law.
- (2) Where a parking stall is set out other than parallel to the boundary of a road the provisions of paragraphs (1)(a) and (1)(b) above do not apply.

5.2 Double parking

- (1) A person shall not park or stop a vehicle on a road so that any portion of the vehicle is between another parked or 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 clause 5.3.

5.3 Angle parking

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

5.4 Parking positions

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

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

5.5 Parking or stopping on paths, median strips and traffic islands

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

5.6 Parking or stopping on or near pedestrian or children’s crossings

- (1) Subject to sub-clause (2), a person shall not park or stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side of a pedestrian crossing or children’s crossing.
- (2) Sub-clause (1) does not apply if -
 - (a) the vehicle is stopped or parked in a marked bay;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control;
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident; or
 - (d) the pedestrian crossing is located at an intersection.

5.7 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 sign applies and the driver is permitted to stop at that place by the sign.

5.8 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless –
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless –
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping or parking;
or
 - (b) the driver of the vehicle stops at a bus stop, in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

5.9 Parking or stopping near railway crossings

A person shall not park or stop a vehicle so that any portion of the vehicle is within 20 metres of the nearest rail of a railway level crossing.

5.10 Parking or stopping near intersections

- (1) A person shall not stop a vehicle so that any portion of the vehicle is in an intersection, unless permitted to do so by this clause.
- (2) A person shall not stop a vehicle on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops-
 - (a) at a place on a carriageway, or any area, to which a sign applies and the person is permitted to stop at that place; or
 - (b) if the intersection is a T- intersection – along the continuous side of the continuing road at the intersection.
- (3) A person shall not stop a vehicle on a carriageway 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 the carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

5.11 Parking or stopping near fire hydrants

A person shall not park or stop a vehicle, otherwise than in a parking stall, 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 or location 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.

5.12 Parking or stopping near letter boxes

A person shall not park or stop a vehicle so that any portion of the vehicle is within 3 metres of public letter box unless the vehicle is being used for the purpose of collecting postal articles from the letter box.

5.13 Stopping in a shared zone

A driver shall not stop in a shared zone unless –

- (a) the driver stops on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop by the sign;
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law; or
- (c) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

5.14 No stopping on a carriageway with yellow edge lines

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

5.15 Parking or Stopping in a Clearway

A driver shall not stop or park on a length of carriageway to which a clearway sign applies.

5.16 Stopping on a carriageway - heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 t -
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of commercial vehicles.

- (2) Nothing in this sub clause modifies the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles.

PART 6 - PARKING OR STOPPING IN OTHER AREAS

6.1 Parking or stopping in a loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless-
- (a) the vehicle is a commercial vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle or ; and
 - (b) the vehicle is an authorised vehicle .
- (2) A person must not stop or park a vehicle in a loading zone for more than the permitted time indicated on the loading zone sign or if no time is indicated on the loading zone sign for longer than 15 minutes.

6.2 Parking or stopping at or near a bus stop

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 areas, to which a sign applies and the driver is permitted to stop at that place under this local law.

6.3 Parking or stopping in bus zones

A person shall not park or stop a vehicle so that any portion of the vehicle is within a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop in the bus zone by information on or with the bus zone sign applying to the bus zone.

6.4 Parking or stopping in a taxi zone

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

6.5 Parking or stopping in a mail zone

A person shall not park or stop a vehicle, other than a postal vehicle, in a mail zone.

6.6 Other limitations in zones

A person shall 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 a sign that applies to the zone.

6.7 Parking or stopping 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 his or her duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the local government or an authorised person.

6.8 Parking or stopping on nature strips

- (1) A person shall not –
 - (a) stop a vehicle (other than a bicycle); or
 - (b) stop a commercial vehicle, bus, trailer or caravan unattached to a motor vehicle; so that any portion of it is on a nature strip, unless in accordance with a sign referable to that nature strip.
- (2) Subclause 1(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to the nature strip, or is a person authorised by the occupier of those premises to stop the vehicle on the nature strip.

- (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 nature strip 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.

6.9 Parking or stopping in rights-of-way

A person shall not park or stop a vehicle in a right-of-way so as to obstruct the right-of-way.

6.10 Parking or stopping on private property

- (1) In this clause, a reference to “land” does not include land –
- (a) which is a reserve;
 - (b) which is the subject of an agreement referred to in clause 1.7(1); or
 - (c) which is identified in the First Schedule.
- (2) A person shall not park or stop a vehicle on land that is not a road or a parking station without the consent of the owner or occupier of the land.
- (3) A person shall be deemed not to have the consent of the owner or occupier of the land under sub-clause (2) if the vehicle is parked or stopping contrary to a sign erected on the land prohibiting, regulating or restricting the parking or stopping of vehicles.

PART 7 – MISCELLANEOUS

7.1 Unauthorised signs and defacing of signs

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

- (a) display, 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.

7.2 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed 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.

7.3 Impounding of vehicles

- (1) An authorised person may remove and impound any vehicle stopped or parked in a public place so as to contravene a provision of this local law, in accordance with Part 3, Division 3, Subdivision 4 of the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.
- (2) A person so authorised may use reasonable force to exercise the power given by sub-clause (2).

7.4 Register of impounded vehicles

The local government shall keep and maintain a register of impounded vehicles containing details of the date on which each vehicle was removed and impounded, a description of the vehicle, and a description of the place from which it was removed.

7.5 Return of impounded vehicles

Where the local government impounds a vehicle pursuant to clause 7.3, the owner of the vehicle may collect the vehicle on payment to the local government of its expenses of removing and impounding the vehicle.

7.6 Form 5 - Notice to collect impounded vehicle

A notice under section 3.42(b) or section 3.44 of the *Local Government Act 1995* to the owner of a vehicle which is removed and impounded to collect the vehicle shall be in or to the effect of Form 5 of the Second Schedule.

7.7 Parking for special events

- (1) The local government may indicate by signs that all or any part of a parking facility is set aside during the period indicated on the signs for the parking of vehicles by persons attending a special event.
- (2) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless a ticket obtained from the local government relating to the special event is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.
- (3) A fee payable for special event parking may be determined and imposed by the local government.
- (4) For the purpose of this clause a ***“special event”*** means any event or occurrence considered by the local government to be special and likely to attract a substantial number of persons driving vehicles.

7.8 Setting aside parking for persons authorised by the local government

- (1) The local government may by resolution elect to indicate by signs that all or part of a parking facility is set aside during the period indicated on the signs for the parking of vehicles by persons authorised by the local government.
- (2) The local government shall issue a written permit to any person authorised to park in an area set aside pursuant to subclause (1). The permit issued by the local government shall remain valid for the time specified in the permit.
- (3) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless the permit issued under sub-clause (2) is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.
- (4) The local government may revoke a permit issued under sub-clause (2) at any time.

7.9 Authorised person - certificate of appointment

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

7.10 Authorised persons

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

7.11 Powers of authorised persons

- (1) Authorised persons appointed by the local government from time to time are authorised to:
 - (a) carry into effect the provisions of this local law;
 - (b) report to the local government on the working effectiveness and functioning of this local law; and
 - (c) institute and conduct prosecutions for offences against this local law.

7.12 Impersonating an authorised person

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

7.13 Obstructing of an authorised person

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

7.14 Chalking of tyres

- (1) An authorised person may mark the tyres of a parked or stopped vehicle with chalk or any other non-indelible substance, for any purpose arising out of his or her duties or powers under this local law.
- (2) A person shall not remove a mark made by an authorised person under subclause (1) so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

7.15 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not stop or park a vehicle on any part of a thoroughfare in contravention of this Local Law after an authorised person has directed the driver to move it.

7.16 Persons may be directed to leave local government property

An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of this local law.

7.17 Exemption when complying with directions

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

7.18 Removal of Notices on Vehicle

A person, other than the driver of the vehicle or a person 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.

7.19 Special purpose and emergency vehicles

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

PART 8 – RESIDENTIAL PERMIT PARKING

8.1 Interpretation

- (1) In this Part, “**dwelling**” has the same meaning as contained in the Residential Design Codes of Western Australia
- (2) For the purpose of this Part only, ‘vehicle’ does not include vehicles which are not capable of being propelled by their own means.

8.2 Issue of a residential permit or visitor’s permit

- (1) A person who is the occupier of a dwelling fronting a road on which parking is restricted may apply in writing to the local government for the issue of:-
 - (a) a residential parking permit, in relation to a vehicle for which that person is the owner; or
 - (b) a visitor’s permit.
- (2) The application shall set out:-
 - (a) the person’s name;
 - (b) the address of the dwelling in respect of which the permit is sought;
 - (c) the road in respect of which the permit is sought; and

- (d) in the case of a residential parking permit, the registration number of the vehicle in respect of which the permit is sought together with a copy of the vehicle licence paper detailing the owner of the vehicle.
- (3) A residential parking permit shall only be issued to an occupier of a dwelling if:
- (a) the occupier is the holder of the vehicle licence under the Road Traffic Act for the vehicle to which the permit shall apply and is described on that vehicle licence as residing at the address of the dwelling to which the permit relates; or
 - (b) where the vehicle is a work vehicle, the owner or occupier satisfies the local government that they occupy the dwelling and that the vehicle is assigned to them for their use.
- (4) The local government may issue a residential or visitor's permit, as the case may be, to an applicant under sub-clause (1) if in the opinion of the local government:-
- (a) it is impossible or impracticable to obtain vehicular access to a dwelling from a road or right-of-way; or
 - (b) there are other sufficient reasons to issue the permit.
- (5) The local government may in respect of an application for permit(s) for the purpose of subclause (1)-
- (a) approve the application;
 - (b) approve the application subject to conditions as the local government considers appropriate; or
 - (c) refuse to approve the application.
- (6) Every permit issued for the purpose of subclause (1) is to specify:
- (a) a permit number;
 - (b) the residential address to which the permit is issued;
 - (c) the name of the road to which the exemption applies;

- (d) the date on which the permit expires; and
- (e) in the case of a residential parking permit, the registration number of the vehicle to which the permit applies.

8.3 Maximum number of residential parking permits and visitor parking permits

The maximum number of residential parking permits and visitor parking permits that shall be issued by the local government in relation to a dwelling must comply with the following table:

Number of off street parking bays for the dwelling	Maximum number of Residential Parking Permits	Maximum number of Visitor Parking Permits
0	2	2
1	1	2
2	0	2
3	0	1
4 or more	0	0

8.4 Duration of a residential parking permit or visitor parking permit

A residential parking permit or visitor parking permit is current from the date of issue and will be issued for a period not exceeding one year and expiring on 31 December in the year of issue.

8.5 Effect of a residential permit

- (1) Subject to sub-clause (2), the holder of a current residential parking permit is exempt from compliance with:-
 - (a) any sign prohibiting the parking of a vehicle on any part of the road to which the permit relates for more than a specified time, so long as the vehicle is not parked adjacent to retail premises; or
 - (b) any other sign on the road to which the permit relates inscribed with the words "Residential Parking Permits Exempt".
- (2) The exemption in sub-clause (1) only applies:-
 - (a) to the road in respect of which the residential parking permit was issued;

- (b) to the vehicle in respect of which the residential parking permit was issued;
- (c) if the residential parking permit is placed on the dashboard of the vehicle to which it applies, in a prominent position, unobstructed from view, so that it can be easily read by an authorised person outside the vehicle;
- (d) if the holder of the residential parking permit still resides in the dwelling in respect of which it was issued; and
- (e) if the permit has not expired.

8.6 Effect of a visitor parking permit

- (1) Subject to subclause (2) the person for the time being having possession of a current visitor parking permit is exempt from compliance with:-
 - (a) any sign prohibiting the parking of a vehicle on the road to which the permit relates for more than the specified time, so long as the vehicle is not parked adjacent to retail premises; or
 - (b) any other parking sign on the road to which the permit relates inscribed with the words “Residential Parking Permits Exempt”.
- (2) The exemption in sub-clause(1) only applies:-
 - (a) to the road in respect of which the visitor parking permit was issued;
 - (b) if the visitor parking permit is placed on the dashboard of the vehicle to which it applies, in a prominent position, unobstructed from view, so that it can be easily read by an authorised person outside the vehicle;
 - (c) if the person to whom the visitor parking permit was issued still resides in the dwelling in respect of which it was issued.

8.7 Renewal or replacement of a residential parking permit or visitor parking permit

- (1) A person to whom a residential parking permit or a visitor parking permit has previously been issued may apply to the local government to:-

- (a) renew a residential parking permit or visitor parking permit which has expired; or
 - (b) issue a replacement residential parking permit or visitor parking permit for a permit which has been lost, damaged or stolen.
- (2) An application for replacement of a residential parking permit or visitor parking permit must be accompanied by payment of the fee imposed by the local government under the *Local Government Act 1995*, unless the application fee is waived by the local government.
- (3) In the event that the person to whom a residential parking permit or visitor parking permit was issued loses or misplaces that permit, then the original permit shall be cancelled and a new permit may be issued which shall be valid only until the expiry date of the permit it replaces.

8.8 Temporary visitor parking permit

- (1) A person may apply in writing to the local government for one or more temporary visitor parking permits.
- (2) The provisions of this Part dealing with visitor parking permits shall apply to temporary visitor parking permits, except that:-
- (a) an application for a temporary visitor parking permit shall also set out the number of permits required and the date and time during which the permits are required;
 - (b) a temporary visitor parking permit has effect only on the dates and during the times specified on the permit;
 - (c) a temporary visitor parking permit may only be issued for a period that is less than one year in duration; and
 - (d) a temporary visitor parking permit may not be renewed or replaced.

8.9 Register of Residential Parking Permits

The Town shall maintain a Register of Residential Parking Permits which shall record the-

- (a) number assigned to each permit;
- (b) name and address of the person to whom each permit is issued;
- (c) name of the thoroughfare to which each permit applies;
- (d) registration of the vehicle in respect of which each permit has been issued; and
- (e) date on which each residential parking permit expires.

8.10 Register of Visitor and Temporary Visitor Parking Permits

The Town shall maintain a Register of Visitor and Temporary Visitor Parking Permits which shall record the-

- (a) number assigned to each permit;
- (b) name and address of the person to whom each permit is issued;
- (c) name of the thoroughfare to which each permit applies; and
- (d) date on which each visitor or temporary visitor parking permit expires.

8.11 Revoking a permit

- (1) The local government may, at any time, revoke a residential, visitor or temporary visitor parking permit which has been issued, if it is satisfied that the permit is not being used in accordance with this local law.
- (2) If the local government considers there are grounds justifying revocation of a permit, the local government shall give the person to whom the permit was issued a notice:
 - (a) indicating that the permit may be revoked;
 - (b) explaining the reason why the permit may be revoked; and
 - (c) requiring the person to notify the local government within 14 days, of any reason why the permit should not be revoked.

- (3) After the expiry of 14 days from the date of service of the notice referred to in subclause (2) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.

- (4) Where the local government revokes a permit, it is to notify the person that the permit has been revoked. No appeal lies in respect of a decision of the local government to revoke a permit pursuant to this clause.

8.12 Removal of a permit from vehicle

The holder of a residential, visitor or temporary visitor parking permit must immediately, upon the permit being revoked or ceasing to be valid, including invalidity arising from a change in residential address, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the local government.

8.13 Fees & Charges

The fees and charges in relation to this section will be determined in accordance with Part 6 Division 5 Subdivision 2 of the Act.

PART 9 - PENALTIES AND ENFORCEMENT

This Part contains provisions about offences against these Local Laws, penalties for those offences and the manner of enforcement of these Local Laws.

9.1 Offence and penalty

- (1) Any person who contravenes or fails to comply with any clause of this local law commits an offence.

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

9.2 Modified penalties

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (2) An offence specified in the Second Schedule is a prescribed offence for the purposes of section 9.16 of the Act.
- (3) The amount appearing in the final column of the Second Schedule directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (4) If it appears to the local government that an alleged offence cannot be adequately punished by the payment of the modified penalty then the local government may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

9.3 Forms

For the purposes of this local law –

- (a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of notice referred to in section 9.13 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

9.4 Court proceedings

An authorised person may commence proceedings in the Magistrate's Court for an alleged breach of a provision of this local law.

FIRST SCHEDULE

Parking Station Number	Description	Days and Hours of Operation
Parking Station Number 2	Lot 51 Stirling Highway, Claremont Lot 50 St Quentin Avenue, Claremont Lot 21 St Quentin Avenue, Claremont	Monday to Saturday 8.00am to 6.00pm
Parking Station Number 3	Lot 103 Stirling Highway, Claremont	Monday to Saturday 8.00am to 6.00pm
Parking Station Number 4	Lot 507 Stirling Highway, Claremont	Monday to Saturday 8.00am to 6.00pm
Parking Station Number 7	Lot 501 Stirling Highway, Claremont	Monday to Saturday 8.00am to 6.00pm
Parking Station Number 9	Lot 307 Guger Street, Claremont Lot 48 Bay View Terrace, Claremont	Monday to Saturday 8.00am to 6.00pm
Parking Station Number 10	Lot 90 Avion Way, Claremont	Monday to Saturday 8.00am to 6.00pm
Leura Avenue Carpark	Lot 502 Leura Avenue Claremont	Monday to Saturday 8.00am to 6.00pm
Leura Avenue – South Carpark	Lot 501 Leura Avenue Claremont	Monday to Saturday 8.00am to 6.00pm
Leura Avenue – East Carpark	Lot 501 Leura Ave Claremont	Monday to Saturday 8.00am to 6.00pm

SECOND SCHEDULE

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.1	Parking or stopping contrary to a sign	150
2	2.2	Parking in a no parking area	150
3	2.3	Parking or stopping in a no stopping area	150
4	2.4	Parking or stopping in an authorised vehicle area without authorisation	150
5	2.5(2)	Parking or stopping in a disabled parking bay	500
6	2.6 (1)	Parking or stopping a vehicle other than a bicycle or motorcycle in a motorcycle stall	150
7	2.6(2)	Parking or stopping a bicycle or motorcycle for longer than the maximum period permitted	50
8	2.7	Stopping on a carriageway with a bicycle parking sign	100
9	2.8	Moving a vehicle to avoid a time limitation	50
10	2.9(1)	Parking a vehicle other than wholly within a parking stall	100
11	2.10	Stopping or parking a vehicle in an occupied parking stall	100
12	2.11	Repairs to Vehicles	
13	2.12	Exposing a vehicle for sale in a parking facility or on a road	100
14	2.13	Parking or stopping an unlicensed vehicle in a parking facility or on a road	100
15	2.14	Parking or stopping an unattached trailer in a parking facility or on a road	100
16	2.16	Parking or stopping a vehicle so as to obstruct a parking facility	100
17	2.17	Vehicles not to obstruct a public place	150
18	2.18	Stopping near an obstruction	150
19	2.19	Stopping or parking a vehicle so as to obstruct a driveway	150
20	2.20	Parking a vehicle for longer than the period indicated on a permissive parking sign	50
21	3.2(1)	Stopping or parking a vehicle in a parking station without payment of an appropriate fee	50
22	3.3	Removal of a vehicle from a parking station without payment of an appropriate fee	50
23	3.4	Stopping or parking a vehicle in a parking station for a period exceeding the maximum time	50
24	3.7	Damaging a parking station	500
25	4.1	Damaging a ticket issuing machine, parking meter or detection device	500
26	4.2	Affixing a sign etc on a ticket issuing machine	100
27	4.3	Improperly operating a ticket issuing machine	100
28	4.5(1)	Failing to display an unexpired ticket on a vehicle stopped or parked in a ticket machine zone	50
29	4.7(1)	Stopping or parking a vehicle in a ticket machine zone for longer than the maximum period	50
30	4.8(a)	Stopping or parking a vehicle in a ticket machine zone other than parallel to the kerb etc	100

31	4.8(b)	Stopping or parking a vehicle in a ticket machine zone other than wholly within a parking stall	100
32	4.9(a)	Stopping or parking a vehicle in a metered space when meter expired	50
33	4.9(b)	Stopping or parking a vehicle in a metered space for longer than the maximum period	50
34	4.9(c)	Stopping or parking a vehicle in a metered space when parking not permitted	50
35	5.1(1)(a)	Failure to park parallel with and adjacent to boundary of carriageway	100
36	5.1(1)(b)	Parking contrary to direction of traffic on a carriageway	100
37	5.1(1)(d)	Parking less than 1.2 metres from another vehicle	100
38	5.2	Double Parking	150
39	5.5	Parking on a path, traffic island or median strip	150
40	5.10	Parking or stopping near intersections	150
41	5.11	Parking or stopping near fire hydrants (1)(a)	150
42	5.14	Stopping on a carriageway marked with a continuous yellow edge line	150
43	5.15	Parking or stopping in a clearway	150
44	5.16(1)(a)	Parking or stopping a vehicle more than 7.5m in length or exceeding 4.5t GVM for more than 1 hour	150
45	6.1	Parking or stopping in a loading zone	150
46	6.2	Parking or stopping at or near a bus stop	150
47	6.4	Parking or stopping in a taxi zone	150
48	6.8	Parking or stopping on a nature strip without consent of adjoining owner	150
49	6.9	Parking or stopping in a right of way	150
50	6.10	Parking or stopping on private property	150
51		All other offences not specified	75

**THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995**

FORM 1

**PARKING AND PARKING FACILITIES LOCAL LAW
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date / /

To:(1).....
of:(2).....
It is alleged that on / / at (3).....
at (4) your vehicle:
make: ;
model: ;
registration: ,
was involved in the commission of the following offence -
.....
.....
.....

contrary to clause of the **Town of Claremont Parking and Parking Facilities Local Law.**

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;
 - or
 - (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.
- (5)
(6).....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995
FORM 2

PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No
Date / /

To:(1)
of:(2).....

It is alleged that on / / at (3).....
at (4).....
in respect of vehicle:
make: ;
model: ;
registration: ,
you committed the following offence -
.....
.....

contrary to clause of the **Town of Claremont Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)
(7).....

- Insert:
- (1) Name of alleged offender or "the owner"
 - (2) Address of alleged offender
 - (3) Time of alleged offence
 - (4) Location of alleged offence
 - (5) Place where modified penalty may be paid
 - (6) Signature of authorized person
 - (7) Name and title of authorized person giving notice

THIRD SCHEDULE

LOCAL GOVERNMENT ACT 1995

FORM 3

**PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE**

Serial No
Date / /

To: (1).....

of: (2).....

It is alleged that on / / at (3)
at (4)
in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence -

.....
.....
.....

contrary to clause of the **Town of Claremont Parking and Parking Facilities Local Law.**

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice -

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

THIRD SCHEDULE

LOCAL GOVERNMENT ACT 1995

FORM 4

**PARKING AND PARKING FACILITIES LOCAL LAW
WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No
Date / /

To: (1)
of: (2)

Infringement Notice No. dated / /
in respect of vehicle:
make: ;
model: ;
registration: ;
for the alleged offence of
.....
.....
.....

has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * *delete as appropriate.*

(3)

(4)

Insert:

- (1) Name of alleged offender to whom infringement notice was given or "the owner".
- (2) Address of alleged offender.
- (3) Signature of authorized person
- (4) Name and title of authorized person giving notice

Dated this day of 2009

The Common Seal of the }
Town of Claremont }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

PETER OLSON, JP
MAYOR

ATHANASIOS KYRON
CHIEF EXECUTIVE OFFICER