



LOCAL GOVERNMENT ACT 1995

**CITY OF BAYSWATER
PARKING AND PARKING FACILITIES
LOCAL LAW 2016**

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LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

PARKING AND PARKING FACILITIES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on 17 May 2016 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Bayswater Parking and Parking Facilities Local Law 2015*.

1.2 Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

1.3 Repeal

The *City of Bayswater Parking and Parking Facilities Local Law 2015* published in the *Government Gazette* on 24 April 2015 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

In this local law unless the context otherwise requires-

Act means the *Local Government Act 1995*;

attended parking station means a parking station attended by an officer of the local government and in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

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

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

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

bicycle lane has the meaning given to it by the Code; **bus** has the meaning given to it by the Code;

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

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

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

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

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

CEO means the Chief Executive Officer of the local government;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

coin means any coin which is legal tender pursuant to the *Currency Act 1965 (Commonwealth)*;

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

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

district means the district of the City of Bayswater;

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

eating area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public;

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

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

footpath has the meaning given to it by the Code;

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

head of cul-de-sac means the part of a carriageway closed at one end that is shaped in such a way that can be used to turn vehicles in and includes bulb or hammer-head shaped closed roads;

Loading Zone has the meaning given to it by the Code;

local government means the City of Bayswater;

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

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

motorcycle has the meaning given to it by the Code;

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

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

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

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

no stopping sign means a sign with the words "no stopping" or "no standing" in red letters on a white background or the letter "S" within a red annulus and a red diagonal line across it on a white background;

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

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

park has the meaning given to it by the Code;

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

parking facilities includes land, buildings, shelters, thoroughfares, parking areas, ticket parking areas, parking stations, attended parking stations, parking stalls and other facilities 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 region means the area described in Schedule 1;

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

parking station means any land, or structure provided for the purpose of accommodating parked 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, whether or not the payment of a fee is required;

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;

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

reserve means any land –

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

right of way means a portion of land that is –

- (a) shown and marked "Right of Way" or "ROW", or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;

- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a "right of way" and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include –
 - (i) private driveways; and
 - (ii) a "right of way" created by a deed of easement between two or more parties;

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

Schedule means a Schedule to this local law;

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

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code; and includes a vehicle being driven by an authorised person on duty or that vehicle when it is stationary at any place connected with the official duty;

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

symbol has the meaning given to it by the Code;

tare weight in relation to a vehicle, means the weight of the vehicle without any passengers or load;

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;

ticket issuing machine means a machine or device which is installed in a thoroughfare or parking facility by or on behalf of the local government and which upon the insertion of coins or a token, pass, card, key or device issues a parking ticket; and includes any such machine where payment of a fee may not be required for a specified period.

ticket parking area means a parking area or parking facility where a sign applies which indicates a parking ticket must be obtained from a ticket issuing machine and displayed, whether or not payment of a fee is required;

thoroughfare has the meaning given to it by the Act;

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

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

truck means a vehicle which has a load capacity exceeding 1000 kilograms;

unattended in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

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

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a parking station or ticket parking area includes a reference to part of the parking station or ticket parking area.
- (3) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 4, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that -
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (7) The provisions of Parts 2, 3, and 4 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.8 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;

- (d) emergency vehicles;
- (e) special purpose vehicles;
- (f) taxis; and
- (g) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

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

1.10 Powers of the local government

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

PART 2 - PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary -
 - (a) parking stalls;
 - (b) parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls or parking stations.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

2.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a thoroughfare or in a parking stall in a thoroughfare otherwise than -
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.
- (5) Where a vehicle is parked such that any part of it is in a prohibited or restricted area, the whole of that vehicle is deemed to be in the prohibited or restricted area for the purposes of this local law.

2.3 Parking prohibitions and restrictions

- (1) A person shall not –
 - (a) stop or park a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare of a parking station, or to obstruct an access way within a parking station;
 - (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking facility, if an authorised person directs the driver of such vehicle to move the vehicle from such part or from the parking facility; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle –
 - (a) in a parking stall other than in a stall marked "M/C"; and
 - (b) in such stall other than against the kerb, unless it is parked at a bicycle rail or in a bicycle rack.
- (3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking facility (except in a parking area for persons with a disability) for twice the length of time allowed, provided that –
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a person with a disability to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

PART 3 - PARKING IN A PARKING STATION

3.1 Display of Tickets

- (1) Subject to subclause (2) a person shall not stop or park a vehicle in any part of a parking station equipped with a ticket issuing machine or a parking facility during any permitted period unless –
 - (a) an unexpired parking ticket or unexpired parking tickets applicable to that part of the parking station and issued on that day; and
 - (b) the date and time of issue or expiry of the ticket, as the case may be, and the number of the ticket, if any, printed thereon,are displayed inside the vehicle and clearly visible to and able to be read by an

authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in that part of the parking station.

- (2) For the purposes of subclause (1), a parking ticket issued in respect of any parking station or any part of a parking station which has been set aside under this local law shall be applicable only to that parking station or that part of that parking station, as the case may be.
- (3) A reference in this clause to -
 - (a) **permitted period** means the period stated on the ticket issuing machines in the parking station during which the parking of vehicle is permitted upon the obtaining of a parking ticket;
 - (b) **unexpired parking ticket** means a parking ticket on which -
 - (i) a date and expiry time is printed and that time has not expired; or
 - (ii) 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 has not expired

3.2 Use of Parking Tickets

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) park a vehicle in a parking station or parking facility if there is displayed in that 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 to accept payment of parking fees, a parking ticket which is, or any information, printing or imprint on which is defaced, altered, added to, erased, obliterated or otherwise interfered with.

3.3 Fees for Motor Cycles in Parking Stations

- (1) A fee payable for the parking of a motor cycle and the period of application of the fee in a parking station may be determined and imposed by the local government.
- (2) The local government shall not be obliged to accept payment of any fee referred to in this clause.

3.4 Parking Position for Motor Cycles

A person shall not stop or park a motor cycle in a parking station equipped with a ticket issuing machine unless –

- (1) wholly within a parking stall marked with the symbol "MIC" or otherwise designated as being set aside for the parking of motor cycles;
- (2) that person has obtained and displayed a ticket issued by a ticket machine relative to that parking station; and
- (3) during the period for which the ticket is unexpired.

3.5 Set aside Parking Stations for Multiple Occupants

The local government in respect of any period or time may by the use of signs set aside any parking station or any part of a parking station and prohibit entry thereto by vehicles other than vehicles carrying at least 1 other person in addition to the driver.

3.6 Parking Restrictions for Vehicles with Multiple Occupants

- (1) The local government may determine and impose a fee payable for the parking of a vehicle in any parking station or part of a parking station at any time or for specified times.
- (2) A person shall not stop or park a vehicle in any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless the vehicle is carrying at least 1 other person.
- (3) A person shall not enter any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless that person is the driver of or passenger in a vehicle carrying at least 1 other person.

PART 4 - PARKING GENERALLY

4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station –
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station for twice the period indicated on a sign if -
 - (a) the driver's vehicle displays an disability parking permit; and
 - (b) the disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) Subclause (2) does not apply where the vehicle is parked in a parking area for people with disabilities.
- (4) A person shall not park a vehicle -
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
 - (c) in a stall marked "MIC" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (5) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "MIC"
- (6) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".

4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it -
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway,
unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, 'continuous dividing line' means -
 - (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

4.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

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

4.4 When angle parking applies

- (1) This clause does not apply to -
 - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

4.5 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is –
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (f) on any footpath or pedestrian crossing;
 - (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
 - (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; or
 - (l) within the head of a cul-de-sac,
unless a sign or markings on the carriageway indicate otherwise.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -
 - (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -
 - (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a children's crossing or pedestrian crossing.

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

4.6 Authorised person may order vehicle on thoroughfare to be moved

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

4.7 Authorised person may mark tyres

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

4.8 No movement of vehicles to avoid time limitation

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

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

A person shall not park a vehicle on any portion of a thoroughfare or a parking facility –

- (a) for the purpose of exposing it, or any goods thereon for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare or a parking facility.

4.10 Parking on private land

- (1) In this clause a reference to "land" does not include land –
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an "otherwise unvested facility" within section 3.53 of the Act;
 - (d) which is the subject of an agreement referred to in clause 1.7(2); or
 - (e) which is identified in Schedule 4 and is determined by a Council resolution to be a

parking station under the care, control and management of the City.

- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.11 Parking on reserves

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

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

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

4.13 Special Event Parking

- (1) The local government may by the use of signs, set aside for any period specified on the signs, any parking station, parking facility or other land owned or controlled by the local government for the parking of vehicles by persons attending a special event.
- (2) A person shall not park or stop a vehicle in a parking station, parking facility or land owned or controlled by the local government set aside under subclause (1) during the period for which it is set aside unless a ticket purchased on entry to that parking station, parking facility or land with respect to the special event is clearly visible to and readable by an authorised person from outside a 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 organised event carried out by resolution of Council where that resolution includes the permitting of parking of vehicles between specific dates and times and where Local Public Notice of at least 14 days is provided in advance of the event; and; the parking restrictions or prohibitions are indicated by a sign.
- (5) During the period referred to in subclause (1) the provisions of clause 8.5 shall not apply to the parking station, parking facility or other land.

PART 5 - PARKING AND STOPPING GENERALLY

5.1 No stopping

A driver shall not stop on a length of carriageway, or in an area,

- (a) to which a "no stopping" sign applies.
- (b) during times a sign specifies a "no stopping" restriction is in operation.
- (c) to which a "clearway sign" applies.

5.2 No parking

A driver shall not stop on a length of carriageway or in an area to which a "no parking" sign applies, unless the driver is –

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

5.3 No stopping on a carriageway with yellow edge lines

A driver shall not stop on a thoroughfare marked with a continuous yellow edge line.

PART 6 - STOPPING IN ZONES FOR PARTICULAR VEHICLES

6.1 Stopping in a loading zone

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

- (a) a commercial vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
 - (b) a motor vehicle taking up or setting down passengers,
- but, in any event, shall not remain in that loading zone -
- (c) for longer than a time indicated on the "loading zone" sign; or
 - (d) longer than 30 minutes (if no time is indicated on the sign).

6.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the "bus zone" sign applying to the bus zone.
- (3) A bus shall not remain in a bus zone for longer than the time it takes to take up or set down passengers, or for mandatory breaks, emergencies or radio communication.

6.3 Stopping in a mail zone

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

6.4 Other limitations in zones

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

PART 7 - OTHER PLACES WHERE STOPPING IS RESTRICTED

7.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless -

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

7.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to –
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

7.3 Stopping near an obstruction

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

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

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

7.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.6 Stopping near a fire hydrant etc

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

7.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless -
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

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

7.9 Stopping on verge

- (1) A person shall not -
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

- (2) Subclause (l)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (l)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless –
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless –
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

7.11 Stopping near a letter box

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

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

7.12 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 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes –
 - (a) on a carriageway in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway 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 clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

7.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to

which a "bicycle parking" sign applies, unless the driver is dropping off, or picking up, passengers.

7.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked "MIC" unless –

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

7.15 Eating areas in parking stalls

A person shall not stop or park a vehicle in a parking stall which has been authorised in writing by the local government, to be set up or conducted as an eating area and which is designated by signs as such at that time.

7.16 Permits in parking facilities

- (1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park –
 - (a) in a specified kerbside area;
 - (b) in a parking station which is controlled by a sign, in contravention of the restriction specified on that sign; or
 - (c) in any other place under the control of the local government.
- (2) A permit issued under subclause (1) may -
 - (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods 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 or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.
- (3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2) except-
 - (a) at the times or during the period specified in the permit;
 - (b) for any purpose other than the purpose for which the permit was issued; or
 - (c) in accordance with any conditions associated with that permit
- (4) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

7.17 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 "MIC"; 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 "MIC" -
 - (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall;
 - (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.

7.18 Stopping in a parking stall for people with disabilities

- (1) In this clause a "parking area for persons with a disability" is a length or area -
 - (a) to which a "permissive parking" sign displaying a persons with a disability symbol applies;
 - (b) to which a "persons with a disability parking" sign applies;
 - (c) indicated by a road marking (a persons with a disability road marking) that consists of, or includes, a person with a disability symbol; or
- (2) A driver shall not stop in a parking area for persons with a disability unless -
 - (d) the driver's vehicle displays an disability parking permit; and
 - (e) either the driver or the passenger in that vehicle is a person with a disability.

7.19 Stopping in a bicycle lane

A person shall not stop or park a vehicle in a bicycle lane, unless the driver is driving a public bus or taxi and is dropping off or picking up passengers.

PART 8 - TICKET ISSUING MACHINES AND ZONES

8.1 Establishment of metered zones and ticket machine zones

- (1) The local government may, by resolution -
 - (a) establish; and
 - (b) vary from time to time; ticket parking areas.
- (2) In relation to ticket parking areas, the local government may prescribe -
 - (a) conditions and permitted times of parking;
 - (b) the manner of parking; and
 - (c) the classes of vehicles permitted to park;but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.
- (3) Where the local government makes a resolution under this clause, it shall erect signs to give effect to the determination or resolution.

8.2 Ticket issuing machines

- (1) A person shall not or attempt to remove, damage, deface, misuse or interfere with any ticket issuing machine.

- (2) 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.
- (3) A person shall not insert or cause to be inserted or attempt to insert into a coin slot of a ticket issuing machine anything other than a coin appropriate to that slot.
- (4) A person shall not operate or attempt to operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.

8.3 Fees in ticket parking areas

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

8.4 Display of tickets

- (1) A person shall not stop or park a vehicle in a ticket parking area during any permitted period unless –
 - (a) an unexpired ticket issued by a ticket issuing machine in that ticket parking area; and
 - (b) the date and time of issue or expiry, as the case may be, and the number, if any, of the ticket printed on the ticket,

are displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the parking area.

- (2) A reference in this clause to –
 - (a) **permitted period** has the meaning given to it in clause 3.1(3)(a).
 - (b) **unexpired parking ticket has the meaning given to it in clause 3.1(3)(b)**
- (3) For the purpose of this clause, where more than 1 parking ticket is displayed bearing the same date and time of issue, the period for each ticket referred to in subclause (2)(b) shall be aggregated and the tickets shall be deemed not to have expired until the expiry of the aggregate of those periods.

8.5 Parking limits

- (1) A person shall not stop or park a vehicle in a ticket parking area during any

permitted period for longer than the maximum period.

(2) A reference in this clause to –

- (a) **maximum period** means the maximum period stated on standard signs or the ticket issuing machines in the parking area during which the continuous parking of a vehicle in the zone is permitted;
- (b) **permitted period** has the meaning given to it in clause 3.1(3)(a).

8.6 Parking position in ticket parking areas

A person shall not stop or park a vehicle in a ticket parking area –

- (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; and
- (b) on any part of which there are parking stalls not set out parallel to a kerb otherwise than wholly within a parking stall.

PART 9 - PARKING PERMITS

9.1 Definitions

In this Part, unless the context otherwise requires -

dwelling unit means premises lawfully used for self-contained living quarters;

commercial parking permit means a permit issued to a business by the local government pursuant to clause 9.3(3);

eligible person where used in relation to an application for a -

- (a) residential parking permit means an owner or occupier of a single house, grouped dwelling or multiple dwelling;
- (b) visitor's parking permit means -
 - (i) a single house occupier;
 - (ii) a strata company;
 - (iii) a unit occupier of a residential unit which is not a strata lot;
 - (iv) a grouped dwelling occupier; or
 - (v) a multiple dwelling occupier;

(2) **commercial parking permit** means the proprietor of a commercial business;

grouped dwelling means a dwelling that is one of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

multiple dwelling means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other

but –

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

residential parking permit means a permit issued to a resident by the local government pursuant to clause 9.3(1);

residential unit means a dwelling unit which is part of a building adjacent to a part of a thoroughfare on which thoroughfare the stopping or parking of vehicles is prohibited for more than a specified period and which building contains –

- (a) 2 or more dwelling units with or without any non-residential units;
- (b) 1 dwelling unit with one or more non-residential units;

single house means a dwelling unit constructed on its own lot and used for self-contained living quarters and which is adjacent to a part of a road on which the Stopping or parking of vehicles is prohibited for more than a specified period;

single house occupier means an occupier of a single house;

strata company has the meaning given to it in the *Strata Titles Act 1985*;

unit occupier means a person who is an occupier of a residential unit but does not include a unit owner.

unit owner means a person who is an owner of a residential unit.

visitor's parking permit means a permit issued by the local government pursuant to clause 9.3(2).

9.2 Exemption for permit holders

- (1) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period or where any part of a thoroughfare is a parking ticket area, the holder of a valid permit is exempted from such prohibition.
- (2) The local government may also issue a permit which exempts the holder from compliance with the requirements of clauses 9(2)(a) and 9(2)(b).
- (3) The exemption conferred by subclause (1) shall apply only -
 - (a) to that part of a thoroughfare specified in the permit;
 - (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
 - (c) where the permit displayed is a residential parking permit to the vehicle specified in the residential parking permit;
 - (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle; and
 - (e) if the permit is valid.
- (4) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

9.3 Issue of permits

- (1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of a permit issued by the local government.

- (2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor's parking permit in the form a permit issued by the local government.
- (3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of a permit issued by the local government.
- (4) The local government's power to issue, replace and revoke permits under this Part may be exercised by an authorised person.
- (5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.

9.4 Discretionary authority

Notwithstanding any other provisions in this local law which restrict the number of residential, visitor or commercial parking permits that may be issued, the local government may approve the issue of 1 additional residential, visitor or commercial parking permit to any occupier on such terms and conditions as the local government sees fit.

9.5 Validity of permit

Every residential, visitor or commercial parking permit as the case may be, shall cease to be valid upon –

- (a) the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 9.6;
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 9.8(1).

9.6 Revocation of a permit

- (1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.
- (2) The local government shall give notice referred to in subclause (1) by serving a notice on the eligible person to whom the permit was issued.
- (3) After 7 days of the serving of a notice referred to in subclause (2), the local government may revoke the permit.
- (4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.
- (5) The local government shall give notice of any revocation by serving a notice on the eligible person to whom the permit was issued

9.7 Removal of permit from vehicle

The eligible person of a residential, visitor or commercial parking permit shall upon a permit being revoked or ceasing to be valid, immediately remove the permit from the vehicle in which it is displayed or to which it is affixed.

9.8 Replacement of permit

- (1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor or commercial parking permit which is lost, misplaced, destroyed or stolen.
- (2) The local government may determine and impose a fee for the issue of a replacement permit pursuant to this clause.
- (3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government –
 - (a) that the vehicle in which the permit is displayed has been disposed of;
 - (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
 - (c) which the local government considers warrants the waiving of the fee.

9.9 Display of parking permits

A person shall not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a valid permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

PART 10 - MISCELLANEOUS

10.1 Removal of notices on vehicle

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

10.2 Unauthorised signs and defacing of signs

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

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

10.3 Signs must be complied with

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

10.4 General provisions about signs

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

up, established or displayed under the authority of this local law.

- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

10.5 Special purpose and emergency vehicles

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

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

10.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where -
 - (a) the vehicle is parked for any period exceeding 24 hours;
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
 - (c) the vehicle is unregistered or no registration plates are displayed.
 - (d) in the opinion of an authorised person that the presence of the vehicle presents a hazard to public safety or obstructs the lawful use of any place.

PART 11 - PENALTIES

11.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

11.2 Form of notices

For the purposes of this local law –

- (1) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;

- (2) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (3) 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 Schedule 3; and
- (4) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

Schedule 1 - Parking Region

[Clause 1.5]

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

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

Schedule 2 - Prescribed Offences

[Clause II.I]

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
1	2.2(1)(a)	Failure to park parallel to and close to kerb	80
2	2.2(1)(b)	Failure to park wholly within parking stall	80
3	2.2(1)(c)	Failure to park in direction of moving traffic	80
4	2.2(2)	Failure to park wholly within parking stall	80
5	2.2(4)	Failure to park wholly within parking area	80
6	2.3(1)(a)	Causing obstruction in parking station	100
7	2.3(1)(b)	Parking contrary to sign in parking station	80
8	2.3(1)(c)	Parking contrary to directions of authorised person	100
9	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	80
10	3.1(1)(a)	Failure to display an unexpired parking ticket (Parking Station)	80
11	3.1(1)	Failure to display a valid parking ticket (Parking Station)	80
12	3.2(1)	Defacing, altering or interfering with parking ticket (Parking Station)	100
13	3.2(2)	Displaying a defaced or altered parking ticket (Parking Station)	100
14	3.2(3)	Producing a defaced or altered parking ticket (Parking Station)	100
15	3.4(1)	Parking not wholly within bay marked "MIC" (Parking Station)	80
16	3.4(2)	Failure to pay fee for parking motor cycle (Parking Station)	80
17	3.4(3)	Parking during period other than when fee applicable (Parking Station)	80
18	3.6(2)	Stopping in parking facility when less than 2 people in vehicle (Parking Station)	80
19	3.6(3)	Entering parking facility when less than 2 people in vehicle (Parking Station)	80
20	4.1(1)(a)	Parking wrong class of vehicle	85
21	4.1(1)(b)	Parking by persons of a different class	85
22	4.1(1)(c)	Parking during prohibited period	85
23	4.1(4)(a)	Parking in no parking area	85
24	4.1(4)(b)	Parking contrary to signs or limitations	80
25	4.1(4)(c)	Parking vehicle in motor cycle only area	80
26	4.1(5)	Parking motor cycle in stall not marked "MIC"	80

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
27	4.1(6)	Parking without permission in an area designated for "Authorised Vehicles Only"	85
28	4.2(1)(a)	Failure to park on the left of two-way carriageway	80
29	4.2(1)(b)	Failure to park on boundary of one-way carriageway and in the direction of moving traffic	80
30	4.2(1)(c)	Parking when distance from farther boundary of carriageway less than 3 metres	85
31	4.2(1)(d)	Parking closer than 1 metre from another vehicle	80
32	4.2(1)(e)	Parking so as to cause obstruction	100
33	4.3(a)	Failure to park close and parallel to kerb	80
34	4.3(b)	Failure to park at approximate right angle	80
35	4.4(2)	Failure to park at an appropriate angle	80
36	4.5(3)(a) and 7.2	Double parking	100
37	4.5(3)(b)	Parking on or adjacent to a median strip	80
38	4.5(3)(c)	Denying access to private drive, right of way or carriageway	100
39	4.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
40	4.5(3)(e)	Parking within 10 metres of traffic island	100
41	4.5(3)(f)	Parking on footpath/pedestrian crossing	100
42	4.5(3)(g)	Parking contrary to continuous line markings	100
43	4.5(3)(h)	Parking on intersection	100
44	4.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	80
45	4.5(3)(j)	Parking within 3 metres of public letter box	80
46	4.5(3)(k)	Parking within 10 metres of intersection	100
47	4.5(3)(l)	Parking within the head of a cul-de-sac	80
48	4.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	80
49	4.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	80
50	4.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	80
51	4.6	Parking contrary to direction of authorised person	100
52	4.7(2)	Removing mark of authorised person	100
53	4.8(1)	Moving vehicle within parking facility to avoid time limitation	80
54	4.8(2)	Moving vehicle along parking facility to avoid time limitation	80
55	4.9(a)	Parking in thoroughfare for purpose of sale	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
56	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
57	4.9(d)	Parking unattached trailer/caravan on a thoroughfare	100
58	4.9(d)	Parking in thoroughfare for purpose of repairs	100
59	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100
60	4.10(3)	Parking on land not in accordance with consent	100
61	4.11	Driving or parking on reserve	100
62	4.13(2)	Failure to obtain ticket during "Event Parking" period	80
63	5.1(a)	Stopping contrary to a "no stopping" sign	100
64	5.1(b)	Stopping during no stopping period	100
65	5.1(c)	Stopping in a Clearway	100
66	5.2(a)	Parking when not setting down or picking up	100
67	5.2(b)	Leaving vehicle unattended in No Parking area	85
68	5.2(c)	Parking for longer than 2 minutes in No Parking area	85
69	5.3	Stopping within continuous yellow lines	100
70	6.1(a)	Stopping unlawfully in a loading zone	85
71	6.1(b)	Stopping non-commercial vehicle in Loading Zone	85
72	6.1(c)	Stopping in Loading Zone for longer than time permitted	85
73	6.1(d)	Stopping in Loading Zone for more than 30 minutes	85
74	6.2(1)	Stopping unlawfully in a taxi zone	85
75	6.2(2)	Stopping unlawfully in a bus zone	100
76	6.2(3)	Stopping Public Bus in Bus Zone for longer than taking up or setting down passengers	85
77	6.3	Stopping unlawfully in a mail zone	85
78	6.4	Stopping in a zone contrary to a sign	80
79	7.1	Unauthorised stopping in a shared zone	80
80	7.3	Stopping near an obstruction	100
81	7.4	Stopping on a bridge or tunnel	100
82	7.5	Stopping on crests/curves etc	100
83	7.6	Stopping near fire hydrant	80
84	7.7	Stopping near bus stop	80
85	7.8	Stopping on path, median strip or traffic island	100
86	7.9(1)(a)	Stopping on verge	85
87	7.9(1)(b)	Stopping Commercial Vehicle, bus or unattached caravan or trailer on verge	85
88	7.9(1)(c)	Stopping during period when verge parking is prohibited	85

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
89	7.10(1)	Obstructing path	100
90	7.10(2)	Obstructing driveway or access way	100
91	7.11	Stopping near letter box	80
92	7.12	Stopping heavy or long vehicles on carriageway for more than 1 hour	85
93	7.13	Stopping in bicycle parking area	100
94	7.14	Stopping in motorcycle parking area	100
95	7.15	Stopping in an eating area	85
96	7.16(3)(a)	Stopping during a period not specified on Permit	85
97	7.16(3)(b)	Stopping for purpose not specified on Permit	85
98	7.16(3)(c)	Failing to comply with Permit Conditions	100
99	7.17(1)	Stopping or parking vehicle other than bicycle or motor cycle in a stall marked "MIC"	80
100	7.17(2)(a)	Stopping motor cycle for longer than time limit	80
101	7.17(2)(b)	Stopping motor cycle for longer than time limit specified in the immediately adjacent area	80
102	7.17(2)(c)	Stopping motor cycle not wholly in marked stall	80
103	7.19	Stopping or parking in a bicycle lane	80
104	8.2(1)	Damaging or interfering with ticket issuing machine	100
105	8.2(2)	Affixing anything to or painting or marking ticket issuing machine	100
106	8.2(3)	Inserting other than undamaged Australian coin to ticket issuing machine	100
107	8.2(4)	Operating ticket issuing machine other than in accordance with instructions	100
108	8.3(2)	Failure to pay appropriate fee in ticket issuing machine or obtain free ticket	80
109	8.4(1)(a)	Failure to display an unexpired ticket	80
110	8.4(1)(b)	Failure to display ticket such that time and date are clearly visible	80
111	8.5(1)	Stopping longer than time limit	80
112	8.6(a)(i)	Failure to park parallel to kerb (Ticket parking area)	80
113	8.6(a)(ii)	Failure to park close to kerb (Ticket parking area)	80
114	8.6(a)(iii)	Failure to park wholly in stall (Ticket parking area)	80
115	8.6(a)(iv)	Failure to park headed in direction of moving traffic (Ticket parking area)	80
116	8.6(b)	Failure to park wholly within angle parking stall (Ticket parking area)	80
117	9.9	Failure to display valid permit	80
118	10.1	Unlawfully removing notice from vehicle	100
119	10.2(a)	Display sign purporting to be or resembling local government sign	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
120	10.2(b)	Remove, deface or misuse local government sign or property	100
121	10.2(c)	Affixing anything to or painting or marking local government sign	100
122	10.6(1)	Leaving vehicle so as to obstruct a public place	100
123	10.6(2)	Deemed Obstruction	100
124		All other offences not specified	85

Schedule 3 - Forms

[Clause 10.3]

LOCAL GOVERNMENT ACT 1995

PARKING AND PARKING FACILITIES LOCAL LAW 2015

NOTICE TO OWNER OF VEIDCLE INVOLVED IN OFFENCE

Date/...../.....

City of Bayswater

To: ⁽¹⁾

of: ⁽²⁾

It is alleged that on/...../.....at⁽³⁾

at⁽⁴⁾your vehicle⁽⁵⁾

was involved in the commission of the following offence -

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

contrary to clause of the **City of Bayswater Parking and Parking Facilities Local Law 2015**

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 authorised person, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or

(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.

Name and title of authorised person giving the notice

Signature.....

(1) Name of owner or "owner of (vehicle identification)"
(2) Address of owner (not required if owner not named)
(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Vehicle identification

LOCAL GOVERNMENT ACT 1995

PARKING AND PARKING FACILITIES LOCAL LAW 2015

INFRINGEMENT NOTICE

Serial No......
Date/...../.....

City of Bayswater

you committed the following offence –

To:⁽¹⁾

of:⁽²⁾

It is alleged that on/...../.....at⁽³⁾

at⁽⁴⁾

you committed the following offence -

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

contrary to clause of the **City of Bayswater Parking and Parking Facilities Local Law 2015**

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at ⁽⁵⁾

.....

within a period of 28 days after the giving of this notice.

Name and title of authorised person giving the notice

Signature

(1) Name of alleged offender [*"owner of (vehicle identification)"* suffices if notice given with a notice under section 9.13 of the Act]
(2) Address of alleged offender [not required if notice given with a notice under section 9.13 of the Act]
(3) Time at which offence allegedly committed
(4) Place at which offence allegedly committed
(5) Place where modified penalty may be paid

LOCAL GOVERNMENT ACT 1995

PARKING AND PARKING FACILITIES LOCAL LAW 2015

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No......

Date/...../.....

City of Bayswater

To:⁽¹⁾

of:⁽²⁾

Infringement Notice No.

dated/...../..... 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

Name and title of authorised person giving this notice

Signature.....

(1) Name of alleged offender to whom infringement notice was given

(2) Address of alleged offender

Schedule 4 - Deemed parking stations

[Clause 4.10(1)(e)]

NO.	NAME OF PARKING STATION	ADDRESS OF PARKING STATION	RESERVE / NUMBER LOT
1	Galleria Shopping Centre	Collier Road MORLEY WA 6062	Lot 213 -4 Collier Road, Plan Number P023395, Lot 12051 Russell Street, Plan Number P192092, Lot 50 Walter Road, Plan Number D085815, and Lot 1 -37 Rudloc Road, Plan Number D039472
2	John Forrest Secondary College	180 Drake Street MORLEY WA 6062	Lot 14070 - 180 Drake Street, Swan Location 221347 -Lot 14070
3	Bishop Street Parking Station	Bishop Street MORLEY WA 6062	Lot 12491- Bishop Street, Plan Number P 192546 and Landgate Polygon 1172284
4	Coventry Village Pty Ltd	Coventry Square Markets 243-253 Walter Road West MORLEY WA 6062	Lot 1 - 253 Walter Road West Plan Number P034612
5	Hillcrest Primary School	Hillcrest Primary School 2 Bay View Street BAYSWATER WA 6053	Lot 5658 - 2 Bay View Street, Plan Number P004434

The COMMON SEAL of
THE CITY OF BAYSWATER

was hereto affixed by the authority of a resolution of the Council in the presence
of:

FRANCESCA LEFANTE
CHIEF EXECUTIVE OFFICER

BARRY MCKENNA
MAYOR

Dated: 17 May 2016