
SHIRE OF ROEBOURNE

PARKING AND PARKING FACILITIES LOCAL LAW 2010

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WESTERN AUSTRALIAN GOVERNMENT

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LOCAL GOVERNMENT ACT 1995

SHIRE OF ROEBOURNE

PARKING AND PARKING FACILITIES LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Roebourne resolved on the 19 April 2010 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Roebourne Parking and Parking Facilities Local Law 2010*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Roebourne Parking and Parking Facilities Local Law* published in the *Government Gazette* on 29 August 2003 is repealed.

1.4 Application

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

(2) (a) The local government may enter into an agreement in writing with the owner or occupier of a parking facility or a parking station that is not owned or occupied by the local government for the application of this local law to the facility or station.

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

(3) 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.

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

1.5 Interpretation

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

“**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*;

“**AS**” means Australian Standards published by the Standards Association of Australia

“**attended parking station**” means a parking station attended by a person appointed by 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 authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

“**authorised vehicle**” means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a thoroughfare or parking facility;

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

“**bicycle 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 thoroughfare that is improved, designed or ordinarily used for vehicular traffic 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 thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

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

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or
(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

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

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

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

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

“currency” means any notes and coins which are legal tender pursuant to the *Currency Act 1965* (Commonwealth);

“disability parking bay” means a portion of the carriageway or parking area set aside for the use of persons with disabilities and identified by and in accordance with *Local Government (Parking for Disabled Persons) Regulations 1988*;

“district” means the district of the local government;

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

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

“entrance ticket” means a ticket issued by an entrance ticket machine;

“entrance ticket machine” means a machine installed at an entrance to a parking station or parking facility (including attended parking station or parking facility) and from which an entrance ticket is issued to a vehicle upon entering that parking station or parking facility;

“exit ticket” means a ticket issued after payment of the fee by a fee collection machine;

“fee collection machine” means a machine installed in a parking station or parking facility which upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;

“fire hydrant” means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency;

“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 area” means a portion of a carriageway that lies—

(a) between 2 consecutive signs inscribed with the words “Keep Clear” and each with an arrow pointing generally towards the other; or

(b) between a sign inscribed with the words “Keep Clear” and which ever of the following that lies in the general direction indicated by an arrow inscribed on the sign—

(i) the end of the carriageway; or

(ii) an area in which stopping is prohibited; or

(iii) the furthest point of “keep clear” markings;

“keep clear marking” means the words “keep clear” marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;

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

“loading zone” means a length of carriageway, parking stall or parking area to which a “loading zone” sign applies;

“local government” means the Shire of Roebourne;

“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 controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

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

“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” means a portion of a carriageway to which a “no parking” sign applies or an area to which a “no parking” sign applies;

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

“no stopping area” means a portion of a carriageway to which a “no stopping” sign applies or an area to which a “no stopping” sign applies;

“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;

“omnibus” has the meaning given to it in the *Road Traffic Act 1974*;

“owner”—

(a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that *Road Traffic Act 1974*;

(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;

“parents with prams” means a parking facility set aside for the use of people accompanied by a young child or children using a pram at the time to transport the child or children and identified in accordance with a permit issued by the local government;

“parents with prams sign” means a parking bay set aside for the use of people accompanied by a young child or children using a pram at the time to transport the child or children;

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

(a) avoiding conflict with other traffic; or

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

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

“parking area” means a portion of a carriageway to which a “permissive parking” sign applies or an area to which a permissive parking sign applies;

“parking facilities” includes land, buildings, shelters, road reserves, parking areas, metered zones, ticket machine zones, parking bays, 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 meter” includes the stand on which the meter is erected and a ticket issuing machine;

“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 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;

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

“path” includes bicycle path, footpath, separated footpath and shared path;

“pram” means a wheeled conveyance designed, constructed and used for transporting a young child or children;

“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;

“residential street” means a thoroughfare where the majority of properties abutting the thoroughfare are used for residential purposes;

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

“Schedule” means a schedule to this local law;

“senior person” means a person aged 60 years or more;

“seniors parking” means a parking facility set aside for use by a senior person and identified in accordance with a permit issued by the local government;

“seniors parking sign” means a parking bay set aside for use by a senior person and identified in accordance with a permit issued by the local government;

“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, using or stopping of vehicles;

“special event parking” means any event of occurrence considered by the CEO to be special or likely to attract a substantial number of persons driving vehicles;

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

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

“symbol” includes, but is not limited to, 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;

“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 parking facility and which upon the insertion of coins or a token, pass, card, key or device issues a parking ticket;

“ticket machine zone” means a parking facility in which ticket issuing machines are installed but does not include a parking station;

“thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

“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;

“unattended” in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 meters from the closest point of the vehicle;

“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; and

“yellow edge line” has the same meaning as given to it by the Code.

(2) For the purposes of the application of the definitions **“no parking area”** and **“parking area”** an arrow inscribed on a 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.

(3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.

(4) A reference to a parking station, ticket machine zone or metered zone includes a reference to part of the parking station, ticket machine zone or metered zone.

(5) Unless the context otherwise requires, where a term is used but not defined in this local law and—

(a) it is defined in the Act, it shall have the meaning given to it in the Act; and

(b) it is defined in the Road Traffic Act or in the Code, it shall have the meaning given to it in the Road Traffic Act or the Code.

1.6 Classes of vehicles

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

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.7 Powers of the local government

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

1.8 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local

government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2—SIGNS

2.1 Erection of signs

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

2.2 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

(2) 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.

2.3 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.

2.4 General provisions about signs

(3) 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.

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

(5) For the purpose of this local law, the local government may use (*AS 1742.11-1999*), as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of (*AS 1742.11-1999*) as it sees fit.

2.5 Application of this local law to pre-existing signs and private properties

(1) 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.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under subclause 1.3 (the “repealed local law”) applied to the private property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor.

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

(5) This local law does not apply to a parking facility or a parking station that is—

(a) not owned, occupied or operated by the local government; and

(b) open to the public

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.

(6) The agreement referred to in subclause 5 may be made on such terms and conditions as the parties may agree.

(7) Where a parking facility or a parking station is identified in the Schedule 7, 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 5.

2.6 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.

PART 3—PARKING STALLS AND PARKING STATIONS

3.1 Determination of parking stalls and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs—

(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 and parking stations.

3.2 Vehicles to be within parking stall on thoroughfare

(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

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

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

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

(4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Parking prohibitions and restrictions

(1) A person shall not—

(a) stop or park a vehicle in a parking station so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking station;

(b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;

(c) permit a vehicle to park on any part of a parking station if an authorised person directs the driver of such vehicle to move the vehicle from such part or from the parking station; 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) A person shall not stop or park a vehicle, other than a vehicle displaying a current ACROD sticker, on any land which has been set aside within a parking region as a parking bay marked for the use of people with disabilities.

(4) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking stall or station (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that—

(a) the driver’s vehicle displays an ACROD sticker; and

(b) person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 4—PARKING GENERALLY

Division 1—Parking restrictions

4.1 Restrictions on parking in particular areas

(1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

(a) if by a sign it is set apart for the parking of vehicles of a different class;

(b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or

(c) during any period when the parking of vehicles is prohibited by a sign.

(2) A person shall not park a vehicle—

(a) in a no parking area;

(b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;

(c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(3) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(4) A person shall not, without the prior permission of the local government or an authorised person park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

(5) A person must not stop or park a vehicle in or on any part of a parking area, carriageway or

thoroughfare signed or marked “keep clear” area.

4.2 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway shall park it—

(a) so the vehicle is parallel with and as close as practicable to the boundary of the carriageway;

(b) so the vehicle is headed in the direction of the movement of traffic on the side of the carriageway on which the vehicle is parked or stopped;

(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) two parallel continuous dividing lines.

(3) The driver of any vehicle standing on any carriageway in any park or reserve shall place and keep the same close to and parallel with the road edge, kerb or footpath on the left of such vehicle, except where channels or other obstructions prevent this from being done;

(4) Subclause (3) shall not apply to a vehicle parked in an area where the parking bays have been marked other than parallel to the road edge.

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 three 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.

(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, over or across any footpath or pedestrian crossing or where there is no constructive footpath;

(g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;

- (h) 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 box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked, unless a sign indicates 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 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 two hours.

(3) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

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

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

(a) for the purpose of exposing it 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.

4.9 Parking on private land

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 1.5(2); or

(e) which is identified in Schedule 7.

(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.

4.10 Parking on reserves

No person other than an employee or approved contractor 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, across or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.11 Stopping or parking on a verge

(1) A person shall not—

(a) stop or park a vehicle; or

(b) stop or park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
(c) stop or park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge; so that any portion of it is on a verge.

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

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, 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 footpath.

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.

(3) Where permission is granted under subclause (1), the local government, the CEO or authorised person may withdraw permission at any time and that person and the vehicle to which permission was given to, must leave the thoroughfare or parking facility without delay.

4.13 Parking for persons with disabilities

(1) In this clause—

“AS1428.1-2001” means the standard called “Signs indicating access for people with disabilities” published by the Standards Association of Australia;

“disability parking area” is a length or area of a road—

(a) set aside for the use of people with disabilities under the Local Government (Parking for Disabled Persons) Regulations 1988;

(b) indicated by the words “Disabled Parking Only” clearly written on the ground or marked with a symbol indicating it is solely for use of persons with disabilities, and an elevated parking sign bearing the “international symbol for access for the disabled”.

“disability vehicle” means—

(a) a vehicle displaying a current ACROD sticker; and

(b) the ACROD sticker relates to the “driver” of that vehicle.

“driver” means—

(a) the driver of a “disability vehicle” or the passenger in that vehicle; and

(b) displays a current ACROD sticker; and

(c) who must disembark from that parked vehicle;

“international symbol for access for the disabled” means the symbol described in AS1428.1-2001.

(2) A driver shall not stop and park in a parking facility, parking area or parking bay that is marked for the sole use of people with disabilities unless he or she is using a disability vehicle.

(3) A driver of a disability vehicle may park that vehicle in a parking bay, parking facility or parking area other than in a parking stall marked solely for the use of people with disabilities, for twice the period of time permitted by the sign referable to that facility or area or bay.

Division 2 – Parking in parking stations

4.14 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.

(c) 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;

(d) 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 vehicle 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 has not expired.

(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) Fees for motor cycles in parking stations—

(a) 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;

(b) the local government shall not be obliged to accept payment of any fee referred to in this clause;

(4) Parking positions for motor cycles—

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

(a) wholly within a parking stall marked with the symbol “M/C” or otherwise designated as being set aside for the parking of motor cycles;

(b) that person has paid to the local government the fee; and

(c) during the period for which the fee is applicable.

(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 one other person in addition to the driver.

(6) Parking restrictions for vehicles with multiple occupants—

(a) 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.

(b) 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 one other person.

(c) 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 one other person.

4.15 Vehicle not be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

4.16 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

PART 5—PARKING AND STOPPING GENERALLY

Division 1—Parking and stopping generally

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

(1) No stopping—

A driver shall not stop on a length of carriageway, or in an area, to which a ‘no stopping’ sign applies.

(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.
- (3) No stopping on a carriageway with yellow edge lines—
- (a) a driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

Division 2—Stopping in zones for particular vehicles

5.2 Stopping in a loading zone

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

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

5.3 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 buszone.

5.4 Stopping in a mail zone

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

5.5 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.

Division 3—Other places where stopping is restricted

5.6 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 these local laws;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these local laws;
- (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.

5.7 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 these local laws.

5.8 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.

5.9 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 these local laws.
- (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.

5.10 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 these local laws.

5.11 Stopping near a fire hydrant etc

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

(a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or

(b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

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

5.12 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 meters 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 these local laws.

(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.

5.13 Stopping or driving on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not drive along or stop a vehicle so that any portion of the vehicle is on, over or across 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 by the sign.

5.14 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 these local laws.

(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 these local laws.

5.15 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 these local laws.

5.16 Stopping on a carriageway—heavy and long vehicles

Subject to any clause to the contrary or sign referable to the carriageway, a person shall not park a vehicle or any combination of vehicles that together with any projection on, or load carried by the vehicle or combination of vehicles is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

(a) on a carriageway or thoroughfare in a built-up area for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or

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

5.17 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.

5.18 Stopping on a carriageway with motor cycle parking sign

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

(a) the vehicle is a motor cycle; or

(b) the driver is dropping off, or picking up, passengers.

5.19 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.

5.20 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 car park 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)—

(a) except at the times or during the period specified in the permit;

(b) or any purpose other than the purpose for which the permit was issued; or

(c) at any time after the cancellation, withdrawal or suspension of the 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.

5.21 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"—

(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.

5.22 Stopping in a parking area for seniors

The driver of a vehicle shall not stop or park a vehicle on a thoroughfare or parking station or other area that has been set aside for seniors parking unless—

(a) the driver's vehicle displays an "seniors permit"; and

(b) either the driver or the passenger of that vehicle is a person to whom the "seniors permit" has been issued to.

5.23 Stopping in a parking area for parents with pram

A driver shall not stop or park a vehicle on a thoroughfare or parking station or other area that has been set aside for parents with pram unless—

(a) the driver's vehicle displays a "parents with pram" permit; and

(b) either the driver or the passenger of that vehicle is a person to whom the "parents with pram" permit has been issued to.

PART 6—TICKET ISSUING MACHINES AND ZONES

6.1 Ticket issuing machines

(1) Damage to ticket issuing machines—

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

(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.

(3) Use of coins in ticket issuing machines—

A person shall not insert or cause to be inserted or attempt to insert into a coin slot of a ticket issuing machine any thing other than a coin appropriate to that slot.

(4) Operating ticket issuing machines—

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.

6.2 Fees in ticket machine zones

(1) Fees for stopping and parking of vehicles in a ticket machine zone may be determined and imposed by the local government.

(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.

(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 machine zone 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 zone 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.

6.3 Display of tickets

(1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period unless—

(a) an unexpired ticket issued by a ticket issuing machine in that ticket machine zone; 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 zone.

(2) A reference in this clause to—

(a) **“permitted period”** means the period stated on the ticket issuing machines in the ticket machine zone during which the parking of vehicle is permitted upon the purchase 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;

(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) For the purpose of this clause, where more than one 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.

6.4 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 stated on the ticket issuing machines in the zone during which the continuous parking of a vehicle in the zone is permitted;

(b) **“permitted period”** has the meaning given to it in clause 6.3(2)(a).

6.5 Parking position in ticket machine zones

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

(1) on any part of which there are parking stalls set out parallel to a kerb otherwise than—

(a) parallel to that kerb;

(b) as close to the kerb as practicable;

(c) wholly within a parking stall;

(d) headed in the direction of the movement of traffic on the part of the carriageway on which the parking stall is situated; or

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

PART 7—MISCELLANEOUS

7.1 Authorised persons

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

7.2 Necessary power

An authorised person has all necessary powers for the purpose of performing or observing all of the functions conferred on him or her under the Act and this local law.

7.3 Authorised person to be obeyed

A person who is given a direction by an authorised person or a member of the WA Police Service under this local law or in relation to a contravention of this local law shall comply with that direction.

7.4 Name, address and date of birth to be given on demand

(1) An authorised person or a member of the police force which finds a person committing, or who on reasonable grounds suspects a person having committed a breach of the provisions of these local laws, may demand from that person their name, place of abode and date of birth.

(2) If a person without lawful excuse refuses to state his or her name, place of abode and date of birth or who states a false name, place of abode and date of birth, commits an offence.

7.5 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.

7.6 Hindrance of authorised person

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

7.7 Marking of tyres

(1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law an authorised person may mark the tyres of a vehicle parked in a parking area or parking facility—

(a) with chalk or any other non-indelible substance; or

(b) record the position of the vehicle; or

(c) take a valve stem reading of the vehicle; or

(d) record the vehicle details, vehicle registration number and photograph the vehicle.

(2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing such a mark is defeated or may be defeated.

7.8 Removal of notices on vehicle

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

7.9 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.

7.10 Vehicles not to obstruct a public place or thoroughfare

(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 or thoroughfare without the permission of the local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.

7.11 Signs must be complied with

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

7.12 General provisions about signs

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

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

7.13 Damage to parking stations and facilities

A person shall not, and shall not attempt to remove, damage, deface, misuse or interfere with any part of a parking station or parking facility.

7.14 Interfere with or damage Council property

(1) A person shall not interfere with, damage, or obstruct the operation of any electronic parking meter or instrument in any parking station or parking facility.

(2) A person shall not interfere with, damage or obstruct the operation of any display panels or parking meters or instruments operated by the Shire of Roebourne.

7.15 Causing or attempting to cause damage to Council property

A person shall not cause or attempt to cause damage to the property of the local government in any way.

PART 8—REMOVAL AND IMPOUNDING OF VEHICLES

8.1 Obstruction of public places

For the purposes of regulation 29 of the Local Government (Functions and General) Regulations 1996 any vehicle which is parked or stopped in any public place in contravention of these local laws—

- (a) for any period exceeding 24 hours without the written consent of an authorised person; or
- (b) or as to cause an undue obstruction, is abandoned, unregistered or disused, is deemed to be obstructing the lawful use of that public place.

8.2 Impounding of vehicles

(1) An authorised person may remove and impound any vehicle obstructing the lawful use of a road or public place in accordance with Part 3, Division 3, Subdivision 4 of the *Local Government Act 1995*.

(2) Where an authorised person finds a vehicle causing an obstruction that authorised person may use such force as is necessary to enter the vehicle for the purpose of so removing it.

8.3 Register of impounded vehicles

The Local Government shall keep and maintain a register of impounded vehicles containing details of the time and 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.

8.4 Return of impounded vehicles pending prosecution

Where the Local Government impounds a vehicle pursuant to clause 8.2 of these local laws and institutes a prosecution against the alleged offender for an offence against this local laws in accordance with section 3.42(a) of the *Local Government Act 1995*, the owner of the vehicle may collect the vehicle on payment to the local government of its expenses of removing and impounding the vehicle.

8.5 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 Schedule 2—Form 4.

PART 9—RESIDENTIAL PARKING PERMITS

9.1 Definitions

In this Part, unless the context otherwise requires—

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

“eligible person” where used in relation to an application for a—

- (a) residential parking permit means a single house occupier, a unit occupier or a unit owner;
- (b) visitor’s parking permit means—
 - (i) a single house occupier;
 - (ii) a strata company;
 - (iii) a unit owner of a residential unit which is not a strata lot;

“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) two or more dwelling units with or without any non-residential units;
- (b) one 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; and

“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 metered space, 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 9.3(1) and 9.3(2).

(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.

(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.

(3) The local government's power to issue, replace and revoke permits under this Part may be exercised by an authorised officer.

(4) Notwithstanding any other provisions in this local law, the local government may approve the issue of a number of residential or visitor's parking permits to any owner or occupier 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 or visitors' parking permits that may be issued, the local government may approve the issue of one additional residential parking permit or one additional visitor's parking permit to any occupier on such terms and conditions as the local government sees fit.

9.5 Validity of permit

(1) Every residential parking permit or visitor's parking permit as the case may be shall cease to be valid upon—

(a) the expiry of a period of 12 months 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 9.3.

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) If within 7 days after the date of receipt of the notice referred to in subclause

(2) the eligible person to whom the permit was issued—

(a) fails to give the local government notice in writing of any reason why the permit should not be revoked;

(b) gives the local government notice in writing of any reasons why the permit should not be revoked; then the local government may in its absolute discretion revoke that 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 the revocation by serving a notice on the eligible person to whom the permit was issued.

9.7 Removal of a permit from a vehicle

The holder of a residential parking permit shall forthwith upon that permit being revoked or ceasing to be valid 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 parking permit or visitor's parking permit which is lost, 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 residential or visitor's 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—PENALTIES

10.1 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 no less than \$500.00 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500.00 for each day or part of a day during which the offence has continued.

10.2 Form of notices

For the purposes of this local law the form of the—

- (a) notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
 - (b) infringement notice referred to in section 9.17 of the Act is that of the Form 2 in Schedule 4;
 - (c) notice referred to in 9.20 of the Act is that of Form 3 in Schedule 5; and
 - (d) notice referred to in 3.42 of the Act is that of Form 4 in Schedule 6.
-

Schedule 1

PARKING REGION

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

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

Schedule 2

PRESCRIBED OFFENCES

[cl. 9.2(1)]

Item No.	Clause No.	Description of Offence	Modified Penalty \$
1	2.3(a),(b) or (c)	Unauthorised signs and defacing signs	200
2	3.2(1)(b)	Failure to park wholly within parking stall	80
3	3.2(4)	Failure to park wholly within parking area	80
4	3.3(1)(a)	Causing obstruction in parking station	80
5	3.3(1)(b)	Parking contrary to sign in parking station	80
6	3.3(1)(c)	Parking contrary to directions of authorised person	100
7	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	80
8	4.1(1)(a)	Parking by vehicles of a different class	80
9	4.1(1)(b)	Parking by persons of a different class	80
10	4.1(1)(c)	Parking during a prohibited period	80
11	4.1(3)(b)	Parking contrary to signs or limitations	80
12	4.1(3)(c)	Parking vehicle in motor cycle only area	80
13	4.1(4)	Parking motor cycle in stall not marked "M/C"	80
14	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	100
15	4.2(1)(a)	Failure to park with and adjacent to the boundary of carriageway	100
16	4.2(1)(b)	Parking contrary to direction of traffic on carriageway	100
17	4.2(1)(e)	Causing obstruction on carriageway	100
18	4.3(b)	Failure to park at approximate right angle	80
19	4.4(2)	Failure to park at an appropriate angle	80
20	4.5(3)(a)	Double parking	100
21	4.5(3)(b)	Parking on or adjacent to a median strip	100
22	4.5(3)(c)	Denying access to private drive or right of way	100
23	5.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
24	4.5(3)(e)	Parking within 10 metres of traffic island	100
25	4.5(3)(f)	Parking on footpath/pedestrian crossing	100
26	4.5(3)(g)	Parking contrary to continuous line markings	100
27	4.5(3)(h)	Parking on intersection	100
28	4.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	100
29	4.5(3)(j)	Parking within 3 metres of public letter box	100
30	4.5(3)(k)	Parking within 10 metres of intersection	100
31	4.5(4)(a)or(b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
32	4.5(5)(a)or(b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
33	4.6	Parking contrary to direction of authorised person	100
34	4.7(1),(2)or(3)	Moving vehicle to avoid time limitation	100
35	4.8(b)	Parking unlicensed vehicle in thoroughfare	100
36	4.9(2)	Parking or stopping on private property	100
37	4.10	Driving or parking on reserve	250
38	4.11	Stopping or parking on a verge	100
39	4.13	Stopping or parking in a disabled parking bay	500
40	5.1(1)	Stopping contrary to a "no stopping" sign	100
41	5.1(2)	Parking contrary to a "no parking" sign	100
42	5.1(3)	Stopping within continuous yellow lines	100
43	5.2	Stopping unlawfully in a loading zone	100
44	5.3	Stopping unlawfully in a taxi zone or bus zone	80
45	5.4	Stopping unlawfully in a mail zone	80
46	5.8	Stopping near an obstruction	100
47	5.9	Stopping on a bridge or tunnel	100

48	5.10	Stopping on crests/curves etc	100
49	5.11	Stopping near fire hydrant	100
50	5.12	Stopping near bus stop	100
51	5.13	Stopping on path, median strip or traffic island	100
52	5.14	Obstructing path, a driveway etc	100
53	5.15	Stopping near letter box	80
54	5.22	Stopping in seniors parking area	120
55	5.23	Stopping in parents with prams parking area	120
56	6.1(1)	Damage to ticket issuing machine	500
57	6.1(2)	Signs on ticket issuing machine	500
58	6.1(3)	Use of coin in ticket issuing machine	500
59	6.1(4)	Misuse of ticket issuing machine	500
60	7.6	Hindrance of authorised person	200
61	7.8	Removal of notices from vehicle	100
62	7.10	Leaving vehicle so as to obstruct a public place	200
63	7.14(1) or (2)	Interfere or damage a display panel or transmitting device	500
64	7.16	Causing damage to local government property	500
65	9.9	Failure to display a valid permit	100
66		All other offences not specified	80

Schedule 3

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

[cl. 9.13]

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 clauseof the **Shire of Roebourne Parking and Parking Facilities Local Law 2010**.

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 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 authorised person.

(6) Name and title of authorised person giving notice.

Schedule 4

Form 2

INFRINGEMENT NOTICE

[cl. 9.17]

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 **Shire of Roebourne Parking and Parking Facilities Local Law 2010**.

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

Schedule 5

Form 3

WITHDRAWAL OF INFRINGEMENT NOTICE

[cl. 9.20]

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 authorised person.

(4) Name and title of authorised person giving notice.

Schedule 6

Form 4

NOTICE OF REMOVAL AND IMPOUNDING OF VEHICLE

[cl. 3.42]

Serial No.

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

To (name of owner of vehicle)

of (address of owner of vehicle)

make:

model

registration.....

On (date)...../...../.....(time).....am/pm, at (place)

..... your vehicle was involved in a contravention of the Shire of Roebourne local laws Relating to Parking and was removed and impounded under section 3.39 of the *Local Government Act 1995*.

Your vehicle may be collected from (place)

..... between the hours of am/pm and

..... am/pm, Monday to Friday by satisfying the Chief Executive Officer of the Shire that you are the owner of the vehicle or a person entitled to possession of the vehicle.

(1) If your vehicle is not collected within two (2) months after the date of this notice the Shire may either—
(a) under section 3.47 of the *Local Government Act 1995* sell the vehicle and credit the money received from that sale to the Shire’s trust fund except to the extent required to meet the Shire’s costs of custody of the vehicle after the period of two months and the expenses incurred by the Shire in selling the vehicle; or
(b) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the Shire’s costs of custody of the vehicle after the period of two months have been paid to the Shire.

(2) If you have been convicted of an offence against the Shire of Roebourne local laws Relating to Parking as a result of the above contravention then section 3.48 of the *Local Government Act 1995* also allows the Shire to recover from you its expenses incurred in removing and impounding the vehicle and any outstanding expenses for the custody of the vehicle.

.....
Signature of authorised person

.....
Name and title of authorised person

Schedule 7

DEEMED PARKING STATIONS

Parking Station Location

- Number 1, Airport Lot 15, Bayly Avenue, Gap Ridge
- Number 2, Centro Lot 50, Welcome Road, Karratha
- Number 3, TAFE Lot 2598, Dampier Road, Stove Hill
- Number 4, TAFE Lot 2899, Dampier Road, Stove Hill

Dated: 19 April 2010.

The Common Seal of the Shire of Roebourne was affixed by authority of a resolution of the Council in the presence of—

N. LOCKWOOD, Shire President.
C. LONGMORE, Chief Executive Officer.
