



LOCAL GOVERNMENT ACT 1995

SHIRE OF SHARK BAY

**PARKING AND
PARKING FACILITIES
LOCAL LAW**

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Shire of Shark Bay

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Shark Bay resolved to make the following Local Law on 27 February 2002.

PART 1 - DEFINITIONS AND OPERATION

1.1 COMMENCEMENT

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.2 REPEAL

The Shire of Shark Bay Local Law Relating to Parking Facilities published in the *Government Gazette* of 12 November 1993, is repealed.

1.3 INTERPRETATION

In this Local Law unless the context otherwise requires -

"**ACROD sticker**" has the meaning given to it by the Code,

"**Act**" means the *Local Government Act 1995*,

"**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,

"**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,

"**CEO**" means the Chief Executive Officer of the Local Government,

"**Code**" means the Road Traffic Code 2000,

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

"**district**" means the district of the Local Government,

Parking and Parking Facilities Local Law

"**driver**" means any person driving or in control of a vehicle,

"**Loading Zone**" means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone',

"**Local Government**" means the Shire of Shark Bay,

"**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,

Note - The Code defines 'no parking area' to mean -

- " (a) a portion of carriageway to which a 'no parking' sign applies; or
- (b) 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**" has the meaning given to it by the Code,

Note - The Code defines 'no stopping area' to mean -

- " (a) a portion of carriageway to which a 'no stopping' sign applies; or
- (b) 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,

"**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, and
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle,

"**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**" has the meaning given to it by the Code,

Note - The Code defines 'parking area' to mean -

- " (a) a portion of carriageway to which a 'permissive parking' sign applies; or
- (b) an area to which a 'permissive parking' sign applies;"

Parking and Parking Facilities Local Law

"**parking facilities**" includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and 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 vehicles,

"**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,

"**Road Traffic Act**" means the *Road Traffic Act 1974*,

"**Schedule**" means a Schedule to this Local Law,

"**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,

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

"**symbol**" includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol,

"**thoroughfare**" has the meaning given to it by the Act,

Note - The Code defines 'thoroughfare' to mean -

"a road or other thoroughfare and includes structures and 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".

"**vehicle**" has the meaning given to it by the Code,

Note - The Code defines "vehicle" according to the definition of 'vehicle' in the Road Traffic Act which includes an animal driven or ridden but does not include a wheeled toy or wheeled recreational device;

"**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.

1.4 APPLICATION OF PARTICULAR DEFINITIONS

- (1) For the purposes of the application of the definitions 'no parking area', 'parking area' and 'no stopping area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) 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.

1.5 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.
- (3) 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 or stopping 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.

1.6 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.

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.

PART 2 - PARKING STALLS AND PARKING STATIONS

2.1 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.

2.2 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.

PART 3 - PARKING AND STOPPING GENERALLY

3.1 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) This subclause applies to a driver if -
 - (i) the driver's vehicle displays an ACROD sticker, and
 - (ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
 - (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) 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.

3.2 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.

3.3 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.

3.4 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.

3.5 NO STOPPING AND NO PARKING SIGNS

(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.

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

3.6 STOPPING IN A LOADING ZONE

A person shall not stop in a Loading Zone unless it is -

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods, or
 - (b) a motor vehicle taking up or setting down passengers,
- but, in any event, 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).

3.7 STOPPING ON VERGE

(1) A person shall not -

- (a) stop a vehicle (other than a bicycle),
- (b) 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,

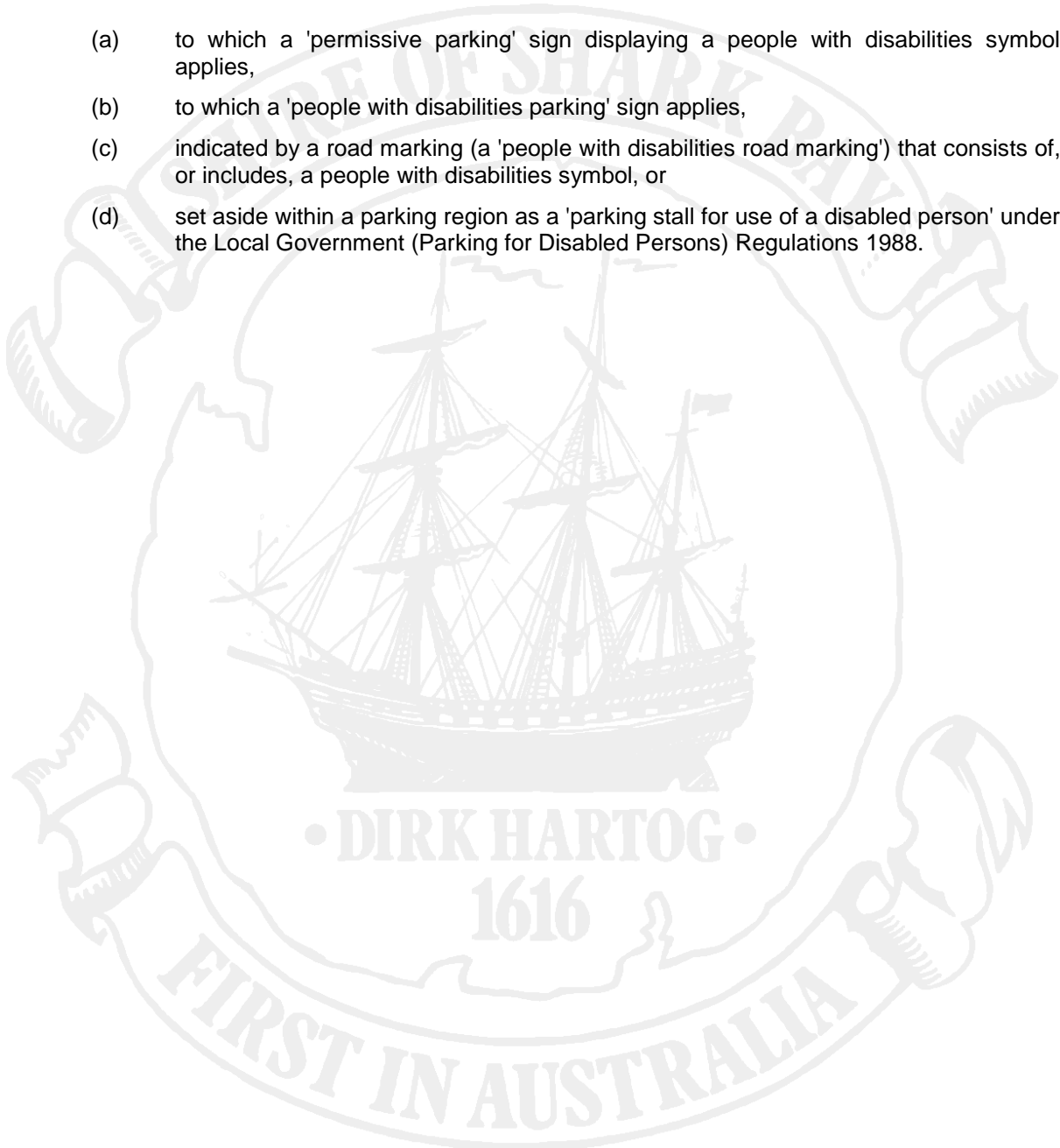
so that any portion of it is on a verge.

(2) Subclause (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 stop the vehicle so that any portion of it is on the verge, except that such an exemption does not apply to a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle.

(3) Subclauses (1) and (2) do 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 path.

3.8 STOPPING IN A PARKING STALL FOR PEOPLE WITH DISABILITIES

- (1) A driver shall not stop in a parking area for people with disabilities unless -
- (a) the driver's vehicle displays an ACROD sticker, and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this Clause a 'parking area for people with disabilities' is a length or area -
- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies,
 - (b) to which a 'people with disabilities parking' sign applies,
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol, or
 - (d) set aside within a parking region as a 'parking stall for use of a disabled person' under the Local Government (Parking for Disabled Persons) Regulations 1988.



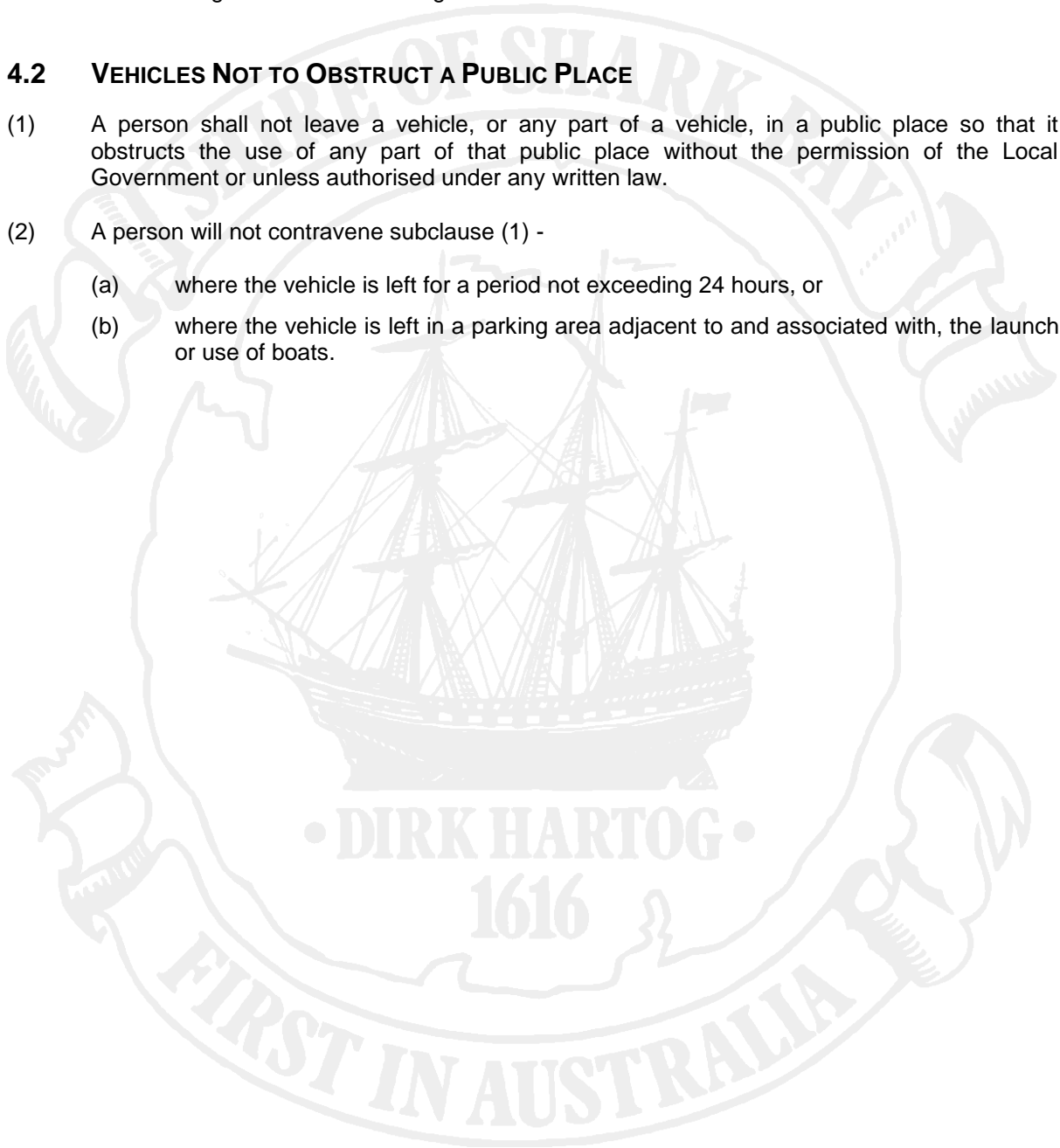
PART 4 - MISCELLANEOUS

4.1 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.

4.2 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 person will not contravene subclause (1) -
 - (a) where the vehicle is left for a period not exceeding 24 hours, or
 - (b) where the vehicle is left in a parking area adjacent to and associated with, the launch or use of boats.



PART 5 - PENALTIES

5.1 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) 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.

5.2 MODIFIED PENALTIES

- (1) An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.
- (2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this Local Law is \$100.

5.3 FORM OF NOTICES

For the purposes of this Local Law -

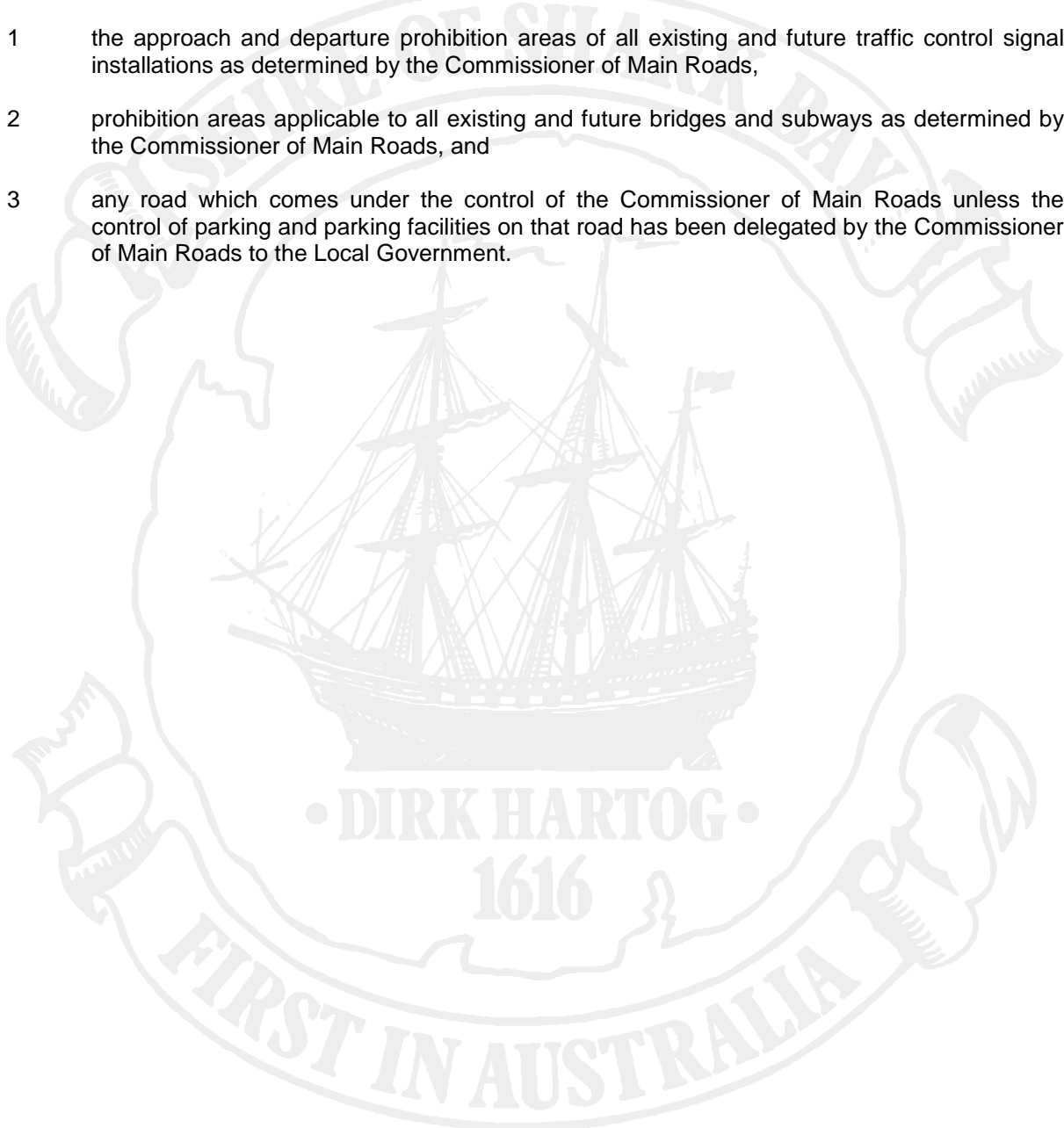
- (a) the form of the notice referred to in Section 9.13 of the Act is that of Form 1 in Schedule 2,
- (b) the form of the infringement notice referred to in Section 9.17 of the Act is that of Form 2 in Schedule 2,
- (c) the form of the infringement notice referred to in Section 9.17 of the Act which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

SCHEDULE 1

PARKING REGION

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 has been delegated by the Commissioner of Main Roads to the Local Government.



SCHEDULE 2

FORMS

Local Government Act 1995

FORM 1

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

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

To (1)
of (2)

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

at (4) your vehicle -

make,

model,

registration,

was involved in the commission of the following offence -

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

contrary to Clause of the **Parking and Parking Facilities Local Law**.

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

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

- (a) within 28 days after being served with this notice -
 - (i) you inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify 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)

- (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 2

Local Government Act 1995

FORM 2

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

Serial No

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

To (1)

of (2)

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

at (4) in respect of vehicle -

make

model

registration

was involved in the commission of the following offence -

.....

.....

.....

contrary to Clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

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

- (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 Authorised Person
- (7) Name and title of Authorised Person giving notice

SCHEDULE 2

Local Government Act 1995

FORM 3

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

Serial No

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

To (1)

of (2)

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

at (4) in respect of vehicle -

make

model

registration

was involved in the commission of the following offence -

.....

.....

.....

contrary to Clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice -

(a) you pay the modified penalty, or

(b) you -

(i) inform the Chief Executive Officer or another Authorised Officer of the Local Government as to the identify 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

(i) 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,

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

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

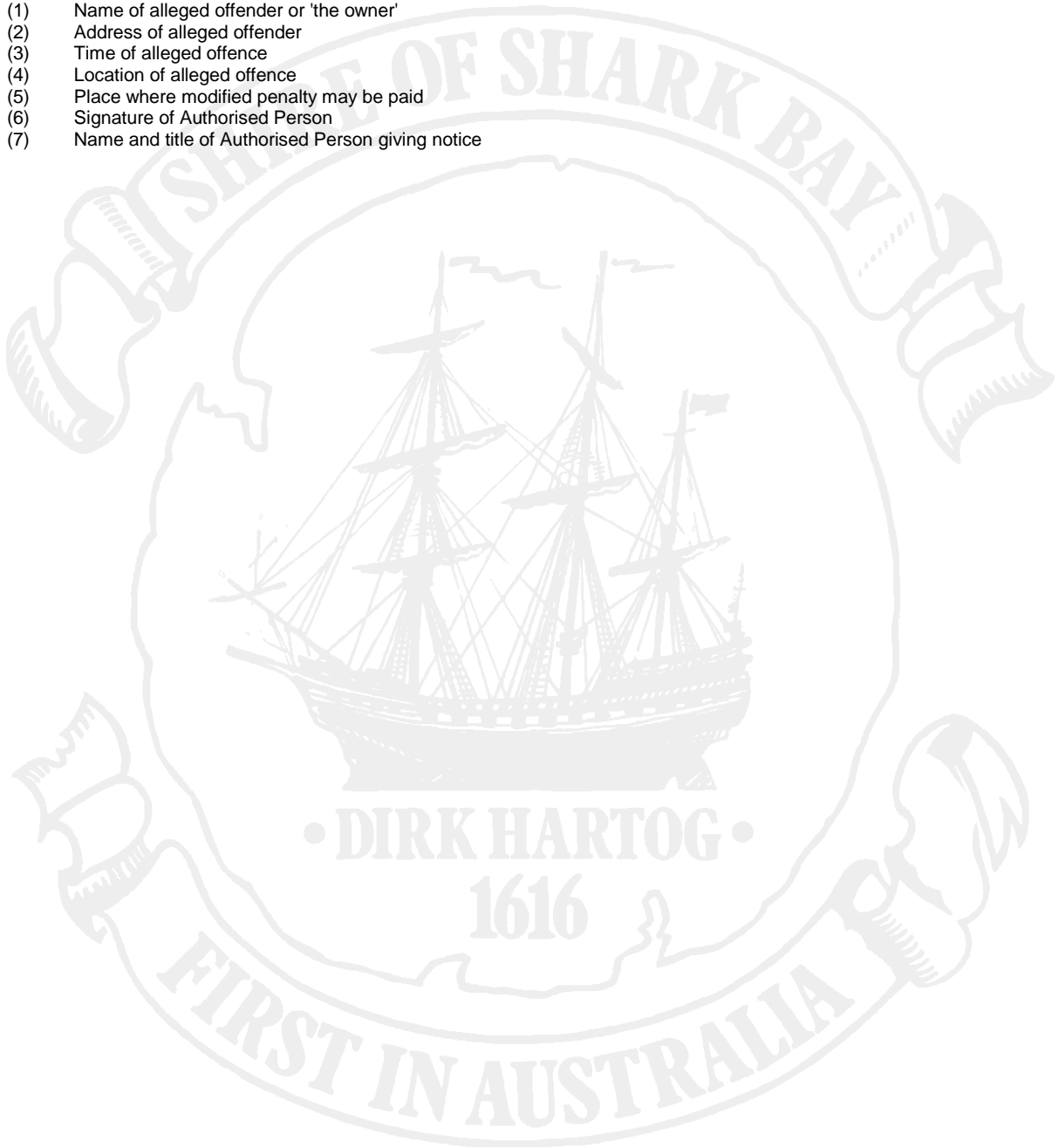
Parking and Parking Facilities Local Law

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)

- (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 Authorised Person
- (7) Name and title of Authorised Person giving notice



SCHEDULE 2

Local Government Act 1995

FORM 4

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

Serial No

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

To (1)

of (2)

Infringement Notice No dated/...../.....

in respect of vehicle -

make

model

registration

for the alleged offence of -

.....

.....

.....

has been withdrawn.

The modified penalty of \$

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

(3)

(4)

- (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