

CITY OF GREATER GERALDTON

**PARKING AND PARKING FACILITIES
LOCAL LAW 2012**

Parking and Parking Facilities Local Law 2012

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LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the *[insert date]* to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *City of Greater Geraldton Parking and Parking Facilities Local Law 2012*.

1.2 Commencement

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

1.3 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 1, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

1.4 Repeal

The *City of Geraldton-Greenough Parking and Parking Facilities Local Law 2008* published in the *Government Gazette* of 24 November 2008 is repealed.

1.5 Interpretation

- (1) In this local law unless the context otherwise requires —
ACROD sticker has the meaning given to it in the Code;
Act means the *Local Government Act 1995*;
appropriate fee means the fee appropriate to the period for which a vehicle has been parked;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law and where the context requires, any member of the Western Australian Police Service;

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

bicycle has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

caravan has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

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;

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;

Council means the council of the local government;

district means the district of the local government;

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

fee means the prescribed amount of legal tender that the local government may impose and determine from time to time for the stopping or parking of a vehicle under and in accordance with sections 6.16 to 6.19 of the Act;

footpath has the meaning given to it in the Code;

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

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 City of Greater Geraldton;

median strip has the meaning given to it in 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 road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;

motorcycle has the meaning given to it by the Code;

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

occupier has the meaning given to it in the Act;

owner —

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

park in relation to a vehicle means permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with any written law; or
- (c) immediately taking up or setting down persons or goods within 2 minutes of the vehicle becoming stationary;

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

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 permit means a permit issued by the local government;

parking region means the whole of the district with the exception of —

- (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;

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

parking station means any land, building or other structure providing for the purpose of accommodating vehicles, but does not included a metered zone or metered space;

pedestrian crossing has the same meaning as in the Code;

property line means the lateral boundary of a road;

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

public 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’ in terms of 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 has the meaning given to it in the Code;

symbol includes any symbol specified by Australian Standard 1742.1–2003 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;

taxi has the meaning given to it in the Code;

taxi zone has the meaning given to it in the Code;

thoroughfare has the meaning given to it in the Act;

ticket issuing machine means a machine or device which issues, as a result of money or other permitted form of payment being inserted into a machine, a ticket showing the period during which it is lawful to remain parked in the areas to which the machine relates;

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

trailer has the meaning given to it in the Code;

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

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

- (2) In this local law, unless the context requires otherwise, a reference to a thoroughfare, parking station, parking facility or public reserve includes a reference to, as the case may be, any part of the thoroughfare, parking station, parking facility or public reserve.
- (3) A reference to the wording of any sign in this local law shall also be deemed to be a reference to the corresponding symbol.
- (4) 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 the Act or Code.

1.6 Vehicle and driver classification

- (1) For the purpose of this local law vehicles are divided into the following classes —
 - (a) buses;
 - (b) caravans;
 - (c) motor cycles and bicycles;
 - (d) taxis;
 - (e) commercial vehicles;
 - (f) tractors; and
 - (g) all other vehicles not otherwise classified.
- (2) For the purpose of this local law, drivers are divided into the following classes —
 - (a) authorised persons; and
 - (b) all other persons not otherwise classified.

1.7 Application and interpretation of signs

- (1) Where the stopping or parking of vehicles in a thoroughfare is controlled by a sign, then the sign shall for the purposes of this local law apply 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.
- (2) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol.
- (3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law.
- (4) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles.
- (5) A sign that —
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region,shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

1.8 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 stations

2.1 Establishment of parking stations

- (1) The local government may constitute any land or structure as a parking station by —
 - (a) resolution of the Council; or
 - (b) inclusion of a description of the land or structure in Schedule 1.
- (2) A parking station constituted under subclause (1) may be varied as to the land or structures which it comprises by —
 - (a) resolution of the Council; or
 - (b) an amendment to the description in Schedule 1.
- (3) In relation to a parking station, the local government may determine and indicate by signs the —
 - (a) location of parking spaces within a parking station;
 - (b) permitted times and conditions of parking or stopping a vehicle;
 - (c) classes of vehicles permitted to park or stop;
 - (d) classes of persons permitted to park or stop a vehicle; and
 - (e) manner of parking or stopping a vehicle.
- (4) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination or resolution.

2.2 Fees for parking stations

- (1) The local government may impose and determine a fee for the stopping or parking of a vehicle in a parking station under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) A reference in this Part to a *fee* means a fee imposed in accordance with subclause (1).

2.3 Conditions of parking in a parking station

- (1) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless —
 - (a) in the case of a parking station having an attendant on duty, the person pays the appropriate fee when demanded; or
 - (b) in the case of a parking station equipped with a ticket issuing machine, the person —
 - (i) inserts the appropriate fee in the ticket issuing machine or makes such other permitted form of payment which is indicated on the machine; and
 - (ii) obtains a parking ticket from the machine; or
 - (c) the vehicle is displaying a valid parking permit.
- (2) The local government may by resolution declare that subclause (1) shall not apply in a parking station during periods or on particular days specified in that resolution.

2.4 Display of tickets

A person shall not stop or park a vehicle in a parking station equipped with a ticket issuing machine during any period for which a fee is payable, unless displaying a parking permit or an unexpired parking ticket applicable to that parking station is —

- (a) displayed inside or on the vehicle; and
- (b) displayed so that the date, expiry time and the number (if any) on the ticket are clearly visible to and able to be read by an authorised person from outside the vehicle, at all times while the vehicle remains stopped or parked in the parking station.

2.5 Lost tickets

If provision is made in any parking station for payment of a fee on the departure of a vehicle, and the ticket issued when a vehicle entered the parking station is not produced on the departure of the vehicle, the fee payable shall be calculated from the time the parking station was opened on that day to the time of the departure of the vehicle.

2.6 Removal of vehicles

A person shall not remove a vehicle which has been parked in a parking station until he or she pays the appropriate fee.

2.7 Parking within a parking space

A person shall not stop or park a vehicle in a parking station, other than wholly within a parking space.

2.8 Prohibitions on stopping or parking

- (1) A person shall not stop a vehicle in any part of a parking station —
 - (a) if the stopping of a vehicle in that part is prohibited by a sign; or
 - (b) during a period in which the stopping or parking of vehicles in that part is prohibited by a sign.
- (2) A person shall not park a vehicle on any part of a parking station —
 - (a) if the parking of vehicles on that part is prohibited by a sign;
 - (b) during a period in which the parking of vehicles on that part is prohibited by a sign;
 - (c) if a sign specifies that part is for the parking of vehicles —
 - (i) of a different class; or
 - (ii) driven by a person of a different class;
 - (d) for more than the maximum time specified by a sign; or
 - (e) so as to obstruct an entrance to, or an exit from a parking station, or an access way within the parking station.

2.9 Behaviour in parking stations

A person shall not —

- (a) remain in or on a parking station after having been directed to leave that parking station by an authorised person;

- (b) 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; or
- (c) drive in a parking station in a direction other than the direction indicated by arrows.

2.10 Parking stations may be locked

At the expiration of the hours of operation of a parking station the local government whether or not any vehicle remains parked in a parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

2.11 Selling and hiring in parking stations

No person shall at or on any part of a parking station sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the prior written permission of the local government to do so.

2.12 Authorised spaces in parking stations

- (1) The local government may by use of signs set aside any parking station or any parking space or spaces in a parking station for the parking of vehicles by persons authorised by the local government.
- (2) Where the local government authorises a person pursuant to subclause (1) the local government —
 - (a) shall issue a written permit to the person; and
 - (b) may revoke the permit at any time.
- (3) A person shall not park or stop a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside or on the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.

2.13 Damage to parking stations

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

2.14 Operation of ticket issuing machines

- (1) 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.
- (2) A person shall not insert or cause to be inserted or attempt to insert into a ticket issuing machine anything other than the money which is appropriate for the machine, or such other permitted form of payment which is indicated on the machine.

2.15 Damage to ticket issuing machines

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

2.16 Defacing a parking ticket

A person shall not display in or on a vehicle a ticket purchased from a ticket issuing machine or from any other place authorised by the local government if the ticket has

been altered, added to or defaced in any way in an attempt to avoid payment of the appropriate fee.

Part 3 — Parking on thoroughfares

3.1 Stopping or parking contrary to signs

- (1) In this clause —

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.

- (2) A person shall not stop or park a vehicle on a thoroughfare, or portion of a thoroughfare —
- (a) if it is set apart by a sign for the stopping or parking of vehicles of a different class;
 - (b) if it is set apart by a sign for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) the side of which is marked with a continuous yellow edge line;
 - (e) other than wholly within a parking space if the part of the thoroughfare upon which the vehicle is standing or parked is provided with parking spaces;
 - (f) to which a “no stopping” sign applies; or
 - (g) to which a “no parking” sign applies, unless the driver is —
 - (i) dropping off, or picking up, passengers or goods;
 - (ii) does not leave the vehicle unattended; and
 - (iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (3) A person shall not stop or park a vehicle on any part of a thoroughfare, whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

3.2 Occupied parking spaces

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

3.3 Median strips and traffic islands

Subject to any law relating intersections with traffic control signals, a person shall not stop or park a vehicle on any part of a thoroughfare so that any portion of the vehicle is —

- (a) on a median strip;
- (b) adjacent to a median strip otherwise than in a parking space; or
- (c) on, or within 10 metres of, any portion of a carriageway bounded on one or both sides by a traffic island,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

3.4 Parking vehicle on a carriageway

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

3.5 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.

3.6 When angle parking applies

- (1) Subject to subclause (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.
- (2) This clause does not apply to —

- (a) a person parking a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

3.7 Parking near fire hydrant or public post box

- (1) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug.
- (2) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within –
 - (a) 3 metres of a public post box; or
 - (b) a mail zone,

unless the vehicle is being used for the purpose of collecting postal articles from the post box.

3.8 Traffic obstructions

Subject to any law relating to intersections with traffic control signals, a person shall not stop or park a vehicle so that any portion of the vehicle is —

- (a) in front of a right of way, crossover, passage or private drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, crossover, passage or private drive;
- (b) upon an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (c) within 10 metres of the nearest property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;
- (d) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) in a cul-de-sac so as to obstruct the turning of vehicles within the cul-de-sac; or
- (f) on or over a footpath or a place of refuge for pedestrians,

unless a sign or markings on the carriageway indicate otherwise.

3.9 Double parking

- (1) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is between any other stopped or parked vehicle and the centre of that thoroughfare.
- (2) This clause does not apply to a driver stopped in traffic.

3.10 Verge parking

- (1) A person shall not stop or park a vehicle on a verge where signs prohibit the stopping or parking of vehicles on that verge.
- (2) A person, not being the occupier of the land abutting on to a verge, shall not without consent of that occupier, drive, park or stop a vehicle upon that verge.

- (3) A person shall not park a commercial vehicle on a verge unless it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.11 Bus stops, pedestrian, railway and children's crossing

- (1) A person shall not stop or park a vehicle on a thoroughfare 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 that vehicle is an bus taking up or setting down passengers; or
 - (b) a pedestrian crossing or a children's crossing established on a thoroughfare.
- (2) A person shall not stop or park a vehicle on a thoroughfare 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 that vehicle is an bus taking up or setting down passengers; or
 - (b) a pedestrian crossing or a children's crossing established on a thoroughfare.
- (3) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the nearest rail of a railway level crossing.

3.12 No parking within one hour

Where a person parks a vehicle in a thoroughfare where parking is restricted as to time, that person shall not park that vehicle again in the same thoroughfare on that day unless it has first been removed from the thoroughfare for at least 1 hour.

3.13 Direction to move vehicles

A driver of a vehicle shall not permit a vehicle to stop or park on any part of a thoroughfare or public reserve, if an authorised person directs the driver to move it.

3.14 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; 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.

3.15 Stopping in a taxi zone

A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

3.16 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.

Part 4 — Stopping and parking generally

4.1 Parking and stopping of bicycles

A person shall not park or stop any bicycle in a parking space, unless the parking space is marked “M/C”.

4.2 Authorised parking

A person shall not, without the permission of the local government or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

4.3 Private property

- (1) In this clause, a reference to *land* does not include land which is —
 - (a) a public reserve;
 - (b) the subject of an agreement referred to in clause 1.3(2); or
 - (c) a parking station.
- (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) The consent referred to in subclause (2) may be given subject to any conditions which are specified on a sign, and a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.4 Stopping heavy, commercial and other types of vehicles in built up area

- (1) A person shall not park —
 - (a) 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 tonne;
 - (b) a commercial vehicle;
 - (c) a caravan;
 - (d) a bus;
 - (e) a tow truck;
 - (f) a tractor; or
 - (g) a trailer

on a carriageway or verge in a built-up area between the hours of 6.00 pm one day and 7.00 am the following day and for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.

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

4.5 Marking of tyres

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

4.6 Parking on public reserves

A person shall not stop or park a vehicle in a public reserve, other than within a parking facility or parking station on that reserve, unless the person is an employee of the local government in the course of her or his duties, or has obtained the permission of the local government or an authorised person.

4.7 No obstruction of public places

- (1) A person shall not park a vehicle in a public place so as to cause an obstruction.
- (2) For the purposes of subclause (1) —
 - (a) a vehicle which is parked in any portion of a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction; and
 - (b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction, unless —
 - (i) the vehicle is so parked for any period exceeding 24 hours, without the consent in writing of the CEO or an authorised person; or
 - (ii) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

4.8 Impounding of vehicles

The impounding of vehicles and other goods shall be carried out in accordance with sections 3.37 to 3.48 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

4.9 Stopping in a parking area 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 a 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 bay for use of a disabled person under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

4.10 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 is prohibited by a sign.

- (2) If —
 - (a) The driver’s vehicle displays an ACROD sticker; and
 - (b) a person with a disability to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle,

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

Part 5 — Residential parking permits

5.1 Residential parking permit

- (1) A maximum of 3 residential parking permits may be issued for each residential lot fronting or with vehicle access to and from a thoroughfare.
- (2) An application for parking permit shall be made in the form determined by the local government.
- (3) The local government may in respect of an application for a permit for the purpose of subclause (1) —
 - (a) approve it;
 - (b) approve it subject to such conditions as the local government considers appropriate; or
 - (c) refuse to approve it.
- (4) Where the local government approves an application under subclause (3), it shall issue a permit in the form determined by it to the person who applied for the permit.

- (5) A permit issued for the purpose of subclause (1) will be issued for a period not exceeding 1 year and expiring on 31 December in the year of issue.
- (6) Every permit issued for the purpose of subclause (1) is to specify —
 - (a) a permit number;
 - (b) the name of the thoroughfare to which the exemption granted by clause 5.2 applies; and
 - (c) the date on which that permit expires.

5.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, the holder of a permit issued under clause 5.1 is exempted from such prohibitions if —

- (a) The vehicle is parked on a thoroughfare or portion of a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) The permit is displayed in or on the vehicle in a prominent position;
- (c) The period in respect of which the permit was issued has not expired; and
- (d) The holder of the permit at the time of parking the vehicle still resides at the residential lot in respect of which the permit was issued.

5.3 Removal and cancellation of residential parking permit

The holder of a permit issued under clause 5.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

Part 6 — Metered zones

6.1 Determination of metered zones

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs —
 - (a) permitted times and conditions of parking depending on and varying with the locality;
 - (b) classes of vehicles which are permitted to park;
 - (c) the amount payable for parking; and
 - (d) the manner of parking.
- (3) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination.

6.2 Parking fee to be paid

Subject to clause 6.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

6.3 Limitation on parking in metered space

The payment of a fee under clause 6.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

6.4 No parking when meter is expired

Subject to clause 6.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired' or a negative time.

6.5 Suspension of requirement to pay fee

The local government may from time to time by a resolution declare that the provisions of clauses 6.2 and 6.4 shall not apply during the periods and days specified in the resolution.

6.6 Vehicles to be within metered space

- (1) Subject to subclause (2) a person shall not park a vehicle —
 - (a) in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space; or
 - (b) partly within and partly outside a metered zone.
- (2) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.

6.7 Permitted insertions in parking meters

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other permitted form shall be effected only in accordance with the instructions printed on that particular meter.

6.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible and the expiry time or time for which the ticket remains valid is able to be read by an authorised Person examining the ticket from outside the vehicle.

6.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

6.10 No parking when hood on meter

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

Part 7 — Miscellaneous

7.1 Affixing signs and notices

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

- (a) affix any board, sign, placard, notice or other thing to or paint or write upon any part of a sign, ticket issuing machine, parking facility or parking station; or
- (b) place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the local government under this local law.

7.2 No contravention of sign

A person shall not contravene the direction of a sign erected by the local government under this local law.

7.3 Removal of notice from vehicle

A person other than the driver of the vehicle or a person acting under the direction of the driver, shall not remove from that vehicle any notice affixed to or put on it by an authorised person under this local law.

7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

7.5 Offence

Any person who contravenes or fails to comply with a provision of this local law commits an offence and is liable upon conviction to a penalty not exceeding \$5 000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

7.6 Prescribed offences and modified penalties

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified in Column 4 of Schedule 2 adjacent to the clause.

7.7 Forms

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

Schedule 1 — Deemed parking stations

Schedule 2 — Prescribed offences

(Clause 7.6)

Item	Clause	Nature of Offence	Modified Penalty
1	2.4	Failing to display unexpired parking ticket in a parking station	\$75
2	2.7	Parking outside a parking space in a parking station	\$75
3	2.8(1)(a)	Stopping in a no stopping area in a parking station	\$75
4	2.8(1)(b)	Stopping during a prohibited period in part of a parking station	\$75
5	2.8(2)(a)	Parking in a no parking area in a parking station	\$75
6	2.8(2)(b)	Parking during a prohibited period on part of a parking station	\$75
7	2.8(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver	\$75
8	2.8(2)(d)	Parking for more than the maximum period in a parking station	\$75
9	2.8(2)(e)	Parking so as to obstruct an entrance, exit or access way within a parking station	\$75
10	2.12(3)	Parking in an authorised space in a parking station without a permit	\$75
11	3.1(2)(a)	Stopping or parking on part of a thoroughfare set aside for vehicles of a different class	\$75
12	3.1(2)(b)	Stopping or parking on part of a thoroughfare set aside for drivers of a different class	\$75
13	3.1(2)(c)	Stopping or parking on part of a thoroughfare during a prohibited period	\$75
14	3.1(2)(d)	Stopping or parking on part of a thoroughfare marked with a yellow line	\$150
15	3.1(2)(e)	Parking on a thoroughfare other than wholly within a marked parking space	\$75
16	3.1(2)(f)	Stopping or parking on part of a thoroughfare to which a “no stopping” sign applies	\$150
17	3.1(2)(g)	Stopping or parking on part of a thoroughfare to which a “no parking” sign applies	\$150
18	3.1(3)	Parking on a thoroughfare for more than specified maximum time	\$75
19	3.2	Stopping or parking in an occupied parking space	\$75
20	3.3	Stopping or parking on or adjacent to a median strip	\$75
21	3.4(1)(a)	Failure to park as near as practicable to and parallel with the left boundary of two-way carriageway	\$75
22	3.4(1)(b)	Failure to park as near as practicable to and parallel with boundary of one-way carriageway	\$75
23	3.4(1)(a) or 3.4(1)(b)	Parking against flow of traffic on carriageway	\$150
24	3.4(1)(c)	Parking when distance from farther boundary less than 3 metres	\$75
25	3.4(1)(d)	Parking closer than 1 metre from another vehicle	\$75
26	3.4(1)(e)	Causing obstruction on carriageway	\$150
27	3.5(b)	Failure to park at approximate right angle	\$75

28	3.6(1)	Failure to park at an appropriate angle	\$75
29	3.7(1)	Stopping or parking within 1 metre of a fire hydrant	\$150
30	3.7(2)	Stopping or parking within 3 metres of a public post box or within a mail zone	\$150
31	3.8(a)	Stopping or parking in front of a driveway or right of way	\$150
32	3.8(b)	Parking on an intersection	\$150
33	3.8(c)	Parking within 10 metres of intersection	\$150
34	3.8(d)	Parking next to traffic obstruction	\$150
35	3.8(e)	Parking in a cul-de-sac so as to cause an obstruction	\$75
36	3.8(f)	Parking over a footpath	\$75
37	3.9	Double parking	\$150
38	3.10(1) or (2)	Stopping or parking on a verge contrary to signs or without consent	\$75
39	3.10(3)	Stopping or parking a commercial vehicle on a verge	\$75
40	3.11(1)	Stopping or parking within 10 metres of the departure side of bus stop, pedestrian or children's crossings	\$75
41	3.11(2)	Stopping or parking within 20 metres of the approach side of bus stop, pedestrian or children's crossing	\$75
42	3.11(3)	Stopping in bus zone	\$75
43	3.11(4)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	\$75
44	3.12	Parking vehicle again within 1 hour on a thoroughfare	\$75
45	3.13	Failing to move vehicle after direction by authorised person	\$150
46	3.14	Stopping a loading zone	\$150
47	3.15	Stopping in a taxi zone	\$150
48	3.16	Parking in thoroughfare for prohibited purpose	\$75
49	4.1	Stopping or parking a bicycle in a parking space	\$75
50	4.2	Parking in authorised parking area without authorisation	\$150
51	4.3(2)	Parking on private property without consent of owner	\$75
52	4.4	Parking a heavy, commercial or other type of vehicle on road or verge	\$120
53	4.5(2)	Removing authorised mark from tyres of parked vehicle	\$75
54	4.6	Parking on a public reserve	\$75
55	4.7	Parking so as to cause an obstruction in public place	\$75
56	4.9	Stand/Park a vehicle in a parking bay for the disabled	\$120
57	4.10(1)(a)	Parking wrong class of vehicle	\$75
58	4.10(1)(b)	Parking by persons of a different class	\$150
59	4.10(1)(c)	Parking during a prohibited period	\$150
60	4.10(3)(a)	Parking in a no parking area	\$150
61	4.10(3)(b)	Parking contrary to signs or limitations	\$150
62	4.10(3)(c)	Parking vehicles in motor cycle area only area	\$75
63	5.3	Failure to remove permit when residence changed	\$75
64	6.2	Failure to pay fee for metered space	\$75
65	6.4	Parking when meter has expired	\$75
66	6.6(a)	Failure to park wholly within metered space	\$75
67	6.6(b)	Parking partly outside metered zone	\$75
68	6.7	Non-permitted insertion in parking meter	\$150

69	6.8	Failure to display ticket clearly in metered zone	\$75
70	6.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	\$75
71	6.10	Parking contrary to a meter hood	\$75
72	7.5	All other offences not specified	\$75

Schedule 3 — Forms

(Clause 7.7)

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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 *Parking and Parking Facilities Local Law 2012*.

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; or

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

or

(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(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

Form 2
INFRINGEMENT NOTICE

Serial No

Date / /

To:⁽¹⁾

of:⁽²⁾

It is alleged that on / / at ⁽³⁾

at ⁽⁴⁾

in respect of vehicle —

make: ;

model: ;

registration: ,

you committed the following offence —

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

contrary to clause of the *Parking and Parking Facilities Local Law 2012*.

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 by you.

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 authorised person

⁽⁷⁾ Name and title of authorised person giving notice

Form 3
INFRINGEMENT NOTICE

Serial No

Date / /

To:⁽¹⁾

of:⁽²⁾

It is alleged that on / / at ⁽³⁾

at ⁽⁴⁾

in respect of vehicle —

make: ;

model: ;

registration: ,

you committed the following offence —

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

contrary to clause of the *Parking and Parking Facilities Local Law 2012*.

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 Cathedral Avenue Geraldton 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 identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

(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

Form 4
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: ⁽¹⁾

of: ⁽²⁾

Infringement Notice No date / /

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

Dated _____

The Common Seal of the)
City of Greater Geraldton)
was affixed by authority of a)
resolution of the Council in)
the presence of —)

Ian Carpenter
Mayor

Anthony Brun
Chief Executive Officer