

Local Law relating to **Parking Facilities**

In pursuance of the powers conferred upon it by the Local Government Act 1995 and all other powers enabling it, the Council of the above municipality hereby records having resolved on 20 June 2000 to repeal the whole of the local laws relating to parking facilities published in the Government Gazette on 5 May 1995 and to make the following local law.

Part 1 – Preliminary

Citation

1. This local law shall be cited as the *City of Melville Parking Facilities Local Law*.

Definitions

2. (1) In this Local Law unless the context requires otherwise –
 - “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 authorised by the Council 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 Council or an authorised person to stand or park in an area which is designated by signs for the parking of authorised vehicles only;
 - “caravan” means a vehicle that is fitted or designed for human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;
 - “carriageway” means a portion of a 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 standing or parking of vehicles; where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions separately;
 - “Chief Executive Officer” means the Chief Executive Officer of the City;
 - “children’s crossing” has the meaning given to it in regulation 103 of the Code;

“City” means the City of Melville;

“Code” means the Road Traffic Code 2000;

“commercial vehicle” means a vehicle designed for or used for commercial purposes and exceeding a load capacity of one tonne, or a vehicle designed for or used for industrial purposes;

“Council” means the Council of the City;

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“district” means the district of the City;

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

“footpath” means the paved or made portion of a thoroughfare used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;

“median strip” means –

- (a) any provision, dividing a thoroughfare to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions in parking stations;
- (b) any physical provision, including a traffic island, designed to separate parked cars from vehicle movement areas;

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

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“Metered zone” means any thoroughfare or reserve or part of any thoroughfare or reserve in which parking meters or ticket issuing machines regulate parking of vehicles;

“money” means any coin which is legal tender under the Currency Act 1965 (Cth) and any “Australian Notes” as that term is defined in section 32 of the Reserve Bank Act 1959 (Cth);

“motorcycle” means a motor vehicle designed to travel on two wheels and does not include a motorcycle to which a sidecar is attached.

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

“No parking area” has the meaning given to it by the code;

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

“No stopping area” has the meaning given to it by the code;

“No stopping sign” means a sign with the words ‘no stopping’ or ‘no standing’ in red letters on a white background or the letter ‘s’ within a red annulus and red diagonal across it on a white background;

“omnibus” means a passenger vehicle equipped to carry more than 8 adult persons and used to carry passengers for separate fares;

“owner”, where used in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession.

“park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding a conflict with other traffic, or complying with the provisions of any law or of immediately picking up or setting down persons or goods;

“parking facilities” includes land, buildings, shelters, ticket zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with those things, but does not include a parking station;

“parking region” means the whole of the district with the exception of –

- (a) all declared highways and main roads;
- (b) the approach and departure prohibition areas of all traffic control signal installations;
- (c) prohibition areas applicable to all bridges and subways; and
- (d) any thoroughfare under the control of the Commissioner of Main Roads;

“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 stand or be parked;

“parking station” means a parking station constituted under clause 6 (1) as varied under clause 6 (2);

“pedestrian crossing” has the meaning given to it in regulation 103 of the Code;

“permitted period” means the period stated on a ticket issuing machine during which the parking of a vehicle is permitted in a parking

space to which the machine is referable, only upon the purchase of a parking ticket;

“property line” means the boundary between the land comprising a thoroughfare, and the land that abuts thereon;

“public place” includes –

- (a) any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
- (b) a public reserve;

“public reserve” means any land – which belongs to the City;

- (a) of which the City is the management body under the Land Administration Act 1997; or
- (b) which is an “otherwise unvested facility” within section 3.53 of the Act;

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

“semi-trailer” has the meaning given to it in the First Schedule of the Road Traffic Act;

“service vehicle” means a vehicle specifically designed, constructed and used primarily for the conveyance of goods, but does not include a service type vehicle being used for private purposes;

“sign” means a traffic sign, mark, structure, symbol or device placed, marked or erected on or near a thoroughfare, a parking station or a public reserve for the purpose of regulating, guiding or directing the standing or parking of vehicles;

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

“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;

“street” has the same meaning as “thoroughfare”;

“street verge” means that portion of a thoroughfare which lies between the boundary of a carriageway and the nearest property line, but does not include a footpath;

“symbol” includes any symbol specified by Australian Standard 1742.11 – 1989 and any symbol specified from time by time by Standards Australia for use in the regulation of parking;

“taxi” has the meaning given to it in section 3 of the Taxi Act 1994;

“thoroughfare” has the meaning given to it in section 1.4 of the Act;

“ticket issuing machine” means a machine which –

- (a) is operated by the insertion of money or such other form of payment as may be permitted to be made; and
- (b) issues tickets to indicate the period during which it is lawful to remain parked in a parking space to which the machine is referable;

“tour coach” means any vehicle licensed as a tour coach which is hired or chartered for the specific purpose of sightseeing or tourism;

“trailer” means a vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include a semi-trailer or caravan;

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

“vehicle” includes –

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
 - (b) where the context permits, an animal being driven or ridden.
- (2) In this Local Law, unless the context requires otherwise, a reference to a thoroughfare, parking station or public reserve includes a reference to, as the case may be, any part of the thoroughfare, parking station or public reserve.
- (3) A reference to the wording of any sign in this Local Law shall also be deemed to include a reference to the corresponding symbol.

Application of Local Law

3. (1) Subject to sub-clause (2) this Local Law applies to the Parking Region.
- (2) This Local Law does not apply to a parking facility which is not occupied by the City, unless the City and the owner or the occupier of that facility have agreed in writing that this Local Law will apply to that facility.
- (3) The agreement referred to in sub-clause (2) may be made on such terms and conditions as the parties may agree.

Vehicle and Driver Classification

4. (1) For the purposes of this Local Law vehicles are divided into the following classes –
 - (a) omnibuses;
 - (b) service vehicles;
 - (c) motor cycles;
 - (d) taxis;
 - (e) commercial vehicles;
 - (f) tour coaches; 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;
 - (b) employees of the City;
 - (c) customers or patrons of a shop, shopping centre, facility or event;
 - (d) persons who work in a shop or shopping centre; and
 - (e) all other persons not otherwise classified.

Application and Interpretation of Signs

5. (1) Where the standing or parking of vehicles in a thoroughfare is regulated 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; and
 - (c) is that side of the carriageway of the thoroughfare nearest to the sign.

- (2) For the purposes of this Local Law a sign may prohibit or regulate parking or standing by the use of any symbol.
- (3) A sign is to be presumed, in the absence of evidence to the contrary, to be 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.

Part 2 – Parking Stations

Establishing Parking Stations

- 6. (1) The Council may constitute any land or structure as a parking station by –
 - (a) resolution; or
 - (b) inclusion of a description of the land in Schedule 1.
- (2) A parking station constituted under sub-clause (1) may be varied as to the land or structures which it comprises by –
 - (a) resolution of the Council, if constituted under sub-clause (1)(a); or
 - (b) an amendment to the description in Schedule 1, if constituted under sub-clause (1)(b).
- (3) The Council may indicate the constitution or variation of a parking station by signs.
- (4) In relation to a parking station, the Council may by resolution determine and indicate by signs –
 - (a) the permitted times and conditions of parking or standing of a vehicle;
 - (b) the classes of vehicles permitted to park or stand;
 - (c) the classes of persons permitted to park or stand a vehicle; and
 - (d) the manner of parking or standing a vehicle.
- (5) A resolution of the Council under sub-clause (4) shall not be inconsistent with the provision of this Local Law.

Fees for Parking Stations

- 7. (1) The Council may impose and determine a fee for the standing 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 sub-clause (1).

Conditions of Parking in a Parking Station

8. (1) A person shall not park or stand 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.
- (2) The Council may by resolution declare that sub-clause (1) shall not apply during periods or on particular days specified in that resolution.

Display of Tickets

9. A person shall not stand or park a vehicle in a parking station equipped with a ticket issuing machine during any permitted period unless an unexpired parking ticket applicable to that parking station is –
- (a) displayed inside 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 standing or parked in the parking station.

Lost Tickets

10. In any parking station if provision is made 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.

Removal of Vehicles

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

Parking Within a Parking Space

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

Prohibitions on Standing or Parking

13. (1) A person shall not stand a vehicle on any part of a parking station –
- (a) if the standing of a vehicle on that part is prohibited by a sign; or
 - (b) during a period in which the standing of vehicles on 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; or
 - (c) if a sign specifies that the part is for the standing or parking of vehicles –
 - (i) of a different class; or
 - (ii) driven by a person of a different class.
- (3) A person shall not park a vehicle on any part of a parking station for more than the maximum time specified by a sign.

Special Event Parking

14. (1) The Council may by use of signs set aside, for any period specified on the signs, any parking station for the parking of vehicles by persons attending a special event.
- (2) A person shall not park or stand a vehicle in a parking station set aside under sub-clause (1) during the period for which it is set aside, unless a ticket purchased from the City with respect to the special even is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle.
- (3) For the purpose this clause, “special event” means any event or occurrence considered by the Council to be special or likely to attract a substantial number of persons driving vehicles.
- (4) During the period referred to in sub-clause (1) the provisions of clauses 13(1)(b), 13(2)(b) and 13(3) shall not apply to the parking station.

Behaviour in Parking Stations

15. (1) A person shall not remain in or on a parking station after having been directed to leave that parking station by an authorised person or a Police Officer.
- (2) A person shall not drive in a parking station in a direction other than the direction indicated by arrows.

Council May Lock Parking Stations

16. At the expiration of the hours of operation of a parking station the Council may lock the parking station or otherwise prevent the movement of any vehicle within, to or from it.

Selling and Hiring in Parking Stations

17. 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 Council to do so.

Authorised Spaces in Parking Stations

18. (1) The Council may by use of signs set aside any parking station or any parking space in a parking station for the parking of vehicles by persons authorised by the Council.
- (2) Where the Council authorises a person pursuant to sub-clause (1) the Council –
 - (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 stand a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.

Damage to Parking Stations

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

Part 3 – Parking on Thoroughfares

Regulation of Parking by Resolution of Council

20. The Council may by resolution determine and vary and indicate by signs –

- (a) prohibitions;
- (b) regulations; and
- (c) restrictions,

on the parking and standing of vehicles of a specified class or by persons of a specified class in the parking region, but a resolution shall not be inconsistent with the provision of this Local Law.

Parking Contrary to Signs

21. (1) A person shall not stand a vehicle on a thoroughfare –

- (a) if the thoroughfare is set apart by a sign for the standing of vehicles of a different class;
- (b) upon which the standing of vehicles is prohibited at all times by a sign;
- (c) upon which the standing of vehicles at that time is prohibited by a sign; or
- (d) if the thoroughfare is set apart by a sign for the standing of vehicles by a person of a different class.

(2) A person shall not park a vehicle on a thoroughfare –

- (a) if the thoroughfare is set apart by a sign for the standing of vehicles of a different class;
- (b) upon which the standing of vehicles is prohibited at all times by a sign;
- (c) upon which the standing of vehicles at that time is prohibited by a sign; or
- (d) if the thoroughfare is set apart by a sign for the standing of vehicles by a person of a different class.

(3) A person shall not stand or park a vehicle on any part of thoroughfare, whether or not that part is marked as a parking space, for more than the maximum time specified by a sign.

Occupied Parking Spaces

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

Median Strips and Traffic Islands

23. A person shall not stand 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 9.0 metres of any portion of a carriageway bounded on one or both sides by a traffic island.

Parking Position on Thoroughfare

24. (1) A person shall not stand or park a vehicle or permit a vehicle to stand or park on any thoroughfare otherwise than –
- (a) parallel to the kerb and as close to the kerb as practical;
 - (b) headed in the direction of the movement of traffic on the part of the thoroughfare on which the vehicle is parked;
 - (c) wholly within a parking space if the part of the thoroughfare upon which the vehicle is standing or parked is provided with parking spaces.
- (2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

Parking Near Fire Hydrant or Public Post Box

25. (1) A person shall not stand 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 stand or park a vehicle on a thoroughfare so that any portion of the vehicle is within 3 metres of a public post box, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

Traffic Obstructions

26. A person shall not stand or park a vehicle so that any portion of the vehicle is –
- (a) in front of a right of way, passage or private drive or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;
 - (b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersecting carriageway;
 - (c) within 6.0 metres of the nearest property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is standing or parked;
 - (d) alongside any hoarding, scaffolding, obstacle or impediment to traffic; or
 - (e) on or over a footpath or a place of refuge for pedestrians.

Double Parking

27. A person shall not stand or park a vehicle on a thoroughfare so that any portion of the vehicle is between any vehicle which is parked or standing on a carriageway of that thoroughfare and the centre of that thoroughfare.

Verge Parking

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

Bus Stops, Pedestrian and Children's Crossing

29. (1) A person shall not stand a vehicle on a thoroughfare so that any portion of the vehicle is within 9.0 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 omnibus 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 stand a vehicle on a thoroughfare so that any portion of the vehicle is within 18 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 omnibus taking up or setting down passengers; or
 - (b) a pedestrian crossing or a children’s crossing established on a thoroughfare.
- (3) A person shall not permit a vehicle to stand or park in a parking space which is set aside by a sign for use by omnibuses except for the purpose of taking up or setting down passengers to or from such vehicle.

No Parking Within One Hour

30. A person having parked a vehicle in a thoroughfare where parking is restricted as to time, shall not park such a vehicle again in such thoroughfare on that day unless it has first been removed from such thoroughfare for at least 1 hour.

Direction to Move Vehicles

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

Loading Zones

32. (1) A person shall not permit a vehicle to stand or park in a parking space which is at that time set aside for use by service vehicles carrying commercial goods unless some person is actively engaged in loading or unloading commercial goods to or from the vehicle, and in any case not for a period longer than 15 minutes.
- (2) In this clause, “commercial goods” means an article or collection of articles weighing at least 10 kg of which the content is at least 0.3 cubic metres.
- (3) A parking space may be set aside for use by service vehicles in accordance with sub-clause (1) by a sign marked “Loading Zone” or by other means.

Repairs to Vehicles

33. A person shall not park a vehicle on a thoroughfare –
- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare; or
 - (b) if the vehicle is exposed for sale.

Part 4 – Standing and Parking Generally

Cycle Parking and Standing

34. A person shall not park or stand any cycle in a parking space.

Authorised Parking

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

Private Property

36. (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 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 sub-clause (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.

Service Vehicle Parking

37. (1) A person shall not park a service vehicle or commercial vehicle –
- (a) on a thoroughfare or a street verge for more than 4 hours consecutively; or
 - (b) on a thoroughfare or a street verge for the purpose of repairing, servicing or cleaning that vehicle.

Overlength Vehicle Parking

38. A person shall not stand a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles is more than 8 metres in length on a carriageway for any period exceeding 1 hour during any 24 hour period.

Chalking of Tyres

39. (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.

Parking on Public Reserves

40. A person shall not stand 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 City in the course of her or his duties, or has obtained the permission of the Council or an authorised person.

When Lawfully Parked Vehicle Causes Obstruction

41. A vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked does not cause an obstruction, unless –
- (a) the vehicle is so parked for any period exceeding 24 hours, without the consent in writing of the Chief Executive Officer or an authorised person; or
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

Deemed Obstruction

42. A vehicle which is parked in a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction.

No Obstruction of Public Places

43. A person shall not park a vehicle in a public place so as to cause an obstruction.

Impounding of Vehicles

44. The impounding of vehicles and other goods is dealt with in sections 3.37 to 3.48 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.

Part 5 – Miscellaneous

Insertion of Money in Ticket Issuing Machines

45. 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.

Operating Ticket Issuing Machines

46. 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.

Damage to Ticket Issuing Machines

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

Defacing a Parking Ticket

48. A person shall not display in a vehicle a ticket purchased from a ticket issuing machine *or from any place authorised by the Council* if the ticket has been altered, added to or defaced in any way in an attempt to avoid payment of the appropriate fee.

Affixing Signs and Notices

49. A person shall not without the permission of the Council –
- (a) affix any board, sign, placard, notice or other thing to or paint or write upon any part of a ticket issuing machine or parking station; or
 - (b) place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the City under this Local Law.

Impersonation of Authorised Person

50. A person who is not an authorised person shall not in any way assume the duties of an authorised person.

No Contravention of Sign

51. A person shall not contravene the direction of a sign.

Removal of Notice from Vehicle

52. (1) 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 or a member of the Police Force.

- (2) In this clause –

“notice” means Form 1, 2 or 3 of Schedule 3.

Offence

53. 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.

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Prescribed Offences and Modified Penalties

54. (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.

Forms

55. For the purposes of this Local Law –
- (a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 1 in Schedule 3;
- (b) the form of notice referred to in section 9.13 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 notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

Averment on Complaint as to Clause 3(2) Agreement

56. An averment on a complaint that this Local Law applies to a parking facility by reason of an agreement under clause 3 (2) shall be sufficient proof that this Local Law applies to the facility, unless there is proof to the contrary.

Part 6 – Residential Parking Permits

57. Residential parking permit

- (1) Subject to subclause (2), two (2) residential parking permits may be issued for each residential lot fronting the thoroughfare.
- (2) A person may apply for an additional residential visitor parking permit for each residential lot fronting the thoroughfare.
- (3) An application for parking permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) and (2):
 - a) approve it;
 - b) approve it subject to such conditions as the local government considers appropriate; or
 - c) refuse to approve it.
- (5) Where the Local Government makes a decision under paragraph (a) or (b) of subclause (4), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (6) A permit issued for the purpose of subclause (1) or subclause (2) will be an annual permit, issued for a period not exceeding one (1) year and expiring on 31 December in the year of issue.
- (7) Every permit issued for the purpose of subclause (1) or subclause (2) is to specify:
 - a) a permit number;
 - b) the name of the thoroughfare to which the exemption granted by clause 58 applies; and
 - c) the date on which that permit expires.

58. Conditions of Exemption for residential parking permits

- (1) 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 57 is exempted from such prohibitions if:
 - a) the vehicle is parked on a thoroughfare or portions 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 the vehicle in a prominent position;
 - c) the period in respect of which the permit was issued has not expired; or

- 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.

Part 7 – Metered Zones

59. 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.

60. Parking fee to be paid

Subject to Clause 62 a person shall not park a vehicle in metered space/s unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

61. Limitation on parking in metered space

The payment of a fee under clause 60 shall entitle a person to park the vehicle in a metered space/s for the period shown on the parking meter/s but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this Local Law.

62. Suspension of requirement to pay fee

The Local Government may from time to time by resolution declare that the provisions of clause 60 shall not apply during the periods and days specified in the resolution.

63. Vehicles to be within metered space

Subject to Subclause (2):

- (1) a person shall not park a vehicle 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.
- (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.
- (3) a person shall not park a vehicle partly within and partly outside a metered zone.

64. 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 form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

65. 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 to 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.

66. 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.

Schedule 1: Local Government Act 1995

LOCAL GOVERNMENT ACT 1995 CITY OF MELVILLE PARKING FACILITIES LOCAL LAW

PARKING STATIONS OF THE REGION

- No. 1 Point Walter Reserve – “A” Class Reserve No. 4813 – Car Parking area – Burke Drive, Bicton.
- No. 2 Deepwater Point Reserve – Foreshore Reserve No. 30732 – Car Parking area – The Esplanade, Mount Pleasant.
- No. 3 Applecross Hall and Canning Bridge Library Car Parking area – Canning Beach Road, Canning Bridge.
- No. 4 Melville Aquatic Centre on Len Shearer Reserve – Reserve Nos. 26742 and 36511 – Car Parking area – Marmion Street, Booragoon.
- No. 5 Durdham Park – “A” Class Reserve No. 33997 – Car Park, Blackwall Reach Parade, Bicton.
- No. 6 Civic Centre Complex Car Parking areas – Lot 52 Almondbury Road, Davy Road, Ardross.
- No. 7 John Connell Reserve – Reserve No. 24826 – Car Parking area – Diamond Court, Leeming.
- No. 8 Melville Reserve – Reserve No. Pt 899 – Car Parking area – Stock Road, Melville.
- No. 9 Roy Edinger Centre Hall, A.H. Bracks Library and Stock Road Senior Citizens Centre Car Parking area – Stock Road, Melville.
- No. 10 Garden City Shopping Centre Car Parking areas – Almondbury Road, Riseley Street, Marmion Street and Davy Road, Ardross.
- No. 11 Apex Park – Reserve No. 26811 – Car Park – The Esplanade, Canning Bridge.
- No. 12 Booragoon Tavern Car Parking areas – Riseley Street, Marmion Street, Booragoon.
- No. 13 Canning Bridge Senior Citizens Centre Car Park – The Esplanade, Mount Pleasant.
- No. 14 Bull Creek Shopping Centre Car Park – Corner South Street and Benningfield Road, Bull Creek.
- No. 15 Murdoch TAFE Campus – Lot 3073 Murdoch Drive, Murdoch.
- No. 16 Melville Plaza Shopping Centre – Lot 212 (380) Canning Highway, Bicton.
- No. 17 St John of God Hospital, Murdoch – Lot 2 (100) Murdoch Drive, Murdoch.

- No. 18 Booragoon Commercial Centre, 175 Davy Street, Booragoon.
- No. 19 Kearns Crescent East Shopping Centre bounded by Canning Highway, Riseley Street and Kearns Crescent East, Ardross.
- No. 20 Kardinya Park Shopping Centre, North Lake Road and South Street, Kardinya.
- No. 21 Stammers Shopping Centre, 265 Canning Highway, Palmyra.
- No. 22 Lot 801 and 802 Marshall Road, Myaree.
- No. 23 Heathcote Heritage Precinct, Duncraig Road, Applecross.
- No. 24 Bicton Shopping Centre, 258-272 Canning Highway, Bicton.
- No. 25 Raffles Hotel Carpark, Lot 250, 70-72 Canning Beach Road, Applecross.
- No. 26 Moreau Mews Car Park. Amended 22 Oct 2010
- No. 27 18 – 22 Riseley Street Ardross.” Amended 22 Oct 2010

Schedule 2: Local Government Act 1995

LOCAL GOVERNMENT ACT 1995 CITY OF MELVILLE PARKING FACILITIES LOCAL LAW

MODIFIED PENALTIES

Item	Clause	Nature of Offence	Modified Penalty \$
1.	9	Failing to display unexpired parking ticket in a parking station.	50
2.	12	Parking outside a parking space in a parking station.	50
3.	13(1)(a)	Standing in a no standing area in a parking station.	70
4.	13(1)(b)	Standing during a prohibited period on part of a parking station.	50
5.	13(2)(a)	Parking in a no parking area in a parking station.	50
6.	13(2)(b)	Parking during a prohibited period on part of a parking station.	50
7.	13(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver.	50
8.	13(3)	Parking for more than the maximum period in a parking station.	50
9.	14(2)	Parking without a ticket in a parking space set aside for a special event.	50
10.	18(3)	Parking in an authorised space in a parking station without a permit.	50
11.	21(1)(a)	Standing part of a thoroughfare set aside for vehicles of a different class.	50
12.	21(1)(b)	Standing or parking in a no standing area.	70
13.	21(1)(c)	Standing on a thoroughfare during a prohibited period.	50

Item	Clause	Nature of Offence	Modified Penalty
14.	21(2)(a)	Parking on part of a thoroughfare set aside for vehicles of a different class.	50
15.	21(2)(b)	Parking in a no parking area.	50
16.	21(2)(c)	Parking on a thoroughfare during a prohibited period.	50
17.	21(3)	Parking on a thoroughfare for more than maximum period.	50
18.	22	Standing or parking in an occupied parking space.	50
19.	23	Standing or parking on or adjacent to a median strip.	50
20.	24(1)(a)	Parking too far from kerb.	50
21.	24(1)(b)	Parking facing oncoming traffic.	50
22.	24(1)(c)	Parking outside parking space marked on thoroughfare.	50
23.	25(1)	Standing or parking within 1 metre of a fire hydrant.	50
24.	25(2)	Standing or parking within 3 metres of public post box.	50
25.	26(a)	Parking in front of a driveway.	50
26.	26(b)	Parking on an intersection.	50
27.	26(c)	Parking within 6 metres of intersection.	50
28.	26(d)	Parking next to a traffic obstruction.	50
29.	26(e)	Parking on a footpath.	70
30.	27	Double parking.	50
31.	28	Standing or parking on a verge contrary to signs or without consent.	60

Item	Clause	Nature of Offence	Modified Penalty
32.	29(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings.	50
33.	29(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings.	50
34.	29(3)	Standing or parking in an omnibus stand.	50
35.	30	Parking within 1 hour on a thoroughfare.	50
36.	31	Failing to move vehicle after direction.	50
37.	32(1)	Standing or parking in a loading zone without loading/unloading.	50
38.	33	Parking on street to repair or sell.	60
39.	35	Unauthorised parking.	50
40.	36	Standing or parking on private property without consent.	70
41.	37	Parking a service vehicle on a thoroughfare or street verge for more than four (4) hours or to repair it.	70
42.	38	Over-length vehicle parking.	60
43.	39(2)	Removing chalk mark.	50
44.	40	Parking on a public reserve.	70
45.	43	Parking so as to cause an obstruction.	60
46.		All other offences not specified.	50

Infringement Notice

Serial No. _____

To: _____ Date: ____ / ____ / ____

of: _____ Postcode: _____

It is alleged that on ____ / ____ / ____ at _____ at _____ you
committed the following offence –

contrary to clause _____ of the City of Melville Parking Facilities Local Law.

The modified penalty for the offence is: \$ _____

If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after the giving of this notice to you, by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Melville, or by delivering this form and paying the amount of the modified penalty to an authorised person at the offices of the City of Melville at Almondbury Road, Ardross, WA, 6153.

Name of authorised person: _____

Title of authorised person: _____

Signature of authorised person: _____

- (1) *Name of alleged offender [or “owner of (vehicle identification)” if given with a notice under section 9.13 of the Act].*
- (2) *Address of alleged offender [not required if given with a notice under section 9.13 of the Act].*
- (3) *Time at which offence allegedly committed.*
- (4) *Place at which offence allegedly committed.*
- (5) *Description of offence.*

Schedule 3: Form 2

Local Government Act 1995

City of Melville Parking Facilities Local Law

Notice Requiring Owner to Identify Driver

To: _____ Date: ___/___/___

of: _____

It is alleged that on ___/___/___ at _____ at
_____, your vehicle (5) _____
was involved in the commission of the following offence

contrary to clause _____ of the City of Melville 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 given this notice –
 - (i) you inform the Chief Executive Officer, or an authorised person of the City of Melville, 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 to you or such further time as may be allowed.

Name of authorised person giving the notice _____

Title of authorised person _____

Signature of authorised person _____

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

Schedule 3: Form 3
Local Government Act 1995
City of Melville Parking Facilities Local Law

Infringement Notice

Serial No

To: (1) _____ Date: _____ / _____ / _____

of: (2) _____

It is alleged that on _____ / _____ / _____ at (3) _____ at
4) _____ you committed the following offence

contrary to clause _____ of the City of Melville 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, you may pay the amount of the modified penalty within 28 days after the giving of this notice to you.

Unless within 28 days after the giving of this notice to you –

- (a) the modified penalty is paid; or
- (b) you:
 - (i) inform the Chief Executive Officer or an authorised person of the City of Melville 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 of the City of Melville 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 be deemed to have committed the above offence and court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Melville or by delivering this form and paying the amount to an authorised person at the offices of the City of Melville at Almondbury Road, Ardross, WA, 6153.

Name of authorised person giving the notice _____

Title of authorised person _____

Signature of authorised person _____

- (1) *Name of alleged offender or ["owner of (vehicle identification)"]*
- (2) *Address of owner (may be omitted).*
- (3) *Time at which offence allegedly committed.*
- (4) *Place at which offence allegedly committed.*

Schedule 3: Form 4
Local Government Act 1995
City of Melville Parking Facilities Local Law

Notice of Withdrawal

To: (1) _____ Date: ____ / ____ / ____

of: (2) _____

Infringement Notice No. _____ dated ____ / ____ / ____ for the alleged offence of _____ has been withdrawn.

The modified penalty of _____

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

* Delete as appropriate

Name of authorised person giving the notice _____

Title of authorised person _____

Signature of authorised person _____

- (1) *Name of alleged offender whom infringement notice has been given.*
- (2) *Address of alleged offender.*

Dated this sixth day of July 2000.
The Common Seal of the City of Melville was hereunto affixed in the presence of –

Katie Mair, Mayor.
John McNally, Chief Executive Officer.

Amendments

Government Gazette 19/07/00 – New Local Law – Gazette Number 141 (special)

Government Gazette 25/09/01 – Amendment of Local Law –Gazette Number 194 – A New part 6.

Government Gazette 12 July 2002 (No. 128)

Government Gazette 21 April 2006 (No.70)

Government Gazette 28 December 2007 (No. 268)

Government Gazette 22 October 2010 (No. 192)