

CITY OF MELVILLE

PARKING LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

PARKING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Melville resolved on 20 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law shall be cited as the *City of Melville Parking Local Law 2016*.

1.2 Commencement

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

1.3 Repeal

The *City of Melville Parking Facilities Local Law* published in the *Government Gazette* on 19 July 2000 and amended on 25 September 2001, 12 July 2002, 21 April 2006, 28 December 2007 and 22 October 2010, is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

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

authorised vehicle means a vehicle appointed by the local government or an authorised person to stop or park in an area which is designated by signs for the parking of authorised vehicles only;

bay includes stall or space;

bicycle has the meaning given to it by the Code;

bicycle lane has the meaning given to by in the Code;

bus has the meaning given to it by the Code;

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

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

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

caravan means a vehicle that is fitted or designed for human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

Chief Executive Officer 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 person, but has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

district means the district of the local government;

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

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

detection device means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;

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 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;

intersection has the meaning given to it by the Code;

keep clear marking has the meaning given to it by the Code;

kerb means and includes the constructed border or edge portion of a road paved for the use of vehicular traffic where any constructed border exists at the edge of the paved road whether any footpath has been constructed or not;

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

local government means the City of Melville;

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

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

metered space means a section or part of a metered zone that is 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;

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 has the meaning given to it by the Code;

motor vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

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

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

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

obstruction has the meaning given to it by the Code;

occupier has the same meaning as the Act;

one-way carriage has the meaning given to it by the Code;

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

park has the meaning given to it by the Code;

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

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered bay;

parking facilities includes:-

- (a) land, buildings, shelters, parking stations, metered zones, metered bays, parking bays and other facilities open to the public generally for the parking of vehicles, with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

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 stop or be parked whether on payment of a fee or charge or otherwise;

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian has the meaning given to it by the Code;

pedestrian crossing has the meaning given to it by 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;

place of refuge for pedestrians includes any area or place which is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles and also includes any physical provision or an area demarcated by the marking of lines or otherwise identified by a sign;

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

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

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—

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

residential parking permit means a permit issued by the local government pursuant to the provisions of clause 5.1;

right of way means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

road has the same meaning as “carriageway”;

road marking has the meaning given to it by the Code;

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

Schedule means a Schedule to this local law;

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

sign means a traffic sign, mark, structure, inscription, pavement marking, symbol or device placed, marked or erected on or near a thoroughfare, a parking station or a public reserve for the purpose of prohibiting, regulating, guiding, restricting or directing the stopping or parking of vehicles;

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 the *Road Traffic Code 2000* for use in the regulation of parking;

taxi has the meaning given to it by section 3 of the *Taxi Act 1994*; or a “taxi-car” in section 47Z of

the *Transport Coordination Act 1966*;

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

thoroughfare has the meaning given to it by 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 and displaying “TC” registration plates, which is hired or chartered for the specific purpose of sightseeing or tourism;

trailer has the meaning given to it by the Code;

transit lane has the meaning given to it by the Code;

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;

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

vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

visitor’s parking permit means a permit issued by the local government pursuant to clause 5.1(3); and

verge has the same meaning as “nature strip”.

1.6 Application of particular definitions

- (1) 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, public reserve.
- (2) For the purpose of the application of the definitions “no parking area”, “no stopping area”, “parking area” and similar definitions, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the sign were turned at an angle of less than 90 degrees until parallel with the boundary.
- (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.
- (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 1974* or in the Code, then the terms shall have the meaning as in that Act or Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 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).
- (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 purpose of this local law to have been erected by the local government under the authority of this local law.
- (6) An inscription, or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Vehicle and driver classification

- (1) For the purposes of this local law vehicles are divided into the following classes-
- (a) buses;
 - (b) caravans;
 - (c) motorcycles and bicycles;
 - (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 local government;
 - (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.

1.9 Application and interpretation of signs

- (1) Where this local law applies to the use, driving, stopping or parking or leaving of vehicles in a thoroughfare which 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 stopping 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.

1.10 Powers of the local government

The local government must, 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. Establishing parking stations

- (1) The local government 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 subclause (1) may be varied as to the land or structures which it comprises by-
- (a) resolution of the local government, if constituted under subclause (1)(a); or
 - (b) an amendment to the description in Schedule 1, if constituted under subclause (1)(b).
- (3) The local government must indicate the constitution or variation of a parking station by signs.
- (4) In relation to a parking station, the local government must by resolution determine and indicate by signs-
- (a) the location of parking spaces within a parking station;

- (b) the permitted times and conditions of parking or stopping of a vehicle;
 - (c) the classes of vehicles permitted to park or stop;
 - (d) the classes of persons permitted to park or stop a vehicle; and
 - (e) the manner of parking or stopping a vehicle.
- (5) A resolution of the local government under subclause (4) shall not be inconsistent with the provision of this local law.

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.
- (2) The local government may by resolution declare that subclause (1) shall not apply 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 permitted period for which a fee is payable 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 stopped or parked in the parking station.

2.5 Lost tickets

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.

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 Obstruction of Parking Station

A person shall not stop or park a vehicle so as to obstruct an entrance to or exit from a parking station, or any area or part thereof within a parking station provided for or intended for the movement of vehicles through such parking station.

2.8 Footpaths and places of refuge for pedestrians

A person shall not stop or park a vehicle on any part of a parking station so that any portion of such vehicle is on or over a footpath or place of refuge for pedestrians.

2.9 Entitlement to a receipt

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

2.10 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.

2.11 Prohibitions on stopping or parking

- (1) A person shall not stop a vehicle on any part of a parking station-
 - (a) if the stopping of a vehicle on that part is prohibited by a sign; or
 - (b) during a period in which the stopping or parking 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;
 - (c) if a sign specifies that the part is for the stopping or 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 exit from a parking station, or an access way within the parking station.
- (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.

2.12 Behaviour in parking stations

- (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.
- (3) A person shall not ride on or drive or be carried on any bicycle, tricycle, skateboard, roller skate or roller blade or other wheeled contrivance other than a licenced vehicle or a wheelchair/motorised wheelchair within a parking station.
- (4) 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.

2.13 Local government may lock parking stations

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

2.14 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.

2.15 Authorised spaces in parking stations

- (1) The local government must 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 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 the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.
- (4) It shall be the responsibility of such person to take all precautions as may be necessary so as to ensure the permit is displayed and remains displayed as required by this clause.

2.17 Damage to parking stations

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

3.1 Regulation of parking by resolution of local government

The local government must by resolution determine and vary and indicate by signs-

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

on the parking and stopping 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 a provision of this local law.

3.2 Parking contrary to signs

- (1) A person shall not stop or park a vehicle on a thoroughfare or a portion of a thoroughfare-
 - (a) if the thoroughfare is set apart by a sign for the stopping or parking of vehicles of a different class;
 - (b) upon which the stopping or parking of vehicles is prohibited at all times by a sign;
 - (c) upon which the stopping or parking of vehicles at that time is prohibited by a sign;
 - (d) if the thoroughfare is set apart by a sign for the stopping or parking of a different class;
 - (e) the side of which is marked with a continuous yellow edge line; or
 - (f) other than wholly within a parking space if the part of the thoroughfare upon which the vehicle is stopped or parked is provided with parking spaces.
- (2) A person shall not stop 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.

3.3 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 stopping or parking.

3.4 Vehicles in motorcycle stalls

A person shall not stop or park a vehicle other than a motorcycle to which no sidecar is attached in a parking space—

- (a) marked with the symbol M/C;
- (b) in which the parking of a motorcycle is permitted by a sign referring to the parking space; and
- (c) otherwise than wholly within the parking space.

3.5 Parking position on thoroughfare

- (1) A person shall not stop or park a vehicle or permit a vehicle to stop 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; unless otherwise exempted by the local government;
 - (c) wholly within a parking space if the part of the thoroughfare upon which the vehicle is stopping or parked is provided with parking spaces.
- (2) A person shall not stop or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

3.6 Parking a 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 line, or dividing strip, or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;

- (d) so that the front or the rear of the vehicle respectively are not less than one metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;
 - (e) so that it does not obstruct any vehicle on the carriageway; and
 - (f) so that any portion of it is not on a median strip.
- (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.

3.7 When parallel or angle parking applies

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 in 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.

3.8 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 the marks on the carriageway.

- (2) This clause does not apply to-
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (b) a person parking either a motorcycle without a trailer or a bicycle.

3.9 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. Unless-

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

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

3.10 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 driveway or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, crossover, passage or driveway;
- (b) upon an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (c) within 20 metres of the nearest kerb line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is stopping or parked;
- (d) alongside any excavation, works, hoarding, scaffolding, obstacle or impediment to traffic;
- (e) on or over a footpath or a place of refuge for pedestrians;
- (f) at the side of a carriageway marked with a continuous yellow edge line; or

unless a sign or markings on the carriageway indicate otherwise.

3.11 Intersections, hoardings and footpaths

A person shall not stop or park a vehicle upon a road so that any portion of the vehicle is-

- (a) within 10 metres of the nearest kerb line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is stopping or parked, such intersection not having traffic-control signals erected;
- (b) alongside any hoarding, scaffolding, obstacle or impediment to traffic; or
- (c) on or over a footpath or a place of refuge for pedestrians.

3.12. 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 vehicle which is parked or stopped on a carriageway of that thoroughfare and the centre of that thoroughfare.

(2) This clause does not apply to a driver stopped in traffic.

3.13 Verge parking

(1) A person shall not stop or park a vehicle on a street 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 street verge, shall not without consent of the occupier, park or stop a vehicle upon that verge.

3.14 Bus stops, pedestrian 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 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 person shall not permit a vehicle to stop or park in a parking space which is set aside by a sign for use by a bus except for the purpose of taking up or setting down passengers to or from such vehicle.

(4) in this clause, distances are measured in the direction in which the driver is driving.

3.15 Stopping on keep clear markings

A driver shall not stop on an area of a carriageway marked with a keep clear marking.

3.16 Repeated parking or stopping of vehicles

Where a vehicle has been parked or stopped in a parking station or on a road where parking or stopping is restricted as to time, a person shall not park or stop that vehicle again in that parking station or on that road on that day unless it has first been removed from the parking station or road for at least one hour.

3.17 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 any authorised person or Police Officer directs the driver to move it.

3.18 Loading zones

(1) A person shall not permit a vehicle to stop or park in a parking space which is at that time set aside for use 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 30 minutes.

(2) In this clause, "commercial goods" means an article or collection of articles weighing at least 14 kg of which the content is at least 0.2 cubic metres.

(3) A parking space may be set aside for use by vehicles in accordance with subclause (1) by a sign marked "Loading Zone" or by other means.

3.19 No parking of vehicles exposed for sale and other circumstances

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;
- (c) if that vehicle is not licensed under the Road Traffic Act; or
- (d) if that vehicle is a trailer or caravan unattached to a motor vehicle.

PART 4—STOPPING AND PARKING GENERALLY

4.1 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.

4.2 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 1.7(2); or
 - (c) a parking station.
- (2) A person shall not stop or 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.

4.3 Commercial vehicle parking

- (1) A person shall not stop or park a 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.

4.4 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the "bus zone" sign applying to the bus zone.
- (3) In subclause (1), the driver of the taxi shall not leave the taxi unattended.

4.5 Other limitations in zones

A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitations with respect to the class of persons or vehicles, or the specific activity allowed, as indicated by additional words on the sign.

4.6 Stopping in a bus lane, transit lane or bicycle lane

A driver shall not stop in-

- (a) a bus lane;
- (b) a transit lane; or
- (c) a bicycle lane.

unless the driver is driving a public bus or taxi, and is dropping off, or picking up, passengers.

4.7 Stopping in a shared zone

A driver shall not stop in a shared zone unless-

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law;

- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

4.8 Overlength vehicle parking

A person shall not stop 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.

4.9 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.

4.10 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.

4.11 When lawfully parked vehicle causes obstruction

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.

4.12 Deemed obstruction

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

4.13 No obstruction of public places

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

4.14 Impounding of vehicles

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 – PARKING PERMITS

5.1 Issue of residential and visitor parking permits

(1) A person who is the owner or occupier of a dwelling in the district and who resides in the dwelling may apply in writing to the local government for the issue of-

- (a) a residential permit in relation to a registered vehicle for which that person is the owner; or
- (b) a visitor's permit

(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) and (2)-

- 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 makes a decision under subclauses (3)(a) or (b), 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)(a) or subclause (1)(b) will be an annual permit, issued for a period not exceeding one (1) year and expiring on 31 December in the year of issue.
- (6) 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 5.2 applies;
 - c) registration of the vehicle; and
 - d) 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, or without an unexpired parking ticket being displayed, 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 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.

5.3 Removal and cancellation of Residential Parking Permit

The holder of a permit issued under clause 5.1 who changes residence shall not display a residential parking permit, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

5.4 Fees

- (1) On lodging an application for a permit, the applicant is to pay a fee to the local government.
- (2) On renewal of a permit, the permit holder is to pay a fee to the local government.
- (3) On replacement of a permit, the permit holder is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1), (2) and (3) are to be imposed and determined by the local government, from time to time, under and in accordance with sections 6.16 to 6.19 of the Act.

5.5 Revoking a permit

- (1) Where the local government is satisfied that a residential parking permit is not being used in accordance with Part 5 of this local law, the local government may give the person to whom the permit was issued notice-
 - (a) indicating the permit may be revoked;
 - (b) explaining the reasons why the permit may be revoked; and
 - (c) requiring the person to notify the local government within fourteen days, to show cause why the permit should not be revoked.
- (2) After the expiry of 14 days from the date of service of the notice referred to in subclause (1) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.
- (3) Where the local government revokes a permit, it shall notify the person to whom the permit was issued that it has been revoked.

5.6 Removal of permit from vehicle

The holder of a residential parking permit or a visitor's parking permit must, immediately upon the permit being revoked or ceasing to be valid, permanently remove the permit from the vehicle in which it is displayed, or to which it is affixed.

5.7 Construction site vehicle parking

- (1) In this clause, unless the context otherwise requires-

builder has the same meaning as that expression is given in the *Building Services (Complaint Resolution and Administration) Act 2011*;

construction site means any land subject to development;

construction site vehicle means a commercial vehicle or heavy goods vehicle;

development means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on the land of any excavation or other works;

eligible person means an owner or occupier of a construction site or any builder carrying out work on a construction site;

heavy goods vehicle means a vehicle which comes within the interpretation of either a tractor (prime mover type) or a tractor (other than prime mover type) in the First Schedule to the *Road Traffic Act 1974* and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and

work zone means any road or part of a road, whether or not marked as a metered space or parking stall, set aside by the local government by the use of a sign, for a period specified on the sign, for the parking of construction site vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may make written application to the local government which may approve or refuse the application.

(3) Where the local government approves an application made under subclause (2), it shall give the applicant written notice specifying-

- (a) the portion of road approved for uses as a work zone;
- (b) the term of the approval and the times during which the parking of construction site vehicles in the work zone is permitted;
- (c) any conditions applicable to the approval;
- (d) the amount of any establishment fee as determined by the local government from time to time.

(4) Where the establishment fee specified in a notice referred to in subclause (3) is paid to the local government within fourteen days from the date of issue of the notice, the local government shall set aside a work zone in accordance with the notice.

(5) An eligible person shall, in addition to the establishment fee, pay to the local government a daily fee as determined by the local government from time to time for each day that a work zone is set aside.

(6) The daily fee shall be payable in arrears on the first day of each month.

(7) If the daily fee is at any time in arrears after it shall have become due (whether or not any formal or legal demand is made), the local government may remove any signs used to set aside the work zone.

(8) A person shall not park a vehicle in a work zone unless-

- (a) the vehicle is a construction site vehicle;
- (b) the vehicle is parked during a time in which the parking of a construction site vehicle on that zone is permitted by a sign; and
- (c) a person is continuously engaged in loading or unloading goods-
 - (i) to or from the construction site vehicle; and
 - (ii) to or from the construction site.

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 must 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.

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 Suspension of requirement to pay fee

The local government may from time to time determine that the provisions of clause 6.2 shall not apply during specified periods and days.

6.5 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.

6.6 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.

6.7 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.

6.8 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.

6.9 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 Stop" or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

PART 7 - MISCELLANEOUS

7.1 Operating ticket issuing machines

A person shall not operate or attempt to operate a ticket issuing machine except in accordance

with the operating instructions appearing on the ticket issuing machine.

7.2 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.

7.3 Defacing a parking ticket

A person shall not display in a vehicle a ticket purchased from a ticket issuing machine or from any 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.

7.4 Interfere with or damage to detection devices

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any road, parking facility or in any other public place

(2) A person shall not interfere with, damage or obstruct the operation of any display panels or transmitting equipment in relation to parking detection devices or instruments operated by the local government.

7.5 Ticket invalid

A ticket or permit which has been altered, added to, or defaced in any way, or which has any of the particulars recorded upon it that are illegible, ceases to have any effect toward the purpose for which it was issued.

7.6 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.

7.7 Impersonation of authorised person

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

7.8 No contravention of sign

A person shall not contravene the direction of a sign.

7.9 Removal of notice from vehicle

(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 Police Officer.

(2) In this clause "notice" means Form 1, 2 or 3 of Schedule 3.

7.10 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

7.11 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.

7.12 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.

7.13 Forms of notices

For the purposes of this local law-

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (b) the form of 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 notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

Schedule 1 - Parking stations of the region
[Clause 1.7(4)]

- 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 Street, Booragoon.
- 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 Street, Booragoon.
- No. 11 Apex Park – Reserve No. 26811 – Car Park – The Esplanade, Canning Bridge.
- No. 12 *Intentionally Blank*
- No. 13 The Esplanade, Mount Pleasant.
- No. 14 *Intentionally Blank*
- No. 15 *Intentionally Blank*
- No. 16 *Intentionally Blank*
- No. 17 *Intentionally Blank*
- No. 18 *Intentionally Blank*
- No. 19 Kearns Crescent East Shopping Centre bounded by Canning Highway, Riseley Street and Kearns Crescent East, Ardross.
- No. 20 *Intentionally Blank*
- 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 Car Park, Lot 250, 70-72 Canning Beach Road, Applecross.
- No. 26 Moreau Mews Car Park;
- No. 27 *Intentionally Blank*

Schedule 2 - Modified penalties

Item	Clause	Nature of Offence	Modified Penalty \$
1.	2.4	Failing to display unexpired parking ticket in a parking station.	\$70
2.	2.10	Parking outside a parking space in a parking station.	\$70
3.	2.11(1)(a)	Stopping in a no stopping area in a parking station.	\$90
4.	2.11(1)(b)	Stopping during a prohibited period on part of a parking station.	\$70
5.	2.11(2)(a)	Parking in a no parking area in a parking station.	\$70
6.	2.11(2)(b)	Parking during a prohibited period on part of a parking station.	\$70
7.	2.11(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver.	\$70
8.	2.11(3)	Parking for more than the maximum period in a parking station.	\$70
9.	2.15(3)	Parking in an authorised space in a parking station without a permit.	\$70
10.	3.2(1)(a)	Stopping on part of a thoroughfare set aside for vehicles of a different class	\$70
11.	3.2(1)(b)	Stopping or parking in a no stopping area	\$90
12.	3.2(1)(c)	Stopping or parking on a thoroughfare during a prohibited period.	\$70
13.	3.2(1)(c)	Parking in a no parking area	\$70
14.	3.2(1)(d)	Parking on part of a thoroughfare set aside for vehicles of a different class.	\$70
15	3.2(1)(e) 3.10(f)	Stopping within continuous yellow edge line	\$90
16.	3.2(2)	Parking on a thoroughfare for more than maximum period	\$70
17.	3.3	Stopping or parking in an occupied parking space.	\$70
18.	3.5(1)(a)	Parking too far from kerb	\$70
19.	3.5(2)	Parking outside parking space marked on thoroughfare	\$70
20.	3.6(1)	Stopping or parking on or adjacent to a median strip.	\$70
21.	3.6(1)(b)	Parking facing oncoming traffic.	\$70
22.	3.9(1)	Stopping or parking within 1 metre of a fire hydrant.	\$70
23.	3.9(2)	Stopping or parking within 3 metres of public post box.	\$70
24.	3.10(a)	Parking in front of a driveway.	\$70
25.	3.10(b)	Parking on an intersection.	\$70
26.	3.10.(c)	Parking within 20 metres of intersection with traffic signals.	\$70
27.	3.10(d)	Parking next to a traffic obstruction.	\$70
28.	3.10(e) 3.11(c)	Parking on a footpath.	\$90
29.	3.11(a)	Parking within 10 metres of intersection.	\$70
30.	3.12(1)	Double parking.	\$70
31.	3.13(1)	Stopping or parking on a verge contrary to signs	\$80
32.	3.13(2)	Stopping or parking on a verge without consent.	\$80
33.	3.14(1)	Stopping within 10 metres of the departure side of bus stops, pedestrian and children's crossings	\$70
34.	3.14(2)	Stopping within 20 metres of the approach side of bus stops, pedestrian and children's crossings.	\$70
35.	3.14(3)	Stopping or parking in a bus stop.	\$70

36.	3.16	Parking within 1 hour on a thoroughfare.	\$70
37.	3.17	Failing to move vehicle after direction.	\$70
38.	3.18(1)	Stopping or parking in a loading zone without loading/unloading.	\$70
39.	3.19	Parking on street to repair or sell.	\$80
40.	4.1	Unauthorised parking.	\$70
41.	4.2(2)	Stopping or parking on private property without consent.	\$90
42.	4.3	Parking a commercial vehicle on a thoroughfare or street verge for more than four (4) hours	\$90
43.	4.8	Over-length vehicle parking	\$80
44.	4.9	Removing mark of authorised person	\$70
45.	4.10	Parking on a public reserve.	\$90
46.	4.13	Parking so as to cause an obstruction.	\$80
47.	5.6	Failure to remove permit	\$70
48	6.7	Failure to display ticket to clearly indicate expiry time.	\$70
49.	7.4(1)	Interfere or damage an electronic detection device	\$500
50	7.4(2)	Interfere or damage a display panel or transmitting device	\$500
51.		All other offences not specified.	\$70

Schedule 3 - Infringements notice forms

FORM 1
CITY OF MELVILLE PARKING LOCAL LAW 2016
Notice Requiring Owner to Identify Driver

Date :/...../.....

To: (1)

of (2)

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

at (4)

your vehicle was involved in the commission of the following offence —

(5)

.....

.....

contrary to clauseof the City of Melville Parking Local Law 2016.

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

- Insert -
- (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.

FORM 2
CITY OF MELVILLE PARKING LOCAL LAW 2016
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-

(5)

.....

contrary to clause of the City of Melville Parking Local Law 2016. 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, Booragoon, WA, 6153.

If you take no action this matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended, your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed, and your property may be seized and sold. If the matter is registered with the registered with the Registry additional costs will also be payable.

.....
Name of authorised person giving the notice.

.....
Title of authorised person

.....
Signature of authorised person

Insert -

- (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.

FORM 3
CITY OF MELVILLE PARKING LOCAL LAW 2016
INFRINGEMENT NOTICE

Serial No.

Date :/...../.....

To: (1)

of (2)

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

at (4)

in respect your vehicle:

make:

model:

registration:

was involved in the following offence-

(5)

.....

.....

contrary to clause of the City of Melville Parking Local Law 2016.

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 at the City of Melville or by delivering this form and paying the amount to an authorised person at the office of the City of Melville at Almondbury Road, Booragoon, WA, 6163.

If you take no action this matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended, your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed, and your property may be seized and sold. If the matter is registered with the registered with the Registry additional costs will also be payable.

.....
Name of authorised person giving the notice.

.....
Title of authorised person

.....
Signature of authorised person

Insert -

(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.

FORM 4
CITY OF MELVILLE PARKING LOCAL LAW 2016
NOTICE OF WITHDRAWAL

Date :/...../.....

To: (1)

of (2)

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

The modified penalty of

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

.....
Name of authorised person giving the notice.

.....
Title of authorised person

.....
Signature of authorised person

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

This Parking Local Law 2016 was adopted by resolution of the Council of the City of Melville at a meeting held on 20 September 2016.

The Common Seal)
of the City of Melville)
was affixed in)
the presence of)

Mr Russell Aubrey
Mayor

Dr Shayne Silcox
Chief Executive Officer

Date

Date