

## LOCAL GOVERNMENT ACT 1995

*City of Subiaco*

### Local Laws Relating to Parking

Pursuant to its powers under the Local Government Act 1995 the City of Subiaco makes the following Local Laws.

#### Amendments

This version includes amendments as follows:

<b>Government Gazette No.</b>	<b>Date</b>	<b>Page</b>
5	15 January 1999	115 – 116
244	14 December 2001	6397
170	3 October 2006	4338 - 4343
59	8 April 2016	1091-1098

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# PART 1 - OPERATION

## *DIVISION A - INTRODUCTION AND DEFINITIONS*

*This Division contains introductory provisions and definitions which apply in these Local Laws.*

### **1.1 Citation**

These Local Laws may be cited as City of Subiaco Parking Facilities Local Laws.

### **1.2 Revocation**

The following are hereby revoked:-

- (a) City of Subiaco Parking Facilities By-Laws 29 published in the *Government Gazette* on 23 December 1971;
- (b) City of Subiaco By-Law No. 23 Relating to the Removal and Disposal of Obstructing Animals or Vehicles published in the *Government Gazette* on 10 June 1994; and
- (c) City of Subiaco By-Law No. 44 Control of Residential Parking published in the *Government Gazette* on 12 May 1995.
- (d) Local Government Model By-Laws (Street Lawns and Gardens) No. 11, published in the *Government Gazette* on 7 February 1963 and adopted by the Council as By-Law No. 19 by resolution dated 12 November 1963, published in the *Government Gazette* on 6 February 1964.

### **1.3 Interpretation**

In these Local Laws unless the context otherwise requires:

“**Act**” means the *Local Government Act 1995*;

“**authorised person**” means a person authorised by the Local Government under section 9.10(1) of the *Local Government Act 1995* to perform functions as specified in these Local Laws.

“**authorised vehicle**” means a vehicle authorised by the Local Government or an authorised person to park on a road or parking station or any portion thereof;

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

“**bus**” has the meaning given to it in the Code;

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“**caravan**” means a vehicle, whether motorised or drawn by another vehicle, that is fitted or designed for habitation by a person in the course of a journey, but excludes a motor car that has been fitted or adapted for habitation by a person in the course of a journey;

“**carriageway**” means the portion of a road ordinarily used for vehicular traffic and includes the shoulders and areas at the side or centre of the carriageway used for the stopping or parking of vehicles;

“**charter vehicle**” means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966* and used to undertake tour and or charter work, but does not include a “public bus”;

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

“**delivery vehicle**” means a vehicle constructed, adapted or fitted for the conveyance of goods, materials, or merchandise used in any trade, business or industry, which is used primarily for that purpose, and on which a business name as defined in the *Business Names Act 1962* or a Trade Mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible to an authorised person.

“**district**” means the district of the City of Subiaco;

“**emergency vehicle**” has the meaning given in the Code;

“**footway**” includes a footpath, lane or other place intended for use by pedestrians or cyclists or habitually used by pedestrians or cyclists and not by vehicles other than bicycles;

“**funeral vehicle**” means a vehicle designed or modified for use in connection with funeral services;

“**GVM**” (which stands for “gross vehicle mass”) has the meaning given to it in the *Road Traffic (Vehicles) Act 2012*;

“**heavy vehicle**” means a vehicle with a GVM of 4.5 tonnes or greater;

“**Local Government**” means the Local Government of the City of Subiaco;

“**median strip**” means any physical provision, including painted lines, dividing the carriageway of the road;

“**metered space**” means a section or part 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 on payment of a fee or charge;

“**money**” means any legal tender under the *Currency Act 1965 (Cth)* or *Reserve Bank Act 1959 (Cth)* ;

“**motor car**” means a vehicle designed primarily for the carriage of persons, whether or not it is also provided with space for the carriage of personal goods or luggage, but does not include a motor cycle, caravan, bus or a heavy vehicle;

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

“**notice**” means a notice in the form of Forms 1, 2, 3, 4 or 5 of the Second Schedule;

“**occupier**” has the meaning given to it by the Act ;

“**owner**” where used in relation to a vehicle means the person who holds the licence for the vehicle under the *Road Traffic Act 1974* or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

“**owner**” where used in relation to land has the meaning given to it by the Act;

“**park**” means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of:

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) immediately taking up or setting down persons or goods,

and “**parking**” and “**parked**” have correlative meanings;

“**parking meter**” means a machine or device which, as a result of money or other form of permitted payment being inserted into a machine, indicates without the issue of a ticket the period that it is lawful for a vehicle to remained parked in a metered space;

“**parking sign**” means a mark, structure or device under the care control or management of the Local Government on which are shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating or directing the stopping or parking of vehicles;

“**parking space**” means a part of a road or parking station which is marked or defined by painted lines, metallic studs or similar devices for the purpose of indicating where a vehicle may stop or be parked;

“**parking station**” means:-

- (a) any area on a road in which a fee is charged for the parking or stopping of vehicles;
- (b) any land, building or other structure used for the parking or stopping of vehicles, whether or not a fee is charged:-
  - (i) which is occupied by the Local Government; or
  - (ii) in respect of which there is an agreement between the owner and the Local Government that the land, building or structure is a parking station for the purposes of these Local Laws.

“**precinct**” means an area of the district designated by the Local Government as a parking precinct;

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“**public bus**” means a bus operated by or on behalf of the State to carry members of the public on payment of a fare, but does not include a taxi;

“**public place**” means any place which the public is allowed to use, whether or not the place is private property;

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

“**road**” means a highway, road, street, lane, thoroughfare, way or similar place within the parking region which the public is allowed to use and includes the road verge and any footway within it;

“**road verge**” means the portion of a road which lies between the boundary of a carriageway and the boundary of land abutting the road.

“**stop**” in relation to a vehicle, means to permit a vehicle to remain stationary, except for the purpose of:

- (a) avoiding conflict with other traffic or;
- (b) complying with the provisions of any law,

and “**stopping**” and “**stopped**” have correlative meanings;

“**taxi**” has the same meaning as “taxi” in section 3 of the *Taxi Act 1994*;

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

“**traffic island**” means a median strip designed to provide refuge to pedestrians crossing or otherwise using a road;

“**trailer**” means any vehicle without motor power of its own, designed for attachment to a vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or side car;

“**vehicle**” includes:-

- (a) any vehicle within the interpretation of that expression in the *Road Traffic Act 1974*;
- (b) every other conveyance, apart from an aircraft, vessel or train, capable of being propelled or drawn on wheels or tracks by any means; and
- (c) where the context permits, an animal being driven or ridden.

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## ***DIVISION B - PARKING SIGNS***

*This Division contains provisions about parking signs and the way in which they are to be interpreted.*

### **1.4 Parking signs under these Local Laws**

Any sign relating to the parking or stopping of vehicles, whether or not it was erected prior to the commencement of these Local Laws, is deemed to be a parking sign erected by the Local Government under the authority of these Local Laws.

### **1.5 Area designated by a parking sign**

The area designated by a parking sign and to which the parking sign applies is, as the case may be:-

- (a) the area referred to by the inscription on the parking sign;
- (b) the area between the parking sign and the next parking sign beyond it in the direction of any arrow inscribed on the parking sign; or
- (c) the area between the parking sign and a dead end or an area in which stopping is prohibited which lies in the general direction indicated by an arrow inscribed on the parking sign,

and where a parking sign is erected or displayed on or near a road, the side of the road nearest to the parking sign.

### **1.6 Dealing with parking signs**

A person shall not without the authority of the Local Government:

- (a) produce or exhibit a sign purporting to be or resembling a parking sign;
- (b) remove, deface or misuse a parking sign or attempt to do any such acts;
- (c) affix a board, placard, notice or other thing to or paint or write upon any part of a parking sign.

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## PART 2 - PARKING OR STOPPING GENERALLY

### *DIVISION A - PROHIBITION, REGULATION & RESTRICTION OF PARKING*

*This Division contains provisions which apply generally to parking and stopping on roads and in parking stations.*

#### **2.1 Making and amending parking restrictions**

The Local Government may prohibit, regulate or restrict the parking or stopping of vehicles as it thinks fit, and may indicate such prohibitions, regulations or restrictions on parking signs.

#### **2.2 Parking or stopping contrary to parking signs**

A person shall not park or stop a vehicle or permit a vehicle to remain parked contrary to the inscription on a parking sign.

#### **2.3 Parking in no parking area**

A person shall not park a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words "No Parking" or the corresponding symbol set out in the First Schedule.

#### **2.4 Parking or stopping in a no stopping area**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words "No Stopping" or the corresponding symbol set out in the First Schedule.

#### **2.5 Parking or stopping of authorised vehicles**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words "Authorised Vehicles Only" without the permission of an authorised person.

#### **2.6 Parking of heavy vehicles, caravans and trailers**

A person shall not permit a heavy vehicle, caravan or trailer to remain parked on a road or in a parking station for more than four hours unless the vehicle is in an area designated by a parking sign or parking signs permitting such vehicles to be parked for a longer period.

*[2.7 Deleted 2015 amendment]*

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## **2.8 Loading Zones**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words "Loading Zone" or symbols to that effect unless the vehicle is a delivery vehicle and a person is continuously engaged in loading or unloading goods, merchandise or materials from the delivery vehicle, in which case the following maximum periods apply -

Tare weight of vehicle less than 1 tonne	-	15 minutes
Tare weight of vehicle more than 1 tonne	-	30 minutes

## **2.9 Parking in various other designated zones**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs:-

- (a) inscribed with the words "No Parking - Taxi only" or the corresponding symbols set out in the First Schedule, unless the vehicle is a taxi;
- (b) inscribed with the words "Funeral Vehicles Only" unless the vehicle is a funeral vehicle;
- (c) inscribed with the words "Charter Vehicles Only" unless the vehicle is a charter vehicle;
- (d) inscribed with the words "Buses Only" or "Bus Zone" unless the vehicle is a public bus; or
- (e) inscribed with the words "Clearway" or the corresponding symbol set out in the First Schedule, unless the vehicle is a public bus and the driver is dropping off or picking up passengers.

## **2.10 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 1 hour.

## **2.11 Parking within parking spaces**

Where parking spaces are provided a person shall not park or stop a vehicle or permit a vehicle to remain parked unless the vehicle is wholly within a parking space.

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## **2.12 Occupied parking spaces**

- (1) Subject to sub-clause (2), no person shall park or stop a vehicle or attempt to park or stop a vehicle in a parking space in which another vehicle is already parked or stopping.
- (2) Sub-clause (1) does not apply to the parking of a motor cycle and a bicycle together in a parking space marked "M/C".

## **2.13 Repairs to vehicles**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of repairing the vehicle.

## **2.14 Vehicles exposed for sale**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of exposing the vehicle for sale.

## **2.15 Trading from parked or stopping vehicles**

- (1) A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station or on a road for the purpose of trading from that vehicle other than in accordance with a licence issued by the Local Government pursuant to the City of Subiaco "Trading in Public Places Local Law 2014" as amended from time to time.
- (2) In this clause "**trading**" has the same meaning as in the City of Subiaco "Trading in Public Places Local Law 2014" as amended from time to time.

## **2.16 Direction by authorised person**

A driver or other person in control of a vehicle shall not park or stop the vehicle or permit the vehicle to remain parked if an authorised person directs that person to move the vehicle.

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## DIVISION B - SETTING ASIDE PARKING

*This Division contains provisions about setting aside parking on roads and in parking stations for various purposes.*

### **2.17 Setting aside parking for events**

- (1) The Local Government may indicate by signs that all or any part of a parking station, road or public place is set aside during the period indicated on the signs for the parking of vehicles by persons attending a particular event.
- (2) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless a ticket obtained from the Local Government relating to the special event is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.

### **2.18 Setting aside parking for persons authorised by the Local Government**

- (1) The Local Government may indicate by signs that all or part of a parking station or road is set aside during the period indicated on the signs for the parking of vehicles by persons authorised by the Local Government.
- (2) Where a person is authorised under sub-clause (1) the Local Government shall issue a written permit to the person.
- (3) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under sub-clause (1) unless the permit issued under sub-clause (2) is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.
- (4) The Local Government may revoke a permit issued under sub-clause (2) at any time.

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## PART 3 - PARKING OR STOPPING IN PARKING STATIONS

### *DIVISION A - CONDITIONS AND MANNER OF PARKING*

*This Division contains provisions which apply specifically to parking and stopping in parking stations, in addition to the provisions in Part 2.*

#### **3.1 Parking signs at parking stations**

Parking signs at each parking station shall be inscribed with words, numbers, expressions or symbols showing:-

- (a) the hours of operation of the parking station;
- (b) the permitted times and conditions of parking or stopping;
- (c) the classes of vehicles permitted to park or stop;
- (d) the fees payable for parking or stopping; and
- (e) the opening fee payable for opening the parking station outside of its hours of operation.

#### **3.2 Parking stations having attendants on duty**

If a parking station has a parking attendant on duty a person shall not park or stop a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless the appropriate fee is paid upon demand.

#### **3.3 Parking stations equipped with a ticket issuing machine**

If a parking station is equipped with a ticket issuing machine a person shall not park or stop a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless-

- (a)
  - (i) the appropriate fee has been inserted into a ticket issuing machine or payment otherwise made in accordance with the operating instructions printed on the ticket issuing machine;
  - (ii) the ticket issued by the ticket issuing machine is displayed inside the vehicle so that the date, time of issue and expiry time of the ticket are able to be read by an authorised person outside the vehicle; and
  - (iii) the ticket has not expired; or
- (b) the required payment is made in another form permitted by the Local Government.

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### **3.4 Parking stations making provision for payment on departure**

If a parking station makes provision for payment on departure of a vehicle:-

- (a) a person shall not remove a vehicle from the parking station unless the appropriate fee has been paid for the period during which the vehicle was parked; and
- (b) where the ticket issued when the vehicle entered the parking station is not produced on departure the fee for parking shall be calculated from the time the parking station opened on that day to the time of departure.

### **3.5 Prohibited parts**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in any part of a parking station, whether or not that part is marked as a parking space, if a parking sign prohibits the stopping of a vehicle in that part.

### **3.6 Parking stations on roads**

Where a parking station is on a road, the provisions of Part 4 of these Local Laws apply to the manner of parking or stopping vehicles.

### **3.7 Removal of vehicles from parking stations**

- (1) A person shall not remove a vehicle which has been parked in a parking station unless the appropriate fee has been paid for the period during which the vehicle was parked.
- (2) If a parking station has been opened outside its hours of operation in order that a vehicle be removed then in addition to the fee under sub-clause (1) the vehicle shall not be removed until the opening fee for the parking station has been paid.

### **3.8 Parking or stopping of motor cycles and bicycles in parking stations**

No person shall park or stop a motor cycle or bicycle or permit a motor cycle or bicycle to remain parked in a parking station, where a fee is payable, other than in a parking space or metered space marked "M/C".

### **3.9 Parking in metered space**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a metered space in a parking station unless-

- (a) the appropriate fee has been inserted into the parking meter; and
- (b) the parking meter referable to that metered space does not exhibit or display the sign 'Expired', a negative time or an expiry indicator light.

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## ***DIVISION B - MISCELLANEOUS***

*This Division contains various provisions about parking stations other than the conditions or manner of parking within them.*

### **3.10 Parking station may be locked**

Outside of the hours of operation of a parking station the Local Government may lock the parking station or otherwise prevent the movement of vehicles within, to or from it without any liability in respect of loss or damage to any vehicle or vehicles remaining in the parking station or their accessories or contents.

### **3.11 Operation of ticket issuing machines**

- (1) A person shall not insert or cause to be inserted or attempt to insert anything into a ticket issuing machine other than money or other forms of payment permitted by the Local Government.
- (2) 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.
- (3) A person shall not alter, add to or deface a ticket issued by a ticket issuing machine.
- (4) For the purposes of sub clause (1), a reference to “other forms of payment” includes a permit, ticket, pass, voucher, credit card or any other form of payment permitted by the Local Government.

### **3.12 Behaviour in parking stations**

- (1) A person shall not loiter in a parking station.
- (2) A person shall not remain in a parking station after having been directed to leave the parking station by an authorised person.

### **3.13 Damage to parking stations**

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

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## PART 4 - PARKING OR STOPPING ON ROADS

*This Part contains provisions which apply specifically to parking and stopping on roads, in addition to the provisions in Part 2.*

### 4.1 **Manner of parking or stopping**

- (1) In addition to the general provisions of Part 2 of these Local Laws, a person shall not park or stop a vehicle or permit a vehicle to remain parked on a road unless:-
- (a) the vehicle is parallel with and as close as practicable to the boundary of the carriageway;
  - (b) the vehicle is headed in the direction of the movement of traffic on the side of the road on which the vehicle is parked or stopping;
  - (c) at least 3 metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between the vehicle and another vehicle stopping on the far side of the carriageway is available for the passage of other vehicles; and
  - (d) the vehicle is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with these Local Laws.
- (2) Where a parking space is set out other than parallel to the boundary of a road the provisions of paragraphs (1)(a) and (1)(b) above do not apply.

### 4.2 **Double parking**

A person shall not park or stop a vehicle or permit a vehicle to remain parked on a road so that any portion of the vehicle is between another parked or stopping vehicle and the centre of the road.

### 4.3 **Parking on or near median strips and traffic islands**

A person shall not park or stop a vehicle or permit a vehicle to remain parked on a road so that any portion of the vehicle is:-

- (a) on or alongside to a median strip; or
- (b) within 9 metres of a traffic-island.

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#### **4.4 Parking or stopping near bus stops**

A person shall not park or stop a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side of a sign inscribed with the words “Bus Stop” or “Hail Bus Here” or symbols to that effect, unless the vehicle is a public bus stopped to take up or set down passengers.

#### **4.5 Parking or stopping near pedestrian or children’s crossings**

Except where parking bays are delineated and sign posted to the contrary, a person shall not park or stop a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side of a pedestrian crossing or children’s crossing.

#### **4.6 Parking or stopping near railway crossings**

A person shall not park or stop a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 18 metres of a railway crossing.

#### **4.7 Parking or stopping near intersections**

- (1) A person shall not stop a vehicle on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops;-
  - (a) at a place on a carriageway, or any area, to which a parking control sign applies and the person is permitted to stop at that place; or
  - (b) if the intersection is a T- intersection – along the continuous side of the continuing road at the intersection.
- (2) A person shall not stop a vehicle on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the person stops at a place on a length of the carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place.

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#### **4.8 Parking or stopping near fire hydrants**

A person shall not park or stop a vehicle or permit a vehicle to remain parked 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 or location of a fire hydrant or fire plug.

#### **4.9 Parking or stopping near letter boxes**

A person shall not park or stop a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is within 3 metres of a public letter box unless the vehicle is being used for the purpose of collecting postal articles from the letter box.

#### **4.10 Parking or stopping so as to obstruct certain things**

A person shall not park or stop a vehicle or permit a vehicle to remain parked so that any portion of the vehicle is:-

- (a) in front of a right-of-way or private driveway or so close thereto as to deny vehicles reasonable access to or egress from the right-of-way or private driveway;
- (b) in front of a footway constructed across a reserve;
- (c) on any pedestrian footpath, footway, bicycle lane, cycleway or combined footpath and cycle path;
- (d) on a bridge or other elevated structure;
- (e) within a tunnel or underpass, or
- (f) causing an undue obstruction on a carriageway.

#### **4.11 No stopping on a carriageway with yellow edge lines**

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

#### **4.12 Emergency vehicles**

Notwithstanding anything to the contrary in this Local Law, the driver of an emergency vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

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## PART 5 - PARKING OR STOPPING IN OTHER AREAS

### *DIVISION A - RESERVES*

*This Division contains provisions about parking or stopping on reserves.*

#### **5.1 Interpretation**

In this Division, “**reserve**” includes park lands, squares, foreshores, beaches and other lands set apart for the use and enjoyment of the inhabitants of the district.

#### **5.2 Parking or stopping on reserves**

A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, shall not drive, park or stop a vehicle on any part of a reserve or permit a vehicle to remain parked on any part of a reserve, which is not set aside for that purpose without the written consent of an authorised person.

### *DIVISION B – ROAD VERGES*

#### **5.3 Parking or stopping on road verges**

- (1) A person shall not stop a vehicle so that any portion of that vehicle is on a road verge during any period when the stopping or parking of vehicles on that road verge is prohibited by a sign adjacent and referable to that road verge.
- (2) A person shall not stop a vehicle so that any portion of the vehicle is on a road verge unless he or she is the owner or occupier of the premises adjacent to that road verge or is a person authorised by the occupier of those premises.

*[5.4 Deleted 1999 amendment]*

*[5.5 Deleted 1999 amendment]*

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## *DIVISION C - RIGHTS-OF -WAY AND PRIVATE PROPERTY*

*This Division contains provisions about parking and stopping in rights-of-way or other private property.*

### **5.6 Parking or stopping in rights-of-way**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a right-of-way so as to obstruct the right-of-way.

### **5.7 Parking or stopping on private property**

- (1) A person shall not park or stop a vehicle or permit a vehicle to remain parked on land that is not a road or a parking station without the consent of the occupier of the land.
- (2) A person shall be deemed not to have the consent of the owner or occupier of the land under sub-clause (1) if the vehicle is parked or stopping contrary to a sign erected on the land prohibiting, regulating or restricting the parking or stopping of vehicles.

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## PART 6 - RESIDENTIAL PARKING

*This Part contains provisions about the issuing of residential permits and visitor's permits for residential parking.*

### 6.1 **Interpretation**

In this Part:

“**dwelling**” has the same meaning as contained in the Residential Design Codes of Western Australia and includes the definitions in that Code relating to the Grouped Dwelling, the dwelling component of Mixed-Use Development, Multiple Dwellings, Single Bedroom Dwelling and Single House, but excludes Residential Buildings as defined in the Codes and hospitals or sanatoriums, a hotel, a motel and a residential school;

“**permit**” means a residential permit, visitor's permit, temporary permit or special purpose permit issued under this Part.

### 6.2 **Issue of a residential permit or visitor's permit**

- (1) A person who is the owner or occupier of a dwelling in the district and who resides in the dwelling as their primary place of residence may apply in writing to the Local Government for the issue of:-
  - (a) a residential permit, in relation to a motor car for which that person is the owner; or
  - (b) a visitor's permit.
- (2) The application shall set out:-
  - (a) the person's name;
  - (b) the address of the dwelling in respect of which the permit is sought;
  - (c) the road or roads in respect of which the permit is sought;
  - (d) in the case of a residential permit, the registration number of the motor car in respect of which the permit is sought; and
  - (e) the reason for applying for the permit;
- (3) The Local Government may issue a residential permit or a visitor's permit, as the case may be, to an applicant under sub-clause (1) if in the opinion of the Local Government:-
  - (a) it is impossible or impracticable to obtain vehicular access to a dwelling from a road or right-of-way; or
  - (b) there are other sufficient reasons to issue the permit.

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- (4) An application for a residential permit or visitor's permit must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government.

### **6.3 Maximum number of residential permits and visitor's permits per dwelling**

A maximum of three residential permits and two visitor's permits may be in force at any time in respect of any one dwelling.

### **6.4 Duration of a residential permit or visitor's permit**

A residential permit or visitor's permit is current from the date of issue and remains valid for a period of up to twelve months or until the expiry date stated on the permit.

### **6.5 Effect of a residential permit**

- (1) Subject to sub-clause (2) the holder of a current residential permit is exempt from compliance with:-
- (a) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes; and
  - (b) any other parking sign inscribed with the words "City of Subiaco Permit Holders Excepted".
- (2) The exemption in sub-clause (1) only applies:-
- (a) to the parking station, road or roads within a precinct in respect of which the residential permit was issued;
  - (b) to the motor car in respect of which the residential permit was issued;
  - (c) if the residential permit is affixed to the lower left-hand corner of the front window of the motor car so that it can be read by an authorised person outside the motor car; and
  - (d) if the holder of the residential permit still resides in the dwelling in respect of which it was issued.

### **6.6 Effect of a visitor's permit**

- (1) Subject to sub-clause (2) the person for the time being having possession of a current visitor's permit is exempt from compliance with:-
- (a) any parking sign inscribed with the words "City of Subiaco Permit Holders Excepted", and

- 
- (b) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes.
- (2) The exemption in sub-clause(1) only applies:-
- (a) to the parking station, road or roads within a precinct in respect of which the visitor's permit was issued;
  - (b) if the visitor's permit is displayed on the dashboard of the motor car so that it can be read by an authorised person outside the motor car;
  - (c) if the person to whom the visitor's permit was issued still resides in the dwelling in respect of which it was issued; and
  - (d) if the person using the visitor's permit is at the time of such use a visitor to the dwelling in respect of which the visitor's permit was issued.

#### **6.7 Renewal or replacement of a residential permit or visitor's permit**

- (1) On receiving a written application from a person referred to in clause 6.2(1), the Local Government may:-
  - (a) renew a residential permit or visitor's permit which has expired; or
  - (b) issue a replacement residential permit or visitor's permit for a permit which has been lost, damaged or stolen.
- (2) An application for renewal or replacement of a residential permit or visitor's permit must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government.

#### **6.8 Temporary permits**

- (1) A person referred to in clause 6.2(1) may apply in writing to the Local Government for one or more temporary permits.
- (2) The provisions of this Part dealing with residential permits shall apply also to temporary permits, except that:-
  - (a) the application shall also set out the number of permits required and the date and time during which the permits are required;
  - (b) there is no maximum number of temporary permits per dwelling;
  - (c) a temporary permit has effect only on the dates and during the times specified on the permit; and
  - (d) temporary permits may not be renewed or replaced.

- 
- (3) An application for temporary permits must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government.

#### **6.9 Special purpose permits**

- (1) The Local Government may issue a special purpose permit to a person who is not the owner or occupier of a dwelling in the district;
- (2) An application for a special purpose permit must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government;
- (3) Subject to sub-clause (1) and sub-clause (2) the person for the time being having possession of a special purpose permit is exempt from compliance with:-
  - (a) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes;
- (4) The exemption in sub-clause (3) only applies:-
  - (a) to the parking station, road or roads within a precinct in respect of which the permit was issued;
  - (b) if the permit is displayed on the dashboard of the motor car so that it can be read by an authorised person from outside the motor car;
  - (c) if the time period and date period specified on the permit are not expired;

#### **6.10 Permits may be revoked**

Notwithstanding section 6.4, any permit issued by the Local Government may be revoked or varied at any time.

#### **6.11 Misuse of a permit**

- (1) A person shall not alter, copy, damage, deface, hire, lend or sell a permit or attempt to do any of those acts for benefit or otherwise;
- (2) A person shall not display a permit that has been revoked, altered, copied, defaced, hired, lent or sold to any person.

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## PART 7 - PENALTIES AND ENFORCEMENT

*This Part contains provisions about offences against these Local Laws, penalties for those offences and the manner of enforcement of these Local Laws.*

### 7.1 **Offence and penalty**

Any person who contravenes or fails to comply with any clause of these Local Laws commits an offence and is liable on conviction to a maximum penalty of \$5,000.00, together with a daily penalty of \$500.00.

### 7.2 **Marking of tyres**

- (1) An authorised person may-
  - (a) mark the tyres, with chalk or any other non-indelible substance; or
  - (b) take a valve stem reading; or
  - (c) record vehicle registration numbers,of a parked or stopped vehicle for any purpose arising out of his or her duties or powers under those Local Laws.
- (2) A person shall not remove a mark made by an authorised person under sub clause (1)(a) so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

### 7.3 **Powers of authorised persons**

Authorised persons appointed by the Local Government from time to time are authorised to:

- (a) carry into effect the provisions of these Local Laws;
- (b) report to the Local Government on the working effectiveness and functioning of these Local Laws; and
- (c) institute and conduct prosecutions for offences against these Local Laws.

---

#### **7.4 Modified penalties**

- (1) All offences under these Local Laws are prescribed for purposes of section 9.16 of the *Local Government Act 1995* as offences for which an infringement notice may be given.
- (2) The amount appearing in the final column of the Third Schedule directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the *Local Government Act 1995* as the modified penalty prescribed for that offence.
- (3) The Local Government shall keep records of all infringement notices served and modified penalties received in respect of offences against these Local Laws.

#### **7.5 Form 1 - Notice to owner of vehicle**

A notice under section 9.13 of the *Local Government Act 1995* to the owner of a vehicle that is involved in an offence against these Local Laws in which the use, driving, parking, stopping or leaving of a vehicle is an element shall be in or to the effect of Form 1 of the Second Schedule.

#### **7.6 Form 2 - Infringement notice to owner of vehicle**

An infringement notice under section 9.18 of the *Local Government Act 1995* to the owner of a vehicle that is involved in an offence against these Local Laws in which the use, driving, parking, stopping or leaving of a vehicle is an element shall be in or to the effect of Form 2 of the Second Schedule.

#### **7.7 Form 3 - Infringement notice to alleged offender**

An infringement notice under section 9.16 of the *Local Government Act 1995* to an alleged offender in respect of an offence against these Local Laws in which the use, driving, parking, stopping or leaving of a vehicle is not an element shall be in or to the effect of Form 3 of the Second Schedule.

#### **7.8 Form 4 - Withdrawal of infringement notice**

A notice under section 9.20 of the *Local Government Act 1995* to withdraw an infringement notice shall be in or to the effect of Form 4 of the Second Schedule.

#### **7.9 Removal of notices**

A person, other than the person driving or in control of a vehicle, shall not remove from the vehicle any notice attached to the vehicle or left on or in the vehicle by an authorised person.

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**7.10 Authorised persons**

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

**7.11 Impersonating an authorised person**

A person who is not an authorised person must not impersonate or assume the duties of an authorised person.

**7.12 Obstructing of an authorised person**

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

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## PART 8 - REMOVAL AND IMPOUNDING OF VEHICLES

*This Part contains provisions about the removal and impounding of vehicles involved in contravention of these Local Laws.*

### **8.1 Obstruction of roads**

For the purposes of regulation 29 of the Local Government (Functions and General) Regulations 1996 any vehicle which is parked or stopping in any public place:-

- (a) in contravention of these Local Laws; or
- (b) for any period exceeding 24 hours without the written consent of an authorised person,

is deemed to be obstructing the lawful use of that public place.

### **8.2 Impounding of vehicles**

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

### **8.3 Register of impounded vehicles**

The Local Government shall keep and maintain a register of impounded vehicles containing details of the time and date on which each vehicle was removed and impounded, a description of the vehicle, and a description of the place from which it was removed.

### **8.4 Return of impounded vehicles pending prosecution**

- (1) Where the Local Government impounds a vehicle pursuant to clause 8.2 of these Local Laws and institutes a prosecution against the alleged offender for an offence against this Local Laws in accordance with section 3.42(a) of the *Local Government Act 1995*, the owner of the vehicle may collect the vehicle on payment to the Local Government of its expenses of removing and impounding the vehicle.
- (2) If the alleged offender is not convicted of any offence under these Local Laws the Local Government shall reimburse to the owner of the vehicle any payment made under sub-clause (1).

### **8.5 Form 5 - Notice to collect impounded vehicle**

A notice under section 3.42(b) or section 3.44 of the *Local Government Act 1995* to the owner of a vehicle which is removed and impounded to collect the vehicle shall be in or to the effect of Form 5 of the Second Schedule.

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**FIRST SCHEDULE  
SYMBOLS**



Disabled  
Parking

**ONLY**



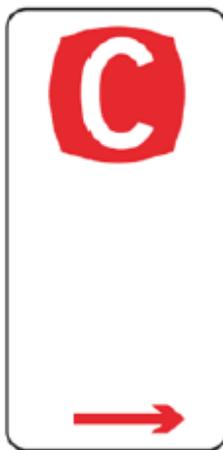
No Parking



Parking



No Stopping



Clearway



Loading Zone

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**SECOND SCHEDULE**

**Form 1**

**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Serial No. ....

Date .....

To (name of owner of vehicle).....

of (address of owner of vehicle).....

It is alleged that on (date).....at (time).....am/pm, at  
(place) .....

.....

your vehicle (licence plate number) .....,

(make)....., (type)..... was involved in the

commission of the following offence, indicated by a cross (X):-

Contrary to the City of Subiaco Parking Facilities Local Laws / Local Government (*Parking for People with Disabilities*) Regulations 2014.

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

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

- (a) within 28 days after being served with this notice you:
  - (i) inform the chief executive officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, or
  - (ii) satisfy the chief executive officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed,

OR

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

.....  
Signature of authorised person

.....  
Name and title or identification number of authorised person

---

**Form 2**

**INFRINGEMENT NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Serial No. ....  
Date .....

To *(name of owner of vehicle)*.....  
of *(address of owner of vehicle)*.....

It is alleged that on *(date)*.....at *(time)*.....am/pm,  
at *(place)* .....  
your vehicle *(licence plate number)* ....., *(make)*.....,  
*(type)*..... was involved in the commission of the following offence,  
indicated by a cross (X):-

*Contrary to the City of Subiaco Parking Facilities Local Laws / Local Government (Parking for People with Disabilities) Regulations 2014.*

The modified penalty for the offence is the amount set out alongside the offence indicated by a cross (X).

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 within 28 days after being served with this notice you:

- (a) inform the chief executive officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed;
- (b) 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.

Alternatively, if you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at the City of Subiaco Council Offices, 241 Rokeby Road, Subiaco within 28 days after the giving of this notice.

.....  
Signature of authorised person

.....  
Name and title or identification number of authorised person

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**Form 3**

**INFRINGEMENT NOTICE**

Serial No. ....

Date .....

To *(name of owner of vehicle)*.....

of *(address of owner of vehicle)*.....

It is alleged that on *(date)*.....at *(time)*.....am/pm,  
at *(place)* .....  
your vehicle *(licence plate number)* ....., *(make)*.....,  
*(type)*..... was involved in the commission of the following offence,  
indicated by a cross (X):-

Contrary to the City of Subiaco Parking Facilities Local Laws / Local Government *(Parking for People with Disabilities) Regulations 2014*.

The modified penalty for the offence is the amount set out alongside the offence indicated by a cross (X).

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at the City of Subiaco Council Offices, 241 Rokeby Road, Subiaco within 28 days after the giving of this notice.

.....  
Signature of authorised person

.....  
Name and title or identification number of authorised person

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**Form 4**

**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No. ....

Date .....

To *(name of owner of vehicle)* .....

of *(address of owner of vehicle)*.....

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 is no longer required to be paid.

.....  
Signature of authorised person

.....  
Title of authorised person

---

**Form 5**

**NOTICE OF REMOVAL AND IMPOUNDING OF VEHICLE**

Serial No. ....  
Date .....

To *(name of owner of vehicle)*.....  
of *(address of owner of vehicle)*.....  
the owner of vehicle *(licence plate number)*....., *(make)*.....,  
*(type)*.....

On *(date)*.....at *(time)*.....am/pm,  
at *(place)* ..... your vehicle was involved in a contravention  
of the City of Subiaco Local Laws Relating to Parking and was removed and impounded under section  
3.39 of the *Local Government Act 1995*.

Your vehicle may be collected from *(place)* ..... between  
the hours of..... am/pm and..... am/pm, Monday to Friday by satisfying  
the Chief Executive Officer of the City that you are the owner of the vehicle or a person entitled to  
possession of the vehicle.

If your vehicle is not collected within **two (2) months** after the date of this notice the City may either:

- (a) under section 3.47 of the *Local Government Act 1995* sell the vehicle and credit the money received from that sale to the City's trust fund except to the extent required to meet the City's costs of custody of the vehicle after the period of two months and the expenses incurred by the City in selling the vehicle; or
- (b) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of custody of the vehicle after the period of two months have been paid to the City.

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

.....  
Signature of authorised person

.....  
Name and title or identification number of authorised person

## THIRD SCHEDULE

**Table of Local Laws, Offences and Modified Penalties**

LOCAL LAW	OFFENCE	MODIFIED PENALTY
	<b>PARKING AND STOPPING GENERALLY</b>	
2.2	Parking or stopping contrary to parking sign	\$70
2.3	Parking in a "No Parking" area	\$90
2.4	Parking or stopping in a "No Stopping" area	\$100
2.5	Parking or stopping in an "Authorised Vehicles Only" area	\$90
2.6	Parking a Heavy Vehicle, Caravan or Trailer for longer than four hours	\$70
2.8	Parking or stopping in a "loading Zone"	\$70
2.9(a)	Parking or stopping in a "Taxi Only" area	\$90
2.9(b)	Parking or stopping in a "Funeral Vehicles Only" area	\$90
2.9(c)	Parking or stopping in a "Charter Vehicles Only" area	\$90
2.9(d)	Parking or stopping in a "Buses Only" or "Bus Zone" area	\$90
2.9(e)	Parking or stopping in a "Clearway" area	\$100
2.10	Repeated parking or stopping within 1 hour	\$50
2.11	Parking or stopping other than wholly within a parking space	\$50
2.12(1)	Parking or stopping in an occupied parking space	\$50
2.13	Parking or stopping to effect repairs	\$70
2.14	Parking or stopping to expose vehicle for sale	\$70
2.15	Trading from parked or stopped vehicle	\$100
2.16	Failure to move vehicle when directed	\$90
2.17(2)	Parking or stopping in area set aside for event	\$70
2.18(3)	Parking or stopping in area set aside for authorised persons	\$100

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	<b>PARKING IN PARKING STATIONS</b>	
3.2	Failure to pay fee to parking attendant	\$50
3.3(a)(i)	Failure to insert fee into ticket issuing machine	\$50
3.3(a)(ii)	Failure to correctly display ticket issued by ticket issuing machine	\$50
3.3(a)(iii)	Parking or stopping after expiration of ticket	\$50
3.3(b)	Failure to display another form of authorised payment.	\$50
3.4(a)	Removing vehicle without payment of appropriate fee	\$50
3.5	Parking or stopping in prohibited part of parking station	\$50
3.7(1)	Removing vehicle without payment of appropriate fee	\$50
3.8	Parking or stopping a motor cycle in parking space other than marked "M/C"	\$50
3.9(a)	Failure to insert fee into parking meter	\$50
3.9(b)	Parking or stopping after expiration of parking meter	\$50
3.11(1)	Inserting anything other than coin into ticket issuing machine	\$70
3.11(2)	Operation of ticket issuing machine other than in accordance with instructions	\$70
3.11(3)	Altering, adding to or defacing ticket	\$100
3.12(1)	Loitering in parking station	\$70
3.12(2)	Failure to leave parking station after direction to do so	\$70
3.13	Damaging, defacing or misusing parking station	\$100

	<b>PARKING OR STOPPING ON ROADS</b>	
4.1(1)(a)	Parking or stopping not parallel with or as close as practicable to boundary of carriageway	\$70
4.1(1)(b)	Parking or stopping headed in wrong direction	\$70
4.1(1)(c)	Parking or stopping with less than 3 metres or road between another vehicle or farther boundary of carriageway	\$90
4.1(1)(d)	Parking or stopping closer than 1.2 metres from another vehicle	\$50
4.2	Double parking	\$90
4.3(a)	Parking or stopping on or alongside median strip	\$90
4.3(b)	Parking or stopping within 9 metres of traffic island	\$90
4.4	Parking or stopping within 20 metres of approach side / 10 metres of departure side of a bus stop	\$90
4.5	Parking or stopping within 20 metres of approach side / 10 metres of departure side of a pedestrian or children's crossing	\$90
4.6	Parking or stopping within 18 metres of a railway crossing	\$90
4.7(1)	Parking or stopping within 10 metres of an intersection	\$90
4.7(2)	Parking or stopping within 20 metres of an intersection controlled by traffic lights	\$90
4.8	Parking or stopping within 1 metre of fire hydrant or fire plug	\$90
4.9	Parking or stopping within 3 metres of public letter box	\$90
4.10(a)	Obstruction of right-of-way or private driveway	\$100
4.10(b)	Obstruction of footway across a reserve	\$100
4.10(c)	Obstruction of pedestrian footpath, footway, cycleway or combined footpath and cycle path.	\$100
4.10(d)	Obstruction of bridge or other elevated structure	\$90
4.10(e)	Obstruction of tunnel or underpass	\$90
4.10(f)	Obstruction on a carriageway	\$90
4.11	Stopping in a carriageway adjacent a yellow edge line	\$100

	<b>PARKING OR STOPPING IN OTHER AREAS</b>	
5.2	Parking or stopping on reserves	\$70
5.3	Parking or stopping on a Road Verge	\$70
5.6	Parking or stopping in right-of-way	\$90
5.7	Parking or stopping on private property without consent	\$100
	<b>RESIDENTIAL PARKING</b>	
6.11(1)	Altering, coping, damaging, defacing, hiring or selling a permit	\$100
6.11(2)	Displaying a revoked, altered, copied, defaced, hired, lent or sold permit	\$100
	<b>PENALTIES AND ENFORCEMENT</b>	
7.2(2)	Removing chalk marks from tyres	\$100
7.9	Removing notice attached to vehicle	\$100