

LOCAL GOVERNMENT ACT 1995

SHIRE OF GOOMALLING

LOCAL LAWS RELATING TO PARKING FACILITIES

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Goomalling hereby records having resolved on the 25th June 1997 to adopt the following Local Laws:

LOCAL LAWS RELATING TO PARKING FACILITIES
ARRANGEMENT

- Part 1—Preliminary
- Part 2—Parking on Roads
- Part 3—Standing and Parking Generally
- Part 4—Miscellaneous
- Schedules

PART 1—PRELIMINARY

Revocation

1. The By-laws of the Shire of Goomalling Relating to Parking Facilities published in the *Government Gazette* on 24th April 1953 and amended from time to time are hereby revoked.

Citation

2. This Local Law may be cited as the Shire of Goomalling Parking Facilities Local Law.

Definition

3. In this Local Law unless the context requires otherwise—
 - “Act” means the Local Government Act 1995 as amended.
 - “appointed place” means a place appointed by the Council to which vehicles causing an obstruction may be removed;
 - “AS” means Australian Standard published by the Standards Association of Australia;
 - “authorised person” means a person appointed by Council to administer the Local Law;
 - “authorised vehicle” means a vehicle authorised by the Council or an authorised person to stand or park on a road, which is designated by signs to be used for parking by authorised vehicles only;
 - “carriageway” means a portion of the road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles. Where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately;
 - “CEO” means the Chief Executive Officer of the Shire of Goomalling;
 - “Council” means the Shire of Goomalling;
 - “driver” means any person driving or in control of, a vehicle or animal;
 - “footpath” includes a path used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
 - “median strip” means—
 - (a) any physical provision, dividing a road to separate vehicular traffic proceedings in opposite directions;
 - (b) any physical provision, including a traffic island designed to separate parked vehicles from vehicular movement areas;
 - “member of the Police Force” means a member of the Police Force of Western Australia;
 - “Minister” means the Minister for Local Government;
 - “Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to clauses 24-26 inclusive of this Local Law;
 - “owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or the person who is entitled to the possession of the vehicle;

"park" means to permit a vehicle, whether attended or not, to remain stationary except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law;

"parking facilities" includes land, buildings, shelters, parking spaces and any other facilities open to the public generally for the parking of vehicles with or without signs used in conjunction with those things;

"Parking Region" means the whole of the Shire of Goomalling excluding the following portions—

- (a) prohibition areas applicable to all bridges and subways;
- (b) any roads which come under the control of the Commissioner of Main Roads;

"parking space" means a section or part of a road reserve which is marked or defined by painted lines or by similar devices for the purpose of indicating where vehicles may stand or park;

"road" means any road, street, land, thoroughfare or similar place within the parking region, and includes all of the land lying between the property lines including street verge and footpath;

"Road Traffic Act" means the Road Traffic Act 1974 as amended;

"sign" means a traffic sign, mark or structure, symbol or device placed, erected on or near a road, or a reserve for the purpose of regulating or guiding parking of vehicles;

"stand" in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic;

"street" has the same meaning as road;

"symbol" means a letter, figure or other character or mark or combination of letters or such like, without limiting the generality of the foregoing includes any symbol issued or specified by the Australian Standard 1742.11-1989 for use in the regulation of parking;

"vehicle" includes—

- (a) every conveyance, not being a train, vessel or aircraft and every object capable of being drawn propelled, on wheels or tracks, by any means; and
- (b) where the context permits an animal being ridden or driven.

Application of Local Law

4. This Local Law shall apply to all parking facilities in the parking region. However, the provisions of this Local Law shall not apply to any parking facility—

- a) which is not owned, controlled, nor occupied by the Council or;
- b) which although owned by the Council is leased to another person.

Vehicle Classification

5. For the purpose of these Local Laws, vehicles are—

Any conveyance, not being a train, vessel or aircraft and every object capable of being drawn or propelled, on wheels or tracks, by any means; and where the context permits any animal being ridden or driven.

Application of Signs

6. (1) Where the standing or parking of vehicles in a street is regulated by a sign, then the sign shall for the purpose of the Local Law apply to that part of the street 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 street nearest the sign.

(2) For the purpose of this Local Law a sign may prohibit or regulate parking or standing by the use of any symbol or other traffic control device in accordance with AS.1742.11.

PART 2—PARKING ON ROADS

Establishing and Amending the Parking Scheme

7. The Council may by resolution constitute, determine, vary and indicate by signs—

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

on the parking and standing of vehicles in all roads, specified roads or specified parts of roads in the parking region.

Parking Contrary to Signs

8. (1) A person shall not stand a vehicle on a road or part of a road—

- a) upon which the standing of vehicles is prohibited at all times by a sign, or;
- b) upon which the standing of vehicles is prohibited at that time by a sign;

(2) A person shall not park a vehicle on a road or part of a road—

- a) upon which the parking of vehicles is prohibited at all times by a sign, or;
- b) upon which the parking of vehicles is prohibited at that time by a sign;

(3) A person shall not stand or park a vehicle on any part of a road whether or not that part is marked as a parking space, for more than 24 hours or a time specified by signage.

Occupied Parking Spaces

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

Median Strip and Traffic Islands

10. A person shall not stand or park a vehicle on any part of a road so that any portion of the vehicle is—

- a) on a median strip
- b) adjacent to a median strip otherwise than in a parking space;

Parking Position on Road

11. (1) A person shall not park or stand a vehicle or permit a vehicle to stand or park on any road otherwise than—

- a) parallel to and as close to the kerb as practical;
- b) headed in the direction of the movement of the traffic on the part of the road on which the vehicle is parked;
- c) wholly within a parking space if the part of the road upon which the vehicle is standing or parked is provided with parking spaces.

(2) A person shall not stand or park a vehicle in a parking space which is not set out parallel to a kerb otherwise than wholly within that parking space.

Traffic Obstructions

12. A person shall not stand or park a vehicle so that any portion of the vehicle is—

- a) in front of a right of way, passage or private driveway or so close as to deny vehicles reasonable access, or egress from said right of way, passage or private driveway;
- b) upon an intersection except adjacent to a carriageway boundary that is broken by an intersection carriageway;
- c) on or over a footpath or place of refuge for pedestrians.

Double Park

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

Verge Parking

14. A person shall not stand or park a vehicle on a street verge where signs prohibit the standing or parking of vehicles on that verge.

Direction to Move Vehicle

15. A person shall not permit a vehicle to stand or park in any part of a street, if any authorised person or member of the Police Force directs the driver of such vehicle to move it.

Repairs to Vehicles

16. A person shall not park on any portion of a street—

- a) for the purpose of effecting repairs to it, other than the minimum repairs required to enable the vehicle to be moved to a place other than a road;
- b) if the vehicle is exposed for sale.

PART 3—STANDING AND PARKING GENERALLY**Cycle Parking**

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

Private Property

18. A person shall not stand or park or permit to park or stand on land which is not part of a road or parking facility without consent of the owner or person in occupation of such land.

Overlength Vehicle Parking

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

Parking on Reserves

20. A person shall not stand or park a vehicle on a public reserve, other than within a parking facility on that reserve, without the permission of the Council.

Camping

21. A person shall not cause a vehicle to be parked in such a manner as to be used in whole or part as a camping facility on reserves under control of the Shire of Goomalling other than in those areas designated for use as camping areas, without the permission of Council.

Affixing Signs and Notices

22. A person shall not without permission of the Council affix any board, sign, placard, notice or other thing to or paint or write on any part of a parking sign or parking facility.

Appointment of Authorised Person

23. The Council may appoint a person as an authorised person for the purpose of this Local Law.

Impersonation of Authorised Person

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

Obstruction of Authorised Person

25. A person shall not in any way obstruct or hinder an authorised person in the execution of any duty under this Local Law.

Form 1—Original Notice

26. An infringement notice served under sub section 4 of section 9.13 of the Act in respect of an offence against this Local Law shall be in or to the effect of Form 1 of schedule 2 of this Local Law.

Form 2—Notice to Identify Driver

27. A notice served under subsection 3 of section 9.13 of the Act in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 2 of schedule 2 of this Local Law.

Form 3—Withdrawal Notice

28. A notice sent under section 9.20 of the Act withdrawing an Infringement Notice served under that section in respect of an offence alleged to have been committed against this Local Law shall be in or to the effect of Form 3 of schedule 2 of this Local Law.

Removal of Notice

29. A person other than the driver or owner of a vehicle shall not remove from that vehicle any notice affixed to or on it by an authorised person or a member of the Police Force.

Offence

30. Any person who contravenes or fails to comply with the provisions of the Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$1,000.00.

Modified Penalties

31. The amount appearing in column 4 of schedule 3 is the modified penalty for an offence if the offence is dealt with under section 9.21 of the Act.

Recovery of Penalties

32. A penalty, other than a modified penalty, for an offence against this Local Law, may be recovered from the alleged offender by use of either the Fines Enforcement Registry, or the Council in proceedings in a Court of Petty Sessions.

SCHEDULE 2**Form 1**

Shire of Goomalling Parking Facilities Local Law
INFRINGEMENT NOTICE UNDER SECTION 9.16
 INFRINGEMENT NUMBER

To the Owner/Driver of Vehicle Registration No. Make
 Model You are hereby notified that it is alleged that on 19 at about
 you did commit a breach of the Shire of Goomalling Parking Facility
 Local Law as indicated by a cross or crosses in a box or boxes below—

Nature of Offence	Modified Penalty
• * Standing in a No Standing Area (Section 7(1)(a))	\$50.00
• *Parking in a No Parking Area (Section 7(2)(a))	\$50.00
• *Parking across a Right of Way or Private Driveway (Section 11(a))	\$50.00
• *Parking on or over a Footpath (Section 11(c))	\$50.00
• *Parking on a Public Reserve (Section 19)	\$50.00
• *Other	\$50.00

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 day of service of this notice.

Payment may be made either by posting this form together with the amount of \$..... to the Shire of Goomalling, Cnr Hoddy and Quinlan Street, Goomalling WA 6460, or in person by delivering this form and paying the above amount to the Shire Offices between the hours of 8.30 am and 4.00 pm Monday to Thursday, and 8.30 am and 4.30 pm Fridays.

Unless within 28 days after service of this notice—

- (a) the modified penalty is paid;
- (b) you inform the CEO of the Shire of Goomalling to the identity and address of the person who was driving or the person in charge of the above vehicle at the time of the above alleged offence, or;
- (c) apply under (S9.19 of the Local Government Act 1995) for an extension of time, or;
- (d) satisfy the CEO of the Shire of Goomalling that the above vehicle had been stolen or was being unlawfully used at the time of the above alleged offence, you will, in the absence of proof to the contrary, be deemed to have committed the above alleged offence and court proceedings may be instituted against you.

Signature of authorised officer

Form 2

LOCAL GOVERNMENT ACT 1995

Shire of Goomalling Parking Facilities Local Law

TO:

You are hereby notified that it is alleged that the driver or person in charge of the vehicle did in contravention of the Shire of Goomalling Parking Facilities Local Law, commit the offence shown below on the date and time shown.

Infringement Number

Date Time

Offence Clause Code

Plate Number

Vehicle Make Vehicle Model

In accordance with Section 9.13 of the Local Government Act 1995, you will, in the absence of proof to the contrary, be deemed to have committed the offence detailed hereunder and court proceedings may be instituted against you, unless within twenty-eight (28) days after the date of service of this notice you—

- (a) Finalise the Infringement Notice through the payment of the amount;
- (b) Inform the CEO of the Shire of Goomalling in WRITING as to the identity of the person who was the person or driver in charge of the above vehicle at the time of the alleged offence;
- (c) Apply to the CEO of the Shire of Goomalling for an extension of time under S9.19 of the Local Government Act 1995;
- (d) Satisfy the CEO of the Shire of Goomalling in WRITING that the above vehicle had been stolen or was being unlawfully used at the time of the alleged offence.

Infringement details—

Offence description

Place, Street

Penalty \$

Amount Due \$

Date Due

Signature of Authorised Officer

Form 3

LOCAL GOVERNMENT ACT 1995

Shire of Goomalling Parking Facilities Local Law

Notice of Withdrawal

TO:

Dear Sir/Madam

Notice of Withdrawal of proceedings under Section 9.20 of the Act.

Infringement No

Date

Time

Code

Plate Number

Vehicle Make

Vehicle Model

Description

Location

Take notice that I, being authorised to do so, hereby withdraw proceedings in relation to the Infringement Notice issued for the above offence.

Authorised Person Date

SCHEDULE 3
Shire of Goomalling Parking Facilities Local Law
 MODIFIED PENALTIES

Item No.	Section	Nature of Offence	Modified Penalty
1	7(1)(a)	Standing in a No Standing Area	
2	7(2)(a)	Parking in a No Parking Area	\$50
3	8	Standing or Parking in an occupied space	\$50
4	9	Standing or Parking on or adjacent to a median strip	\$50
5	10(1)(c)	Parking outside parking space marked on road	\$50
6	11(a)	Parking in front of a driveway	\$50
7	11(b)	Parking on/in an intersection	\$50
8	11(b)	Parking causing a traffic obstruction	\$50
9	11(c)	Parking on a footpath	\$50
10	13	Standing or Parking on a verge contrary to signs or without consent	\$50
11	14	Failing to move vehicle after direction	\$50
12	15(a)	Parking a vehicle on a street to repair it	\$50
13	15(b)	Unauthorised parking	\$50
14	17	Standing or parking on private property without consent	\$50
15	19	Parking on a Reserve	\$50
16		All other offences not classified in which the use, driving, standing or leaving of a vehicle is an element	\$50

Dated this 29th day of August 1997.

The Common Seal of the Shire of Goomalling was hereunto affixed by authority of a resolution of Council in the presence of—

RAY KING, President.
 CLEM KERP, Chief Executive Officer.