

Local Government Act 1995

Shire of Exmouth

Parking Local Law 2015

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Exmouth resolved on 19 February 2015 to make this local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Exmouth Parking Local Law 2015*.

1.2 Commencement

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

1.3 Repeal

The Shire of Exmouth Local Law Relating to Parking and Parking Facilities published in the *Government Gazette* on 23 October 1998 is repealed.

1.4 Application

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

1.5 Definitions

In this local law -

Act means the *Local Government Act 1995*;

authorised person means a person authorised 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 authorised by the local government , the CEO or an authorised person, or by any written law, to park on a thoroughfare or parking facility;

bay includes ‘stall’ and ‘space’;

bicycle has the meaning given to it in the Code;

bicycle path has the meaning given to it in the Code;

bus has the meaning given to it in the Code;

bus embayment has the meaning given to it in the Code;

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

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

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*, as amended;

carriageway means –

- (a) a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and
- (b) where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

children’s crossing has the meaning given to it in the Code;

CEO means the Chief Executive Officer of the local government ;

Code means the *Road Traffic Code 2000*;

commercial vehicle –

- (a) 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

- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government ;

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

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

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

footpath has the meaning given to it in the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it in the Code;

loading zone means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'loading zone';

local government means the Shire of Exmouth;

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

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

motor cycle has the meaning given to it in the Code;

motor vehicle –

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

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

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

no parking sign means a sign with -

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it in the Code;

no stopping sign means a sign with –

- (a) the words 'no stopping' or 'no standing' in red letters on a white background;
- (b) the words 'no stopping' or 'no standing' in white letters on a red background; or
- (c) the letter 'S' within a red annulus and a red diagonal line across it on a white background.

occupier has the meaning given to it in the Act;

owner -

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, 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 in the Code;

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

parking facilities includes –

- (a) land, buildings, shelters, parking stations, 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 area described in Schedule 1;

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;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge;

path has the same meaning given to it in the Code;

pedestrian crossing has the meaning given to it in the Code;

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

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

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;

right of way means a portion of land that is -

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include -

- (i) a private driveway; or
- (ii) a right of way created by easement between two parties;

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 in the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is -

- (a) approved by the local government; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it in the Code;

stop has the meaning given to it in the Code;

symbol includes any symbol specified by Australian Standard 1742.11-1999 (Manual of uniform control devices, Part 11: Parking controls) and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994*;

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

thoroughfare has the meaning given to it by the Act;

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

trailer has the meaning given to it in the Code;

vehicle has the meaning given to it in the *Road Traffic Act* ; and

verge has the same meaning as *nature strip*.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions of '**no parking area**' and '**parking area**' an arrow inscribed on a 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 was turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term is to have the meaning given to it in that Act or the Code.

1.7 Pre-existing signs

- (1) A sign that -
 - (i) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
 - (ii) relates to the parking of vehicles within the parking region,

is to be deemed to have been erected by the local government under this local law.

- (2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.
- (3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to 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 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows -

- (i) buses;
- (ii) commercial vehicles;
- (iii) motorcycles and bicycles;
- (iv) taxis; and
- (v) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which -

- (i) is beyond the sign;
- (ii) is between that sign and the next sign; and
- (iii) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may prohibit or regulate by signs, 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 bays and parking stations

2.1 Determination of parking bays and parking stations

The local government may constitute, determine and indicate by signs -

- (i) parking bays;
- (ii) parking stations;
- (iii) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (iv) permitted classes of vehicles which may park in parking bays and parking stations;
- (v) permitted classes of persons who may park in specified parking bays or parking stations; and
- (vi) the manner of parking in parking bays and parking stations.

2.2 Vehicles to be within parking bay on thoroughfare

- (1) Subject to subclause (2), a person must not park a vehicle in a parking bay in a thoroughfare otherwise than -
 - (i) where the parking bay is set out parallel to the kerb - parallel to and as close to the kerb as is practicable;
 - (ii) wholly within the bay; and
 - (iii) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.
- (2) If a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.
- (3) A person must not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

- (1) A person must not -
 - (i) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (ii) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station or parking bay contrary to a sign referable to that part;
 - (iii) permit a vehicle to park on any part of a parking station or parking bay, if an authorised person directs the driver of the vehicle to move the vehicle; or
 - (iv) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked 'motorcycles only ', if the bicycle is parked in accordance with subclause (2).
- (2) A person must not park a bicycle -
 - (i) in a parking bay other than in a bay marked 'motorcycles only'; and
 - (ii) in such bay other than against the kerb.
- (3) Despite subclause (1)(ii), a driver may park a vehicle in a bay that is in a parking area (except where it is in a parking area for people with a disability) for twice the length of time allowed if -

- (i) the driver's vehicle displays an disability parking permit;
and
- (ii) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.

Part 3 - Parking generally

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
 - (i) if by a sign it is set apart for the parking of vehicles of a different class;
 - (ii) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (iii) during any period when the parking of vehicles is prohibited by a sign.
- (2) Subclause (3) applies to a driver if -
 - (i) the driver's vehicle displays an disability parking permit;
and
 - (ii) a disabled person to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle -
 - (i) in a no parking area;
 - (ii) in a parking area, except in accordance both with the signs relating to the parking area and with this local law;
 - (iii) in a bay marked 'motorcycle only ', unless the vehicle is a bicycle or a motorcycle without a sidecar or a trailer; or
 - (iv) at any time in a right of way.

- (5) A person must not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating ‘Authorised Vehicles Only’.

3.2 Event parking

- (1) A sign may indicate that all or part of a parking station, road or public place is set aside, during the period indicated in the sign, for the parking of vehicles by persons attending a particular event.
- (2) The local government may issue to a person a permit in respect of all or part of a parking station, road or public place for an event referred to in subclause (1);
- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the vehicle so that it is clearly visible to an authorised person examining the ticket from outside the vehicle.

3.3 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway other than in a parking bay must park it -
- (i) 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;
 - (ii) 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;
 - (iii) so that at least 3 metres of the width of the carriageway lies between –
 - 1) the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip; or
 - 2) between the vehicle and any part of a vehicle parked on the farther side of the carriageway;
 - (iv) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and

- (v) so that it does not obstruct any vehicle on the carriageway.
- (2) In this clause, 'continuous dividing line' means –
- (i) a single continuous dividing line only;
 - (ii) a single continuous dividing line to the left or right of a broken dividing line; or
 - (iii) 2 parallel continuous dividing lines.

3.4 When parallel and right-angled parking apply

Where a sign relating to a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign relating to the parking area indicates, that vehicles have to park in a different position, where the parking area is -

- (i) adjacent to the boundary of a carriageway - a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; and
- (ii) at or near the centre of the carriageway - a person parking a vehicle in that parking area must park it at approximately right angles to the centre of the carriageway.

3.5 When angle parking applies

- (1) This clause does not apply to -
- (i) a passenger vehicle of over 3 tonnes;
 - (ii) a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (iii) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign relating to 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 must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the sign or by marks on the carriageway.

3.6 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking bay or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle parked in a bus embayment.

- (3) Unless a sign indicates otherwise, a person must not park a vehicle so that any portion of the vehicle is -
- (i) between any other stationary vehicle and the centre of the carriageway;
 - (ii) on or adjacent to a median strip;
 - (iii) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (iv) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (v) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (vi) on any footpath or pedestrian crossing;
 - (vii) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
 - (viii) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (ix) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (x) 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;
 - (xi) 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 parked; or
- (4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side, or within 10 metres of the departure side, of -
- (i) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (ii) a children's crossing or pedestrian crossing.

- (5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side, or the departure side, of the nearest rail of a railway level crossing.

3.7 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle must not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

3.8 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person must not remove a mark made by an authorised person so that the purpose of making the mark is defeated or likely to be defeated.

3.9 No parking of vehicles exposed for sale and in other circumstances

A person must not park a vehicle on any portion of a thoroughfare -

- (i) for the purpose of exposing it for sale;
- (ii) if that vehicle is not licensed under the Road Traffic Act;
- (iii) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (iv) 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 the thoroughfare.

3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
- (i) which belongs to the local government;
 - (ii) of which the local government is the management body under the *Land Administration Act 1997*;
 - (iii) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (iv) which is the subject of an agreement referred to in clause 1.4(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

Other than an employee of the local government in the course of his or her duties or a person authorised by the local government, a person must not drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

Part 4 - Stopping generally

4.1 No stopping

- (1) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

4.2 No parking

- (1) A driver must not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver -
- (i) is dropping off, or picking up, passengers or goods;
 - (ii) does not leave the vehicle unattended; and
 - (iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (2) For the purposes of subclause (1) - '**unattended**', in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

Part 5 - Stopping in zones for particular vehicles

5.1 Stopping in a loading zone

A person must not stop a vehicle in a loading zone unless it is -

- (i) a commercial vehicle engaged in the picking up or setting down of goods; or
- (ii) a motor vehicle taking up or setting down passengers,

but in any event, must not remain in that loading zone -

- (iii) for longer than a time indicated on the 'loading zone' sign;
or
- (iv) for longer than 30 minutes (if no time is indicated on the 'loading zone' sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver must 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.

5.3 Other limitations in zones

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

Part 6 - Other places where stopping is restricted

6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless -

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

6.2 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
 - (i) a driver stopped in traffic; or

- (ii) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

A driver must not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge, etc.

A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless -

- (i) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping; or
- (ii) 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.

6.5 Stopping on crests, curves, etc.

A driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle from a distance of 50 metres.

6.6 Stopping near a fire hydrant etc.

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within one 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 -
 - (i) 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
 - (ii) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) For the purposes of subclause (1) - '**unattended**', in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless -
 - (i) the vehicle is a public bus stopped to take up or set down passengers; or

- (ii) the driver stops at a place on a length of carriageway, or in an area, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.
- (2) In this clause, distances are measured in the direction in which the driver is driving.

6.8 Stopping on a path, median strip or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

6.9 Stopping on a verge

- (1) A person must not -
 - (i) stop a vehicle (other than a bicycle);
 - (ii) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (iii) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is –
 - (i) the owner or occupier of the premises immediately adjacent to that verge; or
 - (ii) is authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle if –
 - (i) it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked; and
 - (ii) no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -

- (i) the driver is dropping off, or picking up, passengers; or
 - (ii) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
 - (i) the driver is dropping off, or picking up, passengers; or
 - (ii) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

6.11 Stopping on a carriageway – heavy and long vehicles

- (1) Unless engaged in the picking up or getting down of goods, a person must not park, on a carriageway for any period exceeding one hour, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 8 metres or more in length or exceeds a GVM of 4.5 tonnes.
- (2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

6.12 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.13 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'motorcycle only' unless -

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

Part 7 - Miscellaneous

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

7.2 Unauthorised signs and defacing of signs

A person must not without the authority of the local government -

- (i) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (ii) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (iii) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the local government under this local law.

7.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

7.4 General provisions about signs

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

7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law, the driver of -

- (1) a special purpose 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 and at any time; and
- (2) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place and at any time.

7.6 Vehicles not to obstruct a public place

- (1) Without the permission of the local government or unless authorised under any written law a person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place.
- (2) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

Part 8 - Enforcement

8.1 Legal proceedings

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

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and 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.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law -

- (i) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (ii) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (iii) 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
- (iv) 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 REGION

[Clause 1.4]

The parking region is the whole of the district except -

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

SCHEDULE 2 - PRESCRIBED OFFENCES

[Clause 8.2(4)]

| Item No. | Clause No. | Nature of offence | Modified penalty \$ |
|----------|-------------------|--|---------------------|
| 1 | 2.2(1) | Failure to park wholly within parking bay | 60 |
| 2 | 2.2(3) | Failure to park wholly within parking area | 60 |
| 3 | 2.3(1)(i) | Causing obstruction in parking station | 80 |
| 4 | 2.3(1)(ii) | Parking contrary to sign in parking station | 60 |
| 5 | 2.3(1)(iii) | Parking contrary to directions of authorised person | 60 |
| 6 | 2.3(1)(iv) | Parking or attempting to park a vehicle in a parking bay occupied by another vehicle | 60 |
| 7 | 3.1(1)(i) | Parking wrong class of vehicle | 60 |
| 8 | 3.1(1)(ii) | Parking by persons of a different class | 60 |
| 9 | 3.1(1)(iii) | Parking during prohibited period | 80 |
| 10 | 3.1(4)(i) | Parking in no parking area | 80 |
| 11 | 3.1(4)(ii) | Parking contrary to signs or limitations | 60 |
| 12 | 3.1(4)(iii) | Parking vehicle in motor cycle only area | 60 |
| 13 | 3.1(4)(iv) | Parking vehicle in a right of way | 60 |
| 14 | 3.1(4)(v) | Parking vehicle in excess of maximum time | 60 |
| 15 | 3.1(5) | Parking without permission in an area designated for 'Authorised Vehicles Only' | 60 |
| 16 | 3.2(3) | Failure to display event parking permit | 60 |
| 17 | 3.3(1)(i) | Failure to park on the left of two-way carriageway | 80 |
| 18 | 3.3(1)(ii) | Failure to park on boundary of one-way carriageway | 60 |
| 19 | 3.3(1)(i) or (ii) | Parking against the flow of traffic | 80 |
| 20 | 3.3(1)(iii) | Parking when distance from farther boundary less than 3 metres | 60 |
| 21 | 3.3(1)(iv)_ | Parking closer than 1 metre from another vehicle | 60 |
| 22 | 3.3(1)(v) | Causing obstruction | 80 |

| Item No. | Clause No. | Nature of offence | Modified penalty \$ |
|-----------------|------------------------|--|----------------------------|
| 23 | 3.4(i) or (ii) | Failure to park at approximate right angle or parallel to carriageway | 60 |
| 24 | 3.5(2) | Failure to park at an appropriate angle | 60 |
| 25 | 3.6(3)(i) | Double parking | 60 |
| 26 | 3.6(3)(ii) | Parking on or adjacent to a median strip | 80 |
| 27 | 3.6(3)(iii) | Denying access to private drive or right of way | 80 |
| 28 | 3.6(3)(iv) | Parking beside excavation or obstruction so as to obstruct traffic | 80 |
| 29 | 3.6(3)(v) | Parking within 10 metres of traffic island | 60 |
| 30 | 3.6(3)(vi) | Parking on footpath/pedestrian crossing | 80 |
| 31 | 3.6(3)(vii) and (viii) | Parking contrary to continuous line markings | 60 |
| 32 | 3.6(3)(ix) | Parking on intersection | 60 |
| 33 | 3.6(3)(x) | Parking within 1 metre of fire hydrant or fire plug | 80 |
| 34 | 3.6(3)(xi) | Parking within 10 metres of intersection | 60 |
| 35 | 3.6(4)(i) or (ii) | Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing | 60 |
| 36 | 3.6(4)(i) or (ii) | Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing | 60 |
| 37 | 3.6(5) | Parking vehicle within 20 metres of approach side or departure side of railway level crossing | 60 |
| 38 | 3.7 | Parking contrary to direction of authorised person | 60 |
| 39 | 3.8(2) | Removing mark of authorised person | 80 |
| 40 | 3.9(i) | Parking in thoroughfare for purpose of sale | 60 |
| 41 | 3.9(ii) | Parking unlicensed vehicle in thoroughfare | 60 |
| 42 | 3.9(iii) | Parking a trailer/caravan on a thoroughfare | 60 |
| 43 | 3.9(iv) | Parking in thoroughfare for purpose of repairs | 80 |
| 44 | 3.10(2) | Parking on land that is not a parking facility without consent | 80 |
| 45 | 3.10(3) | Parking on land not in accordance with consent | 60 |
| 46 | 3.11 | Driving or parking on reserve | 60 |
| 47 | 4.1(1) | Stopping contrary to a 'no stopping' sign | 80 |

| Item No. | Clause No. | Nature of offence | Modified penalty \$ |
|-----------------|-------------------|--|----------------------------|
| 48 | 4.1(2) | Stopping within continuous yellow lines | 80 |
| 49 | 4.2(1) | Parking contrary to a 'no parking' sign | 60 |
| 50 | 5.1 | Stopping unlawfully in a loading zone | 60 |
| 51 | 5.2 | Stopping unlawfully in a taxi zone or bus zone | 60 |
| 52 | 5.3 | Stopping unlawfully in a mail zone | 60 |
| 53 | 5.4 | Stopping in a zone contrary to a sign | 60 |
| 54 | 6.1 | Stopping in a shared zone | 60 |
| 55 | 6.3 | Stopping near an obstruction | 60 |
| 56 | 6.2 | Double Parked | 60 |
| 57 | 6.4 | Stopping on a bridge or tunnel | 60 |
| 58 | 6.5 | Stopping on crests/curves etc | 60 |
| 59 | 6.6 | Stopping near fire hydrant | 80 |
| 60 | 6.7 | Stopping near bus stop | 60 |
| 61 | 6.8 | Stopping on path, median strip or traffic island | 80 |
| 62 | 6.9 | Stopping on verge | 60 |
| 63 | 6.10 | Obstructing path, a driveway etc | 80 |
| 64 | 6.11 | Stopping heavy or long vehicles on carriageway | 60 |
| 65 | 6.12 | Stopping in bicycle parking area | 60 |
| 66 | 6.13 | Stopping in motorcycle parking area | 60 |
| | | | |
| 67 | 7.6 | Leaving vehicle so as to obstruct a public place | 80 |
| | | All other offences not specified | 80 |

SCHEDULE 3 – INFRINGEMENTS NOTICE FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

[Clause 8.3(i)]

PARKING LOCAL LAW 20154

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make:

model:

registration:

was involved in the commission of the following offence -

.....

.....

.....

.....

contrary to clause of the **Parking Local Law**.

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

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

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

or

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

(5)

(6)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 2

[Clause 8.3(ii)]

PARKING LOCAL LAW 2015
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
model: ;
registration: ,
you committed the following offence:

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

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

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

(6)
(7)

Insert:

- (1) Name of alleged offender or 'the owner'
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 3

LOCAL GOVERNMENT ACT 1995

FORM 3

[Clause 8.3(iii)]

PARKING LOCAL LAW 2015

INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

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

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

(6)

(7)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 4

[Clause 8.3(iv)]

PARKING LOCAL LAW 2015
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No. dated / /

in respect of vehicle:

make: ;

model: ;

registration: ,

for the alleged offence of

.....

.....

.....

has been withdrawn.

The modified penalty of \$

has been paid and a refund is enclosed.

has not been paid and should not be paid.

delete as appropriate.

(3)

(4)

Insert:

(1) Name of alleged offender to whom infringement notice was given or 'the owner'.

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated: 19 February 2015

The Common Seal of the Shire of Exmouth
was affixed by the authority of a resolution
of Council in the presence of:

Cr C Shales
President

A W Price
Chief Executive Officer