

LOCAL GOVERNMENT ACT 1995

SHIRE OF PLANTAGENET

**PARKING AND PARKING FACILITIES
LOCAL LAW 2008**

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LOCAL GOVERNMENT ACT 1995

Shire of Plantagenet

PARKING AND PARKING FACILITIES LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Plantagenet resolved on 25 March 2008 to make the *Shire of Plantagenet Parking and Parking Facilities Local Law 2008*.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Plantagenet Parking and Parking Facilities Local Law 2008*.

1.2 Repeal

The *Shire of Plantagenet Parking and Parking Facilities Local Laws 1998* as published in the *Government Gazette* of 16 April 1999 are hereby repealed.

PART 2—DEFINITIONS AND OPERATION

2.1 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

2.2 Interpretation

In this local law, unless the context otherwise requires—

‘**ACROD sticker**’ has the meaning given to it by the Code;

‘**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, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility;

‘**bicycle**’ has the meaning given to it by the Code;

‘**bicycle path**’ has the meaning given to it by the Code;

‘**caravan**’ means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

‘**carriageway**’ means 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 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;

‘**CEO**’ means the Chief Executive Officer of the local government;

'Code' means the *Road Traffic Code 2000*;

'commercial vehicle' means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of 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;

'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 by the Code;

'footpath' has the meaning given to it by the Code;

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

'local government' means the Shire of Plantagenet;

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

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

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

'no parking signage' means—

- (a) a sign with the words 'no parking' in red letters on a white background;
- (b) the letter 'P' with a red annulus and a red diagonal line across it on a white background; or
- (c) the stencilling of the words 'no parking' in white letters on the thoroughfare pavement; 'no stopping area' has the meaning given to it by the Code;

'no stopping signage' means—

- (a) a sign with the words 'no stopping' or 'no standing' in red letters on a white background;
- (b) the 'S' within a red annulus and a red diagonal line across it on a white background; or
- (c) the stencilling of the words 'no stopping' or 'no standing' in white letters on the thoroughfare pavement;

'occupier' has the meaning given to it by the Act;

'owner'

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic 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) here used in relation to land, has the meaning given to it by the Act;

'park' in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic, or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

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

'parking facilities' includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles without charge and signs, notices and facilities used in connection with the parking of vehicles;

'parking region' means the whole of the Shire of Plantagenet excluding any roads which come under the control of the Commissioner of Main Roads;

‘parking stall’ means a section or part of a thoroughfare 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;

‘pedestrian crossing’ has the meaning given to it by 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;

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

‘Schedule’ means a Schedule to this local law;

‘sign’ includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

‘special purpose vehicle’ has the meaning given to it by the Code;

‘stop’ in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

‘symbol’ includes any symbol specified by Australian Standard 1742.11-1999 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 shall be also deemed to include a reference to the corresponding symbol;

‘thoroughfare’ has the meaning given to it by the Act;

‘traffic island’ has the meaning given to it by the Code;

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

‘vehicle’ has the meaning given to it by the Code;

‘verge’ means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

2.3 Application of Particular Definitions

(1) For the purposes of the application of the definitions ‘no parking area’ and ‘parking area’ an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were 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 shall have the meaning given to it in that Act or the Code.

2.4 Application and Pre-Existing Signs

(1) Subject to subclause (2), this local law applies to the parking region.

(2) This local law does not apply to a parking facility that is not occupied by the local government, unless the local government and the owner or occupier of that facility have agreed in writing that this local law will apply to that facility.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility is identified in Schedule 3, then the facility shall be deemed to be a facility to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

(7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.

2.5 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 shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

2.6 Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently within the provisions of this local law.

PART 3—PARKING STALLS

3.1 Determination of parking stalls

The local government may by resolution constitute, determine and vary and also indicate by signs—

- (a) parking stalls;
- (b) permitted time and conditions of parking in parking stalls, which may vary with the locality;
- (c) permitted classes of vehicles which may park in parking stalls;
- (d) permitted classes of persons who may park in specified parking stalls; and
- (e) the manner of parking in parking stalls.

3.2 Vehicles to be within parking stall on thoroughfare

(1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practical;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Parking prohibitions and restrictions

A driver may park a vehicle in a permissive parking stall (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the driver's vehicle displays an ACROD sticker; and
- (b) a person with disabilities to which that ACROD sticker relates is either the driver of, or a passenger in, the vehicle.

PART 4—PARKING GENERALLY

4.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class;
- or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) (a) This subclause applies to a driver if—

- (i) the driver's vehicle displays an ACROD sticker; and
- (ii) a disabled person to whom the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.

(b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare except in a thoroughfare or a part of a thoroughfare to which a disabled parking sign relates for twice the period indicated on the sign.

(3) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law.

(4) A person shall 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.

4.2 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) so that at least 3 metres of the width of the carriageway lies between the vehicle and the furthest boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the furthest side of the carriageway;
- (c) 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
- (d) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, 'continuous dividing line' means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

4.3 General prohibitions on parking

(1) (a) This clause does not apply to a vehicle parked in a parking stall, nor to a bicycle in a bicycle rack.

(b) Subclauses (2) (c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) 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;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 20 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or 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;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or of any sign or mark indicating the existence of a fire hydrant;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 20 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; unless a sign or markings on the carriageway indicate otherwise.

(3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side or 20 metres of the approach side of a pedestrian crossing.

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

4.4 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall 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.

4.5 Authorised person may mark tyres

(1) An Authorised Person may mark the tyres of a vehicle parked in a parking stall 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 shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

4.6 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking stall so that the total time of parking exceeds the maximum time allowed for parking in the parking stall.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

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

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;

- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

4.8 Parking on private land

- (1) In this clause a reference to 'land' does not include land—
- (a) which belongs to the local government
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (d) which is the subject of an agreement referred to in clause 1.5(2);
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) 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 shall not park a vehicle on the land otherwise than in accordance with the consent.

4.9 Parking on reserves

No 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 drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.10 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO, or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 5—PARKING AND STOPPING GENERALLY

5.1 No stopping

A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

5.2 No parking

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on;

'**unattended**', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Double Parking

A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway. This clause does not apply to a driver stopped in traffic.

6.2 Stopping near an obstruction

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

6.3 Stopping on a bridge, floodway or similar structure

A driver shall not stop a vehicle on a bridge, floodway or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these local laws.

6.4 Stopping on crests, curves, etc.

(1) Subject to subclause (2), a driver shall 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 within a built-up area, and from a distance of 150 metres outside a built-up area.

(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these local laws.

6.5 Stopping on a path, median strip or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these local laws.

6.6 Stopping on verge

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) 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 the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

(1) A driver shall 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—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these local laws.

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these local laws.

6.8 Stopping on a carriageway—heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles that, together with any project on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up of setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.9 Stopping in a parking stall for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver's vehicle displays an ACROD sticker; and
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause a 'parking area for people with disabilities' is a length or area—

- (a) to which a 'permissive parking' sign displaying a people with disabilities sign symbol applies;
- (b) to which a 'people with disabilities parking' sign applies;
- (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within the parking region as a 'parking stall for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

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, shall 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 shall not without the authority of the local government—

- (a) 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;
- (b) 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
- (c) affix a board, sign, placard, notice or other thing to paint or write upon 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

Notwithstanding 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, 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, at any time.

7.6 Vehicles not to obstruct a public place

- (1) A person shall 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 without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 8—PENALTIES

8.1 Offences and Penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing 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) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

Schedule 1
Parking and Parking Facilities Local Law 2008
PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	3.2(1)(b)	Failure to park wholly within parking stall	35
2	4.1(1)(c)	Parking during prohibited period	40
3	4.1(3)(a)	Parking in a no parking area	45
4	4.1(3)(b)	Parking contrary to signs or limitations	35
5	4.2(1)(a)	Parking against the flow of traffic	40
6	4.3(2)(c)	Denying access to private drive or right of way	40
7	4.3(2)(f)	Parking on footpath	45
8	4.3(2)(k)	Parking within 10 metres of intersection	40
9	4.4	Parking contrary to directions of an Authorised Person	45
10	4.5(2)	Removing, defacing or altering the mark of, an Authorised Person	50
11	4.6	Moving vehicle to avoid time limitation	35
12	4.7(a)	Parking in thoroughfare for purpose of sale	35
13	4.7(b)	Parking an unlicensed vehicle on a thoroughfare	35
14	4.7(c)	Parking a trailer/caravan on a thoroughfare	35
15	4.7(d)	Parking in thoroughfare for purpose of repairs	35
16	4.9	Driving or parking on a reserve	35
17	5.1	Stopping contrary to a 'no stopping' sign	35
18	5.2	Parking contrary to a 'no parking' sign	35
19		All other offences not specified	30

Schedule 2
LOCAL GOVERNMENT ACT 1995
Form 1

Shire of Plantagenet
Parking and Parking Facilities Local Law 2008

Administration Centre
Lowood Road
(PO Box 48)
MT BARKER WA 6324

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

TO:..... Serial No.

Date the owner of vehicle make

Type:.....Plate No:

You are hereby notified that it is alleged that on theday of
.....20.....at about

the driver or person in charge of the above vehicle
did.....

In contravention of the provisions of local law.....of the *Shire of Plantagenet Parking and Parking Facilities Local Law 2008*.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed. Unless within twenty-eight days after the date of the service of this notice you:—

- (a) inform the Chief Executive officer of the Shire of Plantagenet, or

.....
.....
(designation(s) of authorised officer(s))

as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence; or

- (b) satisfy the Chief Executive Officer of the Shire of Plantagenet that the above vehicle has been stolen or unlawfully taken or was being unlawfully used at the time of the above offence, 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.

Signature of Authorised Officer

.....

Designation:

.....

Shire of Plantagenet

Parking and Parking Facilities Local Law 2008

Administration Centre
Lowood Road
(PO Box 48)
MT BARKER WA 6324

INFRINGEMENT NOTICE

TO:..... Serial No.
.....
.....

..... Date

You are hereby notified that it is alleged that on the.....day
of.....
20.....at about

.....
you did
.....
.....
.....

in contravention of the provisions of local law

.....
of the *Shire of Plantagenet Parking and Parking Facilities Local Law 2008*.

The modified penalty prescribed for this offence is \$.

.....
If you do not wish to have a complaint of the above offence heard and determined by a
Court you may pay the modified penalty within twenty-eight days of the date of the service
of this notice.

Unless payment is made within twenty-eight days of the date of the service of this notice,
Court proceedings may be instituted against you.

Payment may be made either by posting this form, together with the amount of
\$..... mentioned above to the Chief Executive Officer of the Shire of
Plantagenet, or by delivering this form and paying that amount at the Administration
Centre, Lowood Road, Mt Barker, between the hours of 9.00 am and 4.30 pm Mondays
to Fridays (except Public Holidays).

Signature of Authorised Officer:
..... Designation
.....

...

Shire of Plantagenet

Parking and Parking Facilities Local Law 2008

Administration Centre
Lowood Road
(PO Box 48)
MT BARKER WA 6324

INFRINGEMENT NOTICE

TO:.....

Serial No. not to be completed

.....
.....

where notice is attached

..... Date

Type:.....Plate No:

You are hereby notified that it is alleged that on
the.....day of.....20

.....
at about.....you
did.....

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

in contravention of the provision of local
law.....

of the *Shire of Plantagenet Parking and Parking Facilities Local Law 2008*.
The modified penalty prescribed for this offence is \$.

.....

If you do not wish to have a complaint of the above heard and determined by a Court, you
may pay the modified penalty within twenty-eight days after the date of the service of this
notice.

Unless within twenty-eight days after the date of the service of this notice—

- (a) the modified penalty is paid; or
- (b) you
 - (i) Inform the Chief Executive Officer of the Shire of Plantagenet, or
.....

-
..... designation(s) of authorised officer(s)
as to the identity and address of the person who was the driver or person in
charge of the above vehicle at the time of the above offence, or
- (ii) satisfy the Chief Executive Officer of the Shire of Plantagenet that the above
vehicle had been stolen or was being unlawfully used at the time of the above
offence, 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.

Payment may be made either by posting this form, together with the amount of
\$..... mentioned above to the Chief Executive Officer, Shire of Plantagenet, or
by delivering this form and paying that amount at the Administration Centre, Lowood
Road, Mt Barker, between the hours of 9.00 am and 4.30 pm on Mondays to Fridays

(excepting Public Holidays).

Signature of Authorised Officer:
..... Designation:

.....
..... Name:

.....
.....

Address:.....Postcode.....If

your name and address do not appear in this Notice, please complete above to enable a receipt to be forwarded.

LOCAL GOVERNMENT ACT 1995
Form 4

Shire of Plantagenet
Parking and Parking Facilities Local Law 2008

Administration Centre
Lowood Road
(PO Box 48)
MT BARKER WA 6324

WITHDRAWAL OF INFRINGEMENT NOTICE

TO:

.....

 Date
 Infringement Notice
 No: Date for
 the alleged offence of

 Modified Penalty: \$

Chief Executive Officer Date:
.....

Schedule 3
LOCAL GOVERNMENT ACT 1995
Shire of Plantagenet
Parking and Parking Facilities Local Law 2008
DEEMED PARKING STATIONS

Dated this day of 2008.

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

Cr K. M. FORBES, Shire President.
R. J. STEWART, Chief Executive Officer.
