

**LOCAL GOVERNMENT ACT 1995**

**CITY OF JOONDALUP**

**PARKING LOCAL LAW 2013**

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## CITY OF JOONDALUP

### PARKING LOCAL LAW 2013

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## LOCAL GOVERNMENT ACT 1995

### CITY OF JOONDALUP

#### PARKING LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 16 July 2013 to make the *City of Joondalup Parking Local Law 2013*.

#### PART 1 - DEFINITIONS AND OPERATION

##### 1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2013*.

##### 1.2 Commencement

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

##### 1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

##### 1.4 Repeal

The *City of Joondalup Parking Local Law 1998*, published in the *Government Gazette* on 9 November 1998, is repealed.

##### 1.5 Interpretation

In this local law unless the context otherwise requires -

**ACROD sticker** has the meaning given in the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

**Authorised Person** means a person authorised in writing by the local government under the Act or this local law to perform any of the functions of an Authorised Person under this local law;

**authorised vehicle** means a vehicle authorised by the local government under this local law or by any other 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;

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

**bus embayment** has the meaning given to it by the Code;

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

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

**caravan** has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

**carriageway** has the meaning given to it by the Code;

**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 by the Code;

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

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

**commercial vehicle** means -

- (a) 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;

**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;

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

**local government** means the City of Joondalup;

**local public notice** has the meaning given to it in the Act;

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

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

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

**no stopping area** has the meaning given to it by the Code;

**no stopping sign** means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or 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 by the Act;

**owner** where used in relation to -

- (a) a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under the Road Traffic Act;
- (b) any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) land, has the meaning given to it by the Act;

**parents with prams sign** means a sign indicating a parking stall set aside for the use of the driver of a vehicle who is accompanied by a young child who is being transported in a pram at the time;

**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 and includes signs, notices and facilities used in connection with the parking of vehicles;

**parking permit** means a permit issued by the local government under this local law;

**parking region** means the area described in Schedule 1;

**parking stall** 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;

**pedestrian crossing** has the meaning given to it by the Code;

**permissive parking sign** means a parking control sign as defined in the Code and described in Division 7, Part 12 of the Code;

**pram** means a wheeled conveyance which is designed, constructed and is being used for transporting a young child;

**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 any lane, passage, thoroughfare or way, whether public or private, over which any person, in addition to the owner, may pass;

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

**Schedule** means a Schedule to this local law;

**seniors sign** means a sign indicating a parking stall set aside for the use of the driver of a vehicle who is 60 years of age or over;

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

**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 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 by the Code;

**stop**, in relation to a vehicle, means to stop the 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 written law;

**symbol** includes 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;

**taxi** means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

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

**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 motive 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; and

**young child** means a child under the age of five years.

## **1.6 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.

## **1.7 Application and pre-existing signs**

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) 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.
- (5) An inscription of a symbol on a sign referred to in subclause (4) 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.
- (6) The provisions of Parts (2), (3), (4) and (5) of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

## **1.8 Classes of vehicles**

For the purposes of this local law, vehicles are divided into classes as follows:

- (a) buses;
- (b) caravans;

- (c) commercial vehicles;
- (d) motorcycles and bicycles;
- (e) taxis;
- (f) trailers; and
- (g) 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 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.

### **1.10 Powers of the local government**

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

## **PART 2 - PARKING STALLS, PARKING STATIONS AND PARKING AREAS**

### **2.1 Determination of parking stalls, parking stations and parking areas**

- (1) The local government may constitute, determine and vary -
  - (a) parking stalls;
  - (b) parking stations;
  - (c) parking areas;
  - (d) general no parking zones;
  - (e) permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary within the locality;
  - (f) permitted classes of vehicles which may park in parking stalls, parking stations and parking areas;
  - (g) permitted classes of persons who may park in specified parking stalls, parking stations and parking areas; and
  - (h) the manner of parking in parking stalls, parking stations and parking areas.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.
- (3) Where the local government makes a determination under subclause (1)(d) it shall erect signs at entry points to the general no parking zone indicating the dates and times during which the area is a general no parking zone.

## **2.2 Vehicles to be within parking stall**

- (1) Subject to subclauses (2), (3) and (4), a driver 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 practicable;
  - (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, parking station or parking area is set out otherwise than parallel to the kerb, then a driver must park a vehicle wholly within that stall.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the driver parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A driver shall not park a vehicle partly within and partly outside a parking area.

## **2.3 Parking prohibitions and restrictions**

- (1) A driver shall not -
  - (a) 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;
  - (b) except with the permission of the local government or an Authorised Person, park a vehicle on any part of a parking station contrary to a sign referable to that part; or
  - (c) park or attempt to park a vehicle in a parking stall in which another vehicle is parked.
- (2) Notwithstanding the provisions of subclause (1)(b), a driver may park a vehicle in a permissive parking stall or station (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 disabled person to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

## **2.4 Parking where fees are payable**

- (1) A driver shall not park a vehicle, or permit a vehicle to remain parked, in a parking station or parking area, where a permissive parking sign indicates that a fee is payable for parking, unless -
  - (a) the vehicle is parked in compliance with any instructions on or with the sign, meter, ticket or ticket issuing machine;
  - (b) the necessary fee is paid for each parking stall that the vehicle occupies; and

- (c) on purchasing a ticket for a period of parking, from the ticket machine equipped for issuing a ticket for that area, place the ticket inside the vehicle in a position where the ticket is clearly visible and all details are able to be read by an Authorised Person from outside and from the front of the vehicle at all times while that vehicle remains parked in that parking station or parking area.
- (2) The local government may allow a driver to pay for parking in advance or in arrears by issuing a permit, card, invoice, ticket, pass or any other system of payment that may be determined by the local government from time to time and referred to in this clause as alternative methods of payment in which case -
- (a) a driver who has been permitted by the local government to make alternative methods of payment for parking is exempt from subclause (1)(c) to the extent that the alternative methods of payment may not require the purchase of a ticket from the ticket issuing machine equipped for issuing a ticket for that area and providing that they comply with the terms of the alternative methods of payment; and
  - (b) an alternative method of payment may not be used by any driver other than the driver who received authorisation from the local government or from an agent or representative authorised by the local government.

### **PART 3 - PARKING GENERALLY**

#### **3.1 Restrictions on parking in particular areas**

- (1) Subject to subclause (2), a driver shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
  - (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 restricted or prohibited by a sign.
- (2) (a) This subclause applies to a driver if -
  - (i) the driver's vehicle displays a current ACROD sticker; and
  - (ii) a disabled person to which 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, 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.
- (3) A driver shall not park a vehicle -
  - (a) in a no parking area;

- (b) in a parking area, except in accordance with the signs associated with the parking area and with this local law; or
  - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer.
- (4) A driver shall not park a vehicle or permit a vehicle to remain parked in a parking facility controlled by a sign stating 'Authorised Vehicles Only', without -
- (a) a valid parking permit displayed inside the vehicle that is clearly visible to and able to be read by an Authorised Person from outside and from the front of the vehicle at all times while that vehicle remains parked in that parking facility; or
  - (b) prior written permission of the local government, the CEO, or an Authorised Person to park within the area.

### **3.2 Parking vehicle on a carriageway**

- (1) A driver 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) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) 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
  - (e) 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.

### **3.3 When parallel and right-angled parking apply**

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

- (a) adjacent to the boundary of a carriageway, a driver parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a driver parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

### **3.4 When angle parking applies**

- (1) This clause does not apply to -
  - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
  - (b) a driver parking a motor cycle without a trailer.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a driver parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

### **3.5 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 driver 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 10 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 fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (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 10 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 driver shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -
  - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing or pedestrian crossing.
- (4) A driver shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -
  - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing or pedestrian crossing.

### **3.6 Authorised person may order vehicle on thoroughfare to be moved**

A driver shall not park a vehicle on any part of a thoroughfare, parking facility or parking area in contravention of this local law after an Authorised Person has directed the driver to move it.

### **3.7 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 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.

### **3.8 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 driver shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the

parking facility, unless the vehicle has first been removed from the parking facility for at least one hour.

- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a driver 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 one hour.

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

A driver shall not park a vehicle on any portion of a thoroughfare or parking facility -

- (a) for the purpose of exposing it for sale or hire;
- (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 or parking facility.

### **3.10 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 1.7(2).
- (2) A driver 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 driver shall not park a vehicle on the land otherwise than in accordance with the consent.

### **3.11 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.

### **3.12 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 driver to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order to 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 4 – PARKING AND STOPPING GENERALLY**

### **4.1 No stopping and no parking signs, and yellow edge lines**

- (1) A driver shall not stop a vehicle on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) A driver shall not stop a vehicle on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver -
  - (a) is 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.
- (3) In subclause (2) '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.
- (4) A driver shall not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

## **PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES**

### **5.1 Stopping in a loading zone**

A driver shall not stop a vehicle in a loading zone unless it is a commercial vehicle continuously engaged in the picking up or setting down of goods, which shall not remain in that loading zone for longer than a time indicated on the 'loading zone' sign.

### **5.2 Stopping in a taxi zone or a bus zone**

- (1) A driver shall not stop a vehicle in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop a vehicle 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 Stopping in a mail zone**

A driver shall not stop a vehicle in a mail zone unless authorised under a written law.

### **5.4 Other limitations in zones**

A driver shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

## **PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED**

### **6.1 Stopping in a shared zone**

A driver shall not stop a vehicle in a shared zone unless -

- (1) 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 this local law;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law; or
- (3) 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 shall 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 -
  - (a) a driver stopped in traffic; or
  - (b) 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 shall not stop a vehicle 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, causeway, ramp or in a tunnel**

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp 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 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 this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless -
  - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping or parking; or
  - (b) the vehicle is a bus stopped at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

## **6.5 Stopping on crests and curves**

- (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 a vehicle 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 this local law.

## **6.6 Stopping near a fire hydrant**

- (1) A driver shall 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 -
  - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

## **6.7 Stopping near a bus stop**

- (1) A driver shall 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 10 metres of the departure side of a bus stop, unless -
  - (a) the vehicle is a public bus stopped to take up or set down passengers; 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 this local law.
- (2) In this clause -
  - (a) distances are measured in the direction in which the driver is driving; and
  - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

## **6.8 Stopping on a path, median strip or traffic island**

The driver of a vehicle (other than a bicycle) 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 this local law.

## **6.9 Stopping on a verge**

- (1) A driver shall not stop -
  - (a) a vehicle (other than a bicycle);

- (b) a commercial vehicle with a GVM in excess of 2.5 tonnes, or bus, or trailer or caravan attached or unattached to a motor vehicle; or
- (c) 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 driver 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 vehicle when it is being loaded or unloaded with reasonable expedition with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked (but in any event not for any period exceeding 3 consecutive hours between the hours of 7am and 6pm WAST and not at any other time), provided no obstruction is caused to the passage of any other vehicle or person using a carriageway or path.

#### **6.10 Obstructing access to a path or driveway**

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path or in a position that obstructs access by other vehicles or pedestrians to 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 this local law.
- (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 this local law.

#### **6.11 Stopping near a public letter box**

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless 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 this local law.

#### **6.12 Stopping on a carriageway – heavy and long vehicles**

- (1) A driver shall not park a vehicle or any combination of vehicles that, together with any projection 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 or setting down of goods; or
  - (b) 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.

### **6.13 Stopping on a carriageway with a bicycle parking sign**

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

### **6.14 Stopping on a carriageway with motor cycle parking sign**

A driver shall not stop a vehicle on a length of carriageway, or in an area to which a 'motor cycle parking' sign applies, or an area marked 'M/C', unless the vehicle is a motorcycle.

### **6.15 Stopping in a parking area for people with disabilities**

- (1) A driver shall not stop a vehicle in a parking area for people with disabilities unless -
- (a) the driver's vehicle displays a current ACROD sticker; and
  - (b) either the driver or a passenger in the vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' means a length of carriageway or area -
- (a) to which a 'permissive parking' sign displaying a people with disabilities 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 a parking region as a 'parking stall for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

## **PART 7 - RESIDENTIAL PARKING PERMITS**

### **7.1 Permitted persons**

The local government may issue a residential parking permit to a person who is -

- (a) the occupier of a residential dwelling adjoining a carriageway within the parking region; and
- (b) the owner of a vehicle registered under the Road Traffic Act at the address shown on the application for the permit.

## **7.2 Residential parking permits**

A residential parking permit may be issued as -

- (a) an annual permit for a period of not more than twelve months, expiring on 31 December of the year of issue;
- (b) a temporary permit for a period of not more than six months; or
- (c) a visitor's permit.

## **7.3 Residential parking permits not applicable**

A residential parking permit does not apply to areas –

- (a) covered by paid parking, except in an area designated by the local government; or
- (b) where retail premises and time limited parking apply.

## **7.4 Permitted exemptions**

Where the stopping of a vehicle on any part of a carriageway within the parking region is prohibited for more than a specified time, or in a ticket parking zone without a valid parking ticket being displayed within the vehicle, the holder of a residential parking permit issued under clause 7.1 is exempt from such prohibition, but the exemption shall only apply -

- (a) to the part of the carriageway specified in the residential parking permit;
- (b) if the residential parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read from outside and from the front of the vehicle;
- (c) if the residential parking permit was validly issued and has not expired; and
- (d) if the residential parking permit holder occupies the premises in respect of which the residential parking permit is issued.

## **7.5 Residential parking permits to be returned**

A residential parking permit holder who ceases to occupy the premises in relation to which the residential parking permit was issued shall remove any residential parking permit displayed in or affixed to the windscreen of any vehicle and return the residential parking permit to the local government.

## **7.6 Revoking residential parking permits**

The local government may revoke a residential parking permit if the permit holder breaches any of the conditions for its use or the prerequisites for the issue of the residential parking permit no longer apply.

## **7.7 Fees for residential parking permits**

Fees payable for the issue of a residential parking permit shall be determined in accordance with section 6.16 of the Act.

## **PART 8 - MISCELLANEOUS**

### **8.1 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.

### **8.2 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 or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

### **8.3 Contravention of signs**

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.

### **8.4 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.

### **8.5 Special purpose and emergency vehicles**

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

- (a) 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
- (b) 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.

### **8.6 Vehicles not to obstruct a public place**

- (1) A driver 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 vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction where -
  - (a) the vehicle is parked for any period exceeding 24 hours;

- (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
- (c) the vehicle is abandoned, unregistered or disused.

## **PART 9 - PENALTIES**

### **9.1 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 \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) A person who does not contest an allegation that he or she committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (5) 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.

### **9.2 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 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**LOCAL GOVERNMENT ACT 1995**

**CITY OF JOONDALUP**

**PARKING LOCAL LAW 2013**

**SCHEDULE 1**

**PARKING REGION**

The parking region is the whole of the district, but excludes the following portions of the district -

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.

**LOCAL GOVERNMENT ACT 1995****CITY OF JOONDALUP****PARKING LOCAL LAW 2013****SCHEDULE 2****PRESCRIBED OFFENCES**

<b>ITEM NO</b>	<b>CLAUSE NO</b>	<b>NATURE OF OFFENCE</b>	<b>MODIFIED PENALTY \$</b>
1	2.2(1)(b)	Fail to park wholly within parking stall on thoroughfare	60
2	2.2(2)	Fail to park wholly within parking stall in parking station	60
3	2.2(4)	Fail to park wholly within parking area	60
4	2.3(1)(a)	Cause obstruction in parking station	60
5	2.3(1)(b)	Park contrary to sign in parking station	60
6	2.3(1)(c)	Park in a parking stall occupied by another vehicle	60
7	2.4 (1)	Park contrary to requirements where fees are payable and a ticket is required to be displayed	60
8	2.4 (2)	Park contrary to the terms of an alternative method of payment where a ticket is not required to be displayed	60
9	3.1(1)(a)	Park vehicle of a different class	60
10	3.1(1)(b)	Park by persons of a different class	60
11	3.1(1)(c)	Park during restricted or prohibited period	60
12	3.1(3)(a)	Park in a no parking area	60
13	3.1(3)(b)	Park contrary to signs or limitations	60
14	3.1(3)(c)	Park vehicle, other than motorcycle, in motorcycle only area	60
15	3.1(4)	Park without permission in an area designated for 'Authorised Vehicles Only'	60
16	3.2(1)(a)	Park in two way street not parallel to the left side of the carriageway and headed in direction of moving traffic.	60
17	3.2(1)(b)	Park in one way street not parallel to either side of the carriageway and headed in direction of moving traffic	60
18	3.2(1)(c)	Park when distance from farther boundary, continuous line or median strip is less than 3 metres	60
19	3.2(1)(d)	Park closer than 1 metre from another vehicle	60

20	3.2(1)(e)	Cause obstruction on carriageway	60
21	3.3(b)	Fail to park at approximate right angle	60
22	3.4(2)	Fail to park at an appropriate angle	60
23	3.5(2)(a)	Double park (Traffic control intersection)	80
24	3.5(2)(b)	Park on or adjacent to a median strip	60
25	3.5(2)(c)	Obstruct or deny access to private drive or right of way	80
26	3.5(2)(d)	Park alongside or opposite excavation, works, hoarding, scaffolding or obstruction so as to obstruct traffic	60
27	3.5(2)(e)	Park within 10 metres of traffic island	60
28	3.5(2)(f)	Park on footpath/pedestrian crossing	80
29	3.5(2)(g)	Park contrary to continuous line markings	60
30	3.5(2)(h)	Park on intersection	80
31	3.5(2)(i)	Park within 1 metre of fire hydrant or fire plug	60
32	3.5(2)(j)	Park within 3 metres of public letter box	60
33	3.5(2)(k)	Park within 10 metres of intersection	60
34	3.5(3)(a)	Park vehicle within 10 metres of departure side of bus stop	60
35	3.5(3)(b)	Park vehicle within 10 metres of departure side of children's crossing or pedestrian crossing	60
36	3.5(4)(a)	Park vehicle within 20 metres of approach side of bus stop	60
37	3.5(4)(b)	Park vehicle within 20 metres of approach side of children's crossing or pedestrian crossing	60
38	3.6	Park contrary to direction of an Authorised Person	80
39	3.7(2)	Remove mark made by an Authorised Person	60
40	3.8(1)	Park or move vehicle within parking facility to avoid time limitation	60
41	3.8(2)	Park or move vehicle on thoroughfare to avoid time limitation	60
42	3.9(a)	Park for purpose of sale or hire	60
43	3.9(b)	Park unlicensed vehicle	60
44	3.9(c)	Park unattached trailer or caravan	60
45	3.9(d)	Park for purpose of repairs	60

46	3.10(2)	Park on private land without consent of the owner/occupier	80
47	3.10(3)	Park on private land contrary to consent of the owner/occupier	80
48	3.11	Drive or park on reserve	80
49	4.1(1)	Stop contrary to a no stopping sign	80
50	4.1(2)	Park contrary to a no parking sign	60
51	4.1 (4)	Stop contrary to continuous yellow edge line	80
52	5.1	Stop contrary to loading zone requirements	60
53	5.2(1)	Stop contrary to taxi zone requirements	60
54	5.2(2)	Stop contrary to bus zone requirements	60
55	5.3	Stop contrary to mail zone requirements	80
56	5.4	Stop contrary to a sign	60
57	6.1	Stop contrary to shared zone requirements	60
58	6.2	Double park	80
59	6.3	Stop near an obstruction	60
60	6.4	Stop on a bridge, causeway, ramp or in a tunnel	60
61	6.5	Stop on crest or curve	60
62	6.6	Stop near fire hydrant	60
63	6.7	Stop near bus stop	60
64	6.8	Stop on path, median strip or traffic island	70
65	6.9(1)(c)	Stop on verge contrary to sign	60
66	6.9(2)	Stop on verge contrary to consent	60
67	6.9(3)	Stop on verge in excess of 3 hours	70
68	6.10	Obstruct access to a path or driveway	80
69	6.11	Stop near public letter box	60
70	6.12(1)(a)	Stop heavy or long vehicle on carriageway	60
71	6.12(1)(b)	Stop heavy or long vehicle in truck bay or goods vehicle area	60
72	6.13	Stop in bicycle area	60
73	6.14	Stop other than a motorcycle in motorcycle parking area	60

74	6.15	Stop contrary to disabled parking area requirements	120
75	8.6(1)	Park vehicle so as to obstruct a public place	60
76	8.6(2)	Park vehicle in a public place in excess of 24 hours	60
77		All other offences not specified	60

Dated dd of mm 2013

The Common Seal of the City of Joondalup )  
was affixed by authority of the resolution )  
of the Council in the presence of: )

\_\_\_\_\_  
TROY PICKARD  
MAYOR

\_\_\_\_\_  
GARRY HUNT  
CHIEF EXECUTIVE OFFICER

**PROPOSED CITY OF JOONDALUP PARKING LOCAL LAW 2013**  
**SCHEDULE OF SUBMISSION COMMENTS FROM THE DEPARTMENT OF LOCAL GOVERNMENT FOLLOWING ADVERTISING**

No.	SUMMARY OF SUBMISSION STATEMENT	CITY COMMENT
1	Clause 1.3 – sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the City wishes.	Noted. As per section 3.15 of the <i>Local Government Act 1995</i> , inclusion of the purpose and effect assists with informing residents of the District of the purpose and effect of the local law.
2	Clause 1.4 – suggested that the repeal clause include all relevant dates of amendment.	Noted. While it is recognised that it is a frequent practice to list both the original local law gazettal as well as all of the subsequent amendments, this is not legally required. Section 33 of the <i>Interpretation Act 1984</i> is the relevant legal authority. The effect of section 33 is that repealing the originally adopted local law automatically repeals any subsequent amendments that were made to that local law.
3	Clause 1.10 – suggested that after the words ‘The local government may’ insert the words ‘by resolution’. This will ensure that Council is involved with any variations to a parking region that may occur under this clause.	Not supported as the functions of a local government may be delegated to the CEO. The insertion of the desired words would restrict all amendments to the parking region being made by Council only.
4	Clause 1.5 – Replace the words ‘the Act’ in subclause (a) in the definition of ‘owner’ with the words ‘the Road Traffic Act’, thereby removing confusion with the <i>Local Government Act 1995</i> .	Supported and amended as suggested.
5	Clause 2.1 – suggested substituting ‘resolution’ with ‘determination’ in clause 2.1(3), to ensure consistency with clause 2.1(1)(d).	Supported and amended as suggested.
6	Clause 3.1(4)(a) – suggested the words ‘valid permit’ be substituted with ‘valid parking permit’ for consistency with existing definitions.	Supported and amended as suggested.
7	(a) Clauses 7.2-7.7 – suggested that references to ‘permit’ should be replaced with ‘residential parking permit’ to ensure consistency with defined terms in the local law. (b) Clauses 7.2-7.3 – reference to ‘The permit’ should be	Supported and amended as suggested.

**PROPOSED CITY OF JOONDALUP PARKING LOCAL LAW 2013**  
**SCHEDULE OF SUBMISSION COMMENTS FROM THE DEPARTMENT OF LOCAL GOVERNMENT FOLLOWING ADVERTISING**

	replaced with 'A residential parking permit'. (c) Clause 7.4 – the words 'issued under this clause' should be replaced with the words 'issued under Clause 7.1'.	Supported and amended as suggested.  Supported and amended as suggested.
8	Clause 9.1(4) – the term 'notice' is not defined and the local law makes no direct reference to the form of infringement notices. It is suggested that a clause 9.2 be inserted detailing the form of notices.	Supported as this is a component of the WALGA Model Local Law. Amended as suggested.
9	Schedule 2-Item 78 – modified penalty for 'All other offences not specified'. Removal suggested as section 9.16(2) of the <i>Local Government Act 1995</i> only enables prescription of modified penalties where an offence is minor or involves simple issues, and it is considered that not all conceivable offences under the local law may fit this definition.	Not supported. Item 78 is consistent with the WALGA Model Local Law and is a feature of many adopted local laws of other local government authorities.
10	Use of dashes and colons to define splitting of paragraphs.	Supported. Minor edits based on the usual legal drafting standards.
11	Minor edits; word substitutions, grammar, setting out.	Supported 21 of the 23 suggested amendments. The other two amendments were partially supported.