

Local Government Act 1995

Town of East Fremantle

Parking Local Law 2016

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the Town of East Fremantle resolved on 17 May 2016 to make this local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Town of East Fremantle Parking Local Law 2016*.

1.2 Commencement

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

1.3 Repeal

The *Town of East Fremantle Local Law Relating to Parking and Parking Facilities 1999* published in the *Government Gazette* on 8 November 1999 is repealed.

1.4 Application

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

1.5 Definitions

In this local law -

Act means the *Local Government Act 1995*;

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

bay includes 'stall' and 'space';

bicycle has the meaning given to it in the Code;

bus has the meaning given to it in the Code;

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

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

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

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

carriageway has the meaning given to it in 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 in the Code;

Town means the Town of East Fremantle;

CEO means the Chief Executive Officer of the Town;

Code means the *Road Traffic Code 2000*;

commercial vehicle –

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

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

district means the district of the Town;

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

edge line has the meaning given to it in the Code;

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

footpath has the meaning given to it in the Code;

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

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

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

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

metered bay means a section or part of a metered zone that is in the vicinity of a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

metered zone means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

motorcycle has the meaning given to it in the Code;

motor vehicle –

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

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

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

no parking sign means a sign with -

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

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

no stopping sign means a sign with –

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

occupier has the meaning given to it in the Act;

owner -

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

- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it in the Act;

park has the meaning given to it in the Code;

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

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered bay;

parking facilities includes –

- (a) land, buildings, shelters, parking stations, metered zones, metered bays, parking bays and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a meter, including the stand on which the meter is erected, regulating the parking of vehicles in a metered zone, into which a fee may be inserted under clause 2.2;

parking region means the whole of the district except –

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) 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 Town;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered bay;

path has the meaning given to it in the Code;

Pay and Display parking station means a parking station where parking of a vehicle is permitted only –

- (a) if the vehicle displays a ticket, for which the applicable fee has been paid; and
- (b) during the period, or before the expiry time, marked on the ticket;

Pay as you Leave parking station means a parking station where parking of a vehicle is permitted only on condition that, before the vehicle leaves the parking station, the fee that applies to the period during which the vehicle is in the parking station is paid;

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

penalty unit means the amount prescribed by the Town, in the *Town of East Fremantle Penalty Units Local Law 2016*, as a standard penalty unit;

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

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

reserve means any land -

- (a) which belongs to the Town;
- (b) of which the Town is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

right of way means a portion of land that is -

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include -
 - (i) a private driveway; or
 - (ii) a right of way created by easement between two parties;

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

Schedule means a Schedule to this local law;

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

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

- (a) approved by the Town; and

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

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

stop has the meaning given to it in the Code;

symbol includes any symbol specified by the Code; and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;

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

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

thoroughfare has the meaning given to it in the Act;

ticket issuing machine, in relation to a parking station, means a machine that issues a ticket, whether or not for payment of a fee, showing the period of time during which, or the expiry time before which, a vehicle may lawfully be parked in the parking station;

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

trailer has the meaning given to it in the Code;

vehicle has the meaning given to it in the *Road Traffic Act* and 'classes of vehicles' are those set out in clause 1.8; and

verge has the same meaning as *nature strip*.

1.6 Application of particular definitions

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

1.7 Pre-existing signs

- (1) A sign that -
- (a) was erected by the Town or the Commissioner of Main Roads before the commencement of this local law; and
- (b) relates to the parking of vehicles within the parking region,
- is to be deemed to have been erected by the Town under this local law.

- (2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.
- (3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

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

1.10 Powers of the Town

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

Part 2 - Metered zones

2.1 Determination of metered zones

- (1) The Town may constitute, determine and indicate by signs, metered bays and metered zones.
- (2) In respect of metered bays and metered zones the Town may determine, and may indicate by signs -
 - (a) permitted times and conditions of parking depending on and varying with the locality;
 - (b) classes of vehicles which are permitted to park;

- (c) the amount payable for parking; and
 - (d) the manner of parking.
- (3) Where the Town makes a determination under subclauses (1) and (2) it shall erect signs to give effect to the determination.

2.2 Parking fee to be paid

A person must not park a vehicle in a metered bay unless the appropriate fee as indicated by a sign on the parking meter referable to the bay is inserted into the parking meter or is otherwise paid under clause 2.10.

2.3 Limitation on parking in metered bay

The payment of the fee under clause 2.2 entitles a person to park the vehicle in a metered bay for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that bay is prohibited under this local law.

2.4 No parking when meter is expired

A person must not, during the hours when a fee is payable to park the vehicle in a metered bay -

- (a) leave the vehicle in the metered bay; or
- (b) permit the vehicle to remain parked in the metered bay,

when the parking meter referable to that metered bay exhibits the sign 'Expired' or a negative time.

2.5 Vehicles to be within metered bay

- (1) Subject to subclause (2), a person must not park a vehicle in a metered bay in a thoroughfare otherwise than -
- (a) wholly within the metered bay; and
 - (b) where the metered bay is set out parallel to the kerb - parallel to and as close to the kerb as practicable.
- (2) If a vehicle is too long or too wide to fit completely within a single metered bay then the person parking the vehicle must do so within the minimum number of metered bays needed to park that vehicle.
- (3) A person must not park a vehicle partly within and partly outside a metered zone.

2.6 Permitted insertions in parking meters

- (1) A person must not insert into a parking meter anything other than the designations of coins or banknotes or such other permitted form of payment indicated by a sign on the parking meter.

- (2) The insertion of a coin or banknote into any parking meter, or the making of payment in such other form as may be permitted, must be effected only in accordance with the instructions printed on that particular meter.

2.7 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine must, on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in a position where –

- (a) the ticket is clearly visible to; and
- (b) the expiry time or time for which the ticket remains valid is able to be read by,

an authorised person examining the ticket from outside the vehicle.

2.8 One vehicle per metered bay

A person must not park or attempt to park a vehicle in a metered bay in which another vehicle is parking or has parked.

2.9 No parking when hood on meter

Despite any other provision of this local law and despite any other sign or notice, a person must not park a vehicle in a metered bay if the parking meter referable to the metered bay has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the Town or an authorised person.

2.10 Alternative methods of payment for parking

- (1) The Town may allow a person to pay for parking in advance or in arrears by issuing a permit, invoice, ticket or pass (referred to in this clause as an '**Alternative Method of Payment**').
- (2) A person who has been permitted by the Town to make an Alternative Method of Payment for parking is exempt from paying fees at the relevant parking facility providing that he or she complies with the terms of the Alternative Method of Payment.
- (3) An Alternative Method of Payment may not be used by any person other than the person who received authorisation by the Town.

Part 3 - Parking bays and parking stations

3.1 Determination of parking bays and parking stations

- (1) The Town may constitute, determine and indicate by signs -
 - (a) parking bays;
 - (b) parking stations;

- (c) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking bays and parking stations;
 - (e) permitted classes of persons who may park in specified parking bays or parking stations; and
 - (f) the manner of parking in parking bays and parking stations.
- (2) Where the Town makes a determination under subclause (1) it shall erect signs to give effect to the determination.

3.2 Vehicles to be within parking bay on thoroughfare or parking station

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

3.3 Payment of fee to park in parking station

A person must not park a vehicle, or permit a vehicle to remain parked, in a parking station during any period for which a fee is payable unless -

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded;
- (b) in the case of a Pay as you Leave parking station, the applicable fee is paid before the vehicle leaves the parking station; and
- (c) in the case of a Pay and Display parking station, within a reasonable time of parking the vehicle –
 - (i) the applicable fee is inserted in, or otherwise paid at, a ticket issuing machine for that parking station; and
 - (ii) the ticket from the ticket issuing machine is placed on the drivers side of the vehicle dashboard for the duration of the vehicles stay in the parking station, in such a position that all

of it is clearly visible to, and the expiry time or time for which the ticket remains valid is able to be read by, an authorised person examining the ticket from the outside of the vehicle.

3.4 Vehicle not to be removed until fee paid

A person must not remove a vehicle which has been parked in a parking station until the appropriate fee has been paid for the period for which the vehicle has been parked.

3.5 Entitlement to receipt

A person paying a fee at a parking station is entitled to receive a receipt on demand showing the period of parking covered by the payment.

3.6 Parking prohibitions and restrictions

- (1) A person must 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 Town or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of the vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) A person must not park a bicycle -
 - (a) in a parking bay other than in a bay marked 'M/C'; and
 - (b) in such bay other than against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a bay that is in a parking area (except where it is in a parking area for people with a disability) for twice the length of time allowed if -
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a person with a disability to whom that 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 (3), a person must 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 prohibited by a sign.
- (2) Subclause (3) applies to a driver if -
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) the person to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle -
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance both with the signs relating to the parking area and with this local law;
 - (c) in a bay marked 'M/C', unless the vehicle is a bicycle or a motorcycle without a sidecar or a trailer;
 - (d) at any time in a right of way; or
 - (e) unless clauses 3.6(3) and 4.1(3) apply, for more than the maximum time specified by a sign.
- (5) A person must not, without the prior permission of the Town, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

4.2 Parking with a permit

- (1) A sign may indicate that all or part of a parking station or thoroughfare is set aside, during the period indicated on the sign, for the parking of vehicles with a permit.
- (2) The Town may issue to a person a permit in respect of all or part of a parking station or a thoroughfare referred to in subclause (1).

- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or thoroughfare that is set aside under subclause (1) unless the permit issued under subclause (2) is displayed inside the vehicle so that it is clearly visible to an authorised person examining the permit from outside the vehicle.
- (4) The Town may, at any time, revoke a permit issued under subclause (2).

4.3 Event parking

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

4.4 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway other than in a parking bay must park it -
 - (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 –
 - (i) the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip; or
 - (ii) the vehicle and any part of 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.
- (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.

4.5 When parallel and right-angled parking apply

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

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

4.6 When angle parking applies

- (1) This clause does not apply to -
 - (a) a passenger vehicle of over 3 tonnes;
 - (b) a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (c) a person parking either a motorcycle without a trailer or a bicycle.
- (2) Where a sign relating to a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the parking area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the sign or by marks on the carriageway.

4.7 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking bay or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle parked in a bus embayment.
- (3) Unless a sign indicates otherwise, a person must not park a vehicle so that any portion of the vehicle is -
 - (a) between any other stationary vehicle 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 over any footpath or pedestrian crossing;
 - (f) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
 - (g) 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 box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
 - (k) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is parked on the carriageway or verge; or
 - (l) on a carriageway or verge within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals.
- (4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side, or within 10 metres of the departure side, of -
- (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.
- (5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side, or the departure side, of the nearest rail of a railway level crossing.

4.8 Authorised person may order vehicle on thoroughfare to be moved

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

4.9 Authorised person may mark tyres

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

4.10 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 must 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.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must 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 2 hours.

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

A person must 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 the thoroughfare.

4.12 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
 - (a) which belongs to the Town;
 - (b) of which the Town 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 1.4(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

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

4.13 Parking on reserves

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

4.14 Parking on a carriageway – heavy and long vehicles

- (1) Unless engaged in the picking up or setting down of goods, a person must not park on a carriageway for any period exceeding one hour, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 3 tonnes.
- (2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

4.15 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 Town, 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 for the person to carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the Town, 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.
- (3) An authorised person may, in the course of performing his or her duties, park a vehicle contrary to a sign or other restriction in this local law for the minimum amount of time required to complete those duties.

Part 5 - Stopping generally

5.1 No stopping

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

5.2 No parking

A driver must not park a vehicle on a length of carriageway or in an area to which a 'no parking' sign applies.

Part 6 - Stopping in zones for particular vehicles

6.1 Stopping in a loading zone

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

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

and, in any event, the vehicle must not remain in that loading zone -

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

6.2 Stopping in a taxi zone or a bus zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

6.3 Stopping in a mail zone

A person must not stop a vehicle in a mail zone.

6.4 Other limitations in zones

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

Part 7 - Other places where stopping is restricted

7.1 Stopping in a shared zone

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

- (a) the driver stops the vehicle at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop the vehicle at that place under this local law;
- (b) the driver stops the vehicle in a parking bay and the driver is permitted to stop the vehicle in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste.

7.2 Double parking

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

7.3 Stopping near an obstruction

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

7.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver must 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
 - (b) the driver stops the vehicle at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop the vehicle at that place under this local law.
- (2) A driver must 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
 - (b) the vehicle stops 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.

7.5 Stopping on crests, curves, etc.

- (1) A driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle from a distance of 50 metres.
- (2) A driver may stop on a crest or curve on a carriageway if the driver stops at a place on the carriageway to which a parking control sign applies and the driver is permitted to stop at that place under this local law

7.6 Stopping near a fire hydrant etc.

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -

- (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) For the purposes of subclause (1) '**unattended**', in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

7.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless -
- (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, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.
- (2) In this clause, distances are measured in the direction in which the driver is driving.

7.8 Stopping on a path, median strip or traffic island

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

7.9 Stopping on a verge

- (1) A person must 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 –
- (a) the owner or occupier of the premises immediately adjacent to that verge; or
 - (b) is authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge.

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

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

- (1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

7.11 Stopping near a public letter box

A driver must not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver-

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

7.12 Stopping on a carriageway with a bicycle parking sign

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

7.13 Stopping on a carriageway with motorcycle parking sign

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

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

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, must not remove from the vehicle any notice put on the vehicle by an authorised person.

8.2 Unauthorised signs and defacing of signs, tickets or permits

A person must not without the authority of the Town -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Town under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the Town under this local law or attempt to do any such act;
- (c) deface, alter or misuse a permit or ticket issued by the Town; or
- (d) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the Town under this local law.

8.3 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.

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

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

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

8.6 Vehicles not to obstruct a public place

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

Part 9 - Enforcement

9.1 Legal proceedings

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

9.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$1000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.
- (5) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units as specified in the *Town of East Fremantle Penalty Units Local Law 2016*.

9.3 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 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the 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*.

SCHEDULE 1 – PRESCRIBED OFFENCES

[Clause 9.2(4)]

Item No.	Clause No.	Nature of offence	Penalty Unit
1	2.2	Failure to pay fee for metered bay	10
2	2.3	Parking in excess of period shown on metered bay	10
3	2.4	Parking when meter has expired	10
4	2.5(1)	Failure to park wholly within metered bay	10
5	2.5(3)	Parking outside metered zone	10
6	2.6	Non-permitted insertion in parking meter	10
7	2.7	Failure to display ticket clearly in metered zone	10
8	2.8	Parking or attempting to park a vehicle in a metered bay occupied by another vehicle	10
9	2.9	Parking contrary to a meter hood	10
10	3.2(1)	Failure to park wholly within parking bay	10
11	3.2(3)	Failure to park wholly within parking area	10
12	3.3	Failure to pay parking station fee	10
13	3.3(c)	Failure to display ticket clearly in parking station	10
14	3.4	Leaving without paying parking station fee	10
15	3.6(1)(a)	Causing obstruction in parking station	15
16	3.6(1)(b)	Parking contrary to sign in parking station	10
17	3.6(1)(c)	Parking contrary to directions of authorised person	20
18	3.6(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	10
19	4.1(1)(a)	Parking wrong class of vehicle	10
20	4.1(1)(b)	Parking by persons of a different class	10
21	4.1(1)(c)	Parking during prohibited period	10
22	4.1(4)(a)	Parking in no parking area	10
23	4.1(4)(b)	Parking contrary to signs or limitations	10
24	4.1(4)(c)	Parking vehicle in motorcycle only area	10
25	4.1(4)(d)	Parking vehicle in a right of way	20
26	4.1(4)(e)	Parking vehicle in excess of maximum time	10
27	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	20

Item No.	Clause No.	Nature of offence	Penalty Unit
28	4.2(3)	Failure to display parking permit	10
29	4.3(3)	Failure to display event parking permit	10
30	4.4(1)(a)	Failure to park on the left of two-way carriageway	10
31	4.4(1)(b)	Failure to park on boundary of one-way carriageway	10
32	4.4(1)(a) or 4.4(1)(b)	Parking against the flow of traffic	10
33	4.4(1)(c)	Parking when distance from farther boundary less than 3 metres	10
34	4.4(1)(d)	Parking closer than 1 metre from another vehicle	10
35	4.4(1)(e)	Causing obstruction	20
36	4.5(a) or 4.5(b)	Failure to park at approximate right angle or parallel to carriageway	10
37	4.6(2)	Failure to park at an appropriate angle	10
38	4.7(3)(a) and 7.2	Double parking	20
39	4.7(3)(b)	Parking on or adjacent to a median strip	20
40	4.7(3)(c)	Denying access to private drive or right of way	10
41	4.7(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	10
42	4.7(3)(e)	Parking on or over footpath/pedestrian crossing	20
43	4.7(3)(f) and (g)	Parking contrary to continuous line markings	10
44	4.7(3)(h)	Parking on intersection	10
45	4.7(3)(i)	Parking within 1 metre of fire hydrant or fire plug	20
46	4.7(3)(j)	Parking within 3 metres of public letter box	10
47	4.7(3)(k)	Parking within 10 metres of intersection	10
48	4.7(3)(l)	Parking within 20 metres of a traffic signal controlled intersection	10
49	4.7(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	10
50	4.7(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	10
51	4.7(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	10
52	4.8	Parking contrary to direction of authorised person	20

Item No.	Clause No.	Nature of offence	Penalty Unit
53	4.9(2)	Removing mark of authorised person	20
54	4.10	Moving vehicle to avoid time limitation	10
55	4.11(a)	Parking in thoroughfare for purpose of sale	10
56	4.11(b)	Parking unlicensed vehicle in thoroughfare	10
57	4.11(c)	Parking a trailer/caravan on a thoroughfare	10
58	4.11(d)	Parking in thoroughfare for purpose of repairs	10
59	4.12(2)	Parking on land that is not a parking facility without consent	10
60	4.12(3)	Parking on land not in accordance with consent	10
61	4.13	Driving or parking on reserve	20
62	4.14	Stopping heavy or long vehicles on carriageway	10
63	5.1(1)	Stopping contrary to a 'no stopping' sign	15
64	5.1(2)	Stopping within continuous yellow lines	10
65	5.2	Parking contrary to a 'no parking' sign	10
66	6.1	Stopping unlawfully in a loading zone	10
67	6.2	Stopping unlawfully in a taxi zone or bus zone	10
68	6.3	Stopping unlawfully in a mail zone	10
69	6.4	Stopping in a zone contrary to a sign	10
70	7.1	Stopping in a shared zone	10
71	7.3	Stopping near an obstruction	20
72	7.4	Stopping on a bridge or tunnel	20
73	7.5	Stopping on crests/curves etc	20
74	7.6	Stopping near fire hydrant	20
75	7.7	Stopping near bus stop	10
76	7.8	Stopping on path, median strip or traffic island	20
77	7.9	Stopping on verge	10
78	7.10	Obstructing path, a driveway etc	20
79	7.11	Stopping near letter box	10
80	7.12	Stopping in bicycle parking area	10
81	7.13	Stopping in motorcycle parking area	10
82	8.6	Leaving vehicle so as to obstruct a public place	20
83	9.2	All other offences not specified	10

Dated 17 June 2016.

The Common Seal of the Town of East Fremantle)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
Mayor

.....
Chief Executive Officer