Parking and Parking Facilities Local Law

Local Government Act 1995

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TABLE OF CONTENTS

1. PART 1 - DEFINITIONS AND OPERATION 3
1.1 Commencement 3
1.2 Repeal 3
1.3 Interpretation 3
1.4 Application of Particular Definitions 6
1.5 Application and pre-existing signs 6
1.6 Classes of vehicles 7
1.7 Part of thoroughfare to which sign applies 7
1.8 Powers of the local government 7

2. PART 2 - PARKING STALLS AND PARKING STATIONS 7
2.1 Determination of parking stalls and parking stations 7
2.2 Vehicles to be within parking stall on thoroughfare 8

3. PART 3 - PARKING GENERALLY 9
3.1 Restrictions on parking in particular areas 9
3.2 Parking vehicle on a carriageway 9
3.3 When parallel and right-angled parking apply 10
3.4 When angle parking applies 10
3.5 General prohibitions on parking 11
3.6 Authorised person may order vehicle on thoroughfare to be moved 12
3.7 Authorised person may mark tyres 12
3.8 No movement of vehicles to avoid time limitation 12
3.9 No parking of vehicles exposed for sale and in other circumstances 12
3.10 Parking on private land 13
3.11 Parking on reserves 13
3.12 Suspension of parking limitations for urgent, essential or official duties 13

4. PART 4 – PARKING AND STOPPING GENERALLY 13
4.1 No stopping and no parking signs, and yellow edge lines 13

5. PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES 14
5.1 Stopping in a loading zone 14
5.2 Stopping in a taxi zone or a bus zone 14
5.3 Stopping in a mail zone 14
5.4 Other limitations in zones 15

6. PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED 15
6.1 Stopping in a shared zone 15
6.2 Double parking 15
6.3 Stopping near an obstruction 15
6.4 Stopping on a bridge or in a tunnel, etc. 15
6.5 Stopping on crests, curves, etc. 16
6.6 Stopping near a fire hydrant etc 16
6.7 Stopping at or near a bus stop 16
6.8 Stopping on a path, median strip, or traffic island 17
6.9 Stopping on verge 17
6.10 Obstructing access to and from a path, driveway, etc. 17
6.11 Stopping near a letter box 17
6.12 Stopping on a carriageway – heavy and long vehicles 18
6.13 Stopping on a carriageway with a bicycle parking sign 18
6.14 Stopping on a carriageway with motor cycle parking sign 18

6.15 Deleted 18

7. PART 7 - MISCELLANEOUS....18
7.1 Removal of notices on vehicle....18
7.2 Unauthorised signs and defacing of signs 18
7.3 Signs must be complied with....19
7.4 General provisions about signs....19
7.5 Special purpose and emergency vehicles 19

8. PART 8 - PENALTIES 19
8.1 Offences and penalties....19
8.2 *[Section 8.2 Repealed - Parking and Parking Facilities Amendment Local Law 2007]* 19
8.3 Form of notices....19
9.1 Removal and impounding of vehicles 20

SCHEDULE 1 - PARKING REGION

SCHEDULE 2 - PRESCRIBED OFFENCES

SCHEDULE 3 - FORMS

Form 1

Form 2

Form 3

Form 4

Form 5

Schedule 4 [Schedule 4 Repealed - Parking and Parking Facilities Amendment Local Law 2007]

LOCAL GOVERNMENT ACT 1995
CITY OF ARMADALE

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Armadale resolved to make the following Local Law on the Second day of September 2002

1. PART 1 - DEFINITIONS AND OPERATION

1.1 Commencement

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

1.2 Repeal

The City of Armadale Parking Facilities Local Law published in the *Government Gazette* on October 27th 1997 is repealed.

1.3 Interpretation

In this Local Law unless the context otherwise requires:

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

'Authorised Person' means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an Authorised Person under this Local Law;

'authorised vehicle' means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility;

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

'bicycle path' has the meaning given to it by the Code;

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

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

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

(a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

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

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

'district' means the district of the local government;

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

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

'emergency vehicle' has the meaning given to it 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 Armadale;

'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 and may have times of operation, user limitations and arrows displayed;

'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 and may have times of operation, user limitations and arrows displayed;

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

'owner'

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

(b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and

(c) where used in relation to land, has the meaning given to it by the Act;

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

(a) avoiding conflict with other traffic; or

(b) complying with the provisions of any law; or

(c) taking up or setting down persons or goods (*maximum of 2 minutes*);

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

'parking facilities' includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

'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;

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

'reserve' means any land:

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

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

'Schedule' means a Schedule to this Local Law;

'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 a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

'symbol' includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of

parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

'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.

[Section 1.3 amended: GG 160 23rd October 2015 and GG No.70 of 24th May 2019]

1.4 **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.

1.5 **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) *Deleted*

(5) A sign that:

(i) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and

(ii) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

(6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the

stopping of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

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

[Section 1.5 amended: GG No.70 of 24th May 2019]

1.6 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.

1.7 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:

(1) lies beyond the sign;

(2) lies between the sign and the next sign beyond that sign; and

(3) is on that side of the thoroughfare nearest to the sign.

1.8 Powers of the local government

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

2. PART 2 - PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

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

(a) parking stalls;

(b) parking stations;

(c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;

(d) permitted classes of vehicles which may park in parking stalls and parking stations;

(e) permitted classes of persons who may park in specified parking stalls or parking stations; and

(f) the manner of parking in parking stalls and parking stations.

2.2 **Vehicles to be within parking stall on thoroughfare**

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

(a) parallel to and as close to the kerb as is 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 is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

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

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

2.3 **Parking prohibitions and restrictions**

(1) A person 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;

(c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or

(d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).

(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 a disability parking permit; and
(b) a person with disabilities to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

[Section 2.3 amended: GG 160 23rd October 2015)

3. PART 3 - PARKING GENERALLY

3.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, 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) (a) This subclause applies to a driver if:

(i) the driver's vehicle displays a disability parking permit; and
(ii) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare 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 person shall not park a vehicle:

(a) in a no parking area;

(b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;

(c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked 'M/C'.

(5) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

[Section 3.1 amended: GG 160 23rd October 2015]

3.2 Parking vehicle on a carriageway

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

(a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

(b) 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 person 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 person 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 person parking either a motor cycle without a trailer or a bicycle.

(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 person 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 within traffic control signals a person shall not park a vehicle so that any portion of the vehicle is:

(a) between any other stationary vehicles and the centre of the carriageway;

(b) on or adjacent to a median strip;

(c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;

(d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;

(e) on or within 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 person 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 person 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;

(b) a children's crossing or pedestrian crossing.

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

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

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorised Person has directed the driver to move it.

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 person 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.

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

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

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

(a) for the purpose of exposing it for sale;

(b) if that vehicle is not licensed under the Road Traffic Act;

(c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or

(d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

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 1.5(2).

[Section 3.10 amended: GG No.70 of 24th May 2019]

(2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

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

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.

[Section 3.11 amended: GG No.70 of 24th May 2019]

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 person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

4. PART 4 – PARKING AND STOPPING GENERALLY

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

(1) No stopping

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

(2) No parking

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

(a) dropping off, or picking up, passengers or goods;

(b) does not leave the vehicle unattended; and

(c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

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

(3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

5. PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is:

(a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or

(b) a motor vehicle that completes the dropping off or picking up of passengers within two (2) minutes of stopping and then drives on,

but, in any event, shall not remain in that loading zone:

(c) for longer than a time indicated on the 'loading zone' sign; or

(d) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

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

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

5.3 Stopping in a mail zone

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

5.4 **Other limitations in zones**

A person 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.

6. PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 **Stopping in a shared zone**

A driver shall not stop 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 these Local Laws;

(2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;

(3) the driver is dropping off, or picking up, passengers or goods; or

(4) 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 these Local Laws.

6.3 **Stopping near an obstruction**

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

6.4 **Stopping on a bridge or in a tunnel, etc.**

(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 traffic sign does not prohibit stopping or parking; or

(b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

(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 traffic sign does not prohibit stopping or parking; or

(b) the driver of a motor 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.

6.5 **Stopping on crests, curves, etc.**

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

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

6.6 **Stopping near a fire hydrant etc**

(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 at or 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 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, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

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

6.9 **Stopping on verge**

(1) A person shall not:

(a) stop a vehicle (other than a bicycle);

(b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or

(c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

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

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

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

(a) the driver is dropping off, or picking up, passengers; or

(b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.

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

(a) the driver is dropping off, or picking up, passengers; or

(b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.

6.11 **Stopping near a 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:

(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 parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

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

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any 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) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

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

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

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

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

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

(a) the vehicle is a motor cycle; or

(b) the driver is dropping off, or picking up, passengers.

6.15 Deleted *(Deleted GG 160 23rd October 2015)*

7. PART 7 - MISCELLANEOUS

7.1 **Removal of notices on vehicle**

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

7.2 **Unauthorised signs and defacing of signs**

A person shall not without the authority of the local government:

(a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;

(b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or

(c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

7.3 **Signs must be complied with**

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

7.4 **General provisions about signs**

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 **Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this Local Law, the driver of:

(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. PART 8 - PENALTIES

8.1 **Offences and penalties**

(1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding $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) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 *[Section 8.2 Repealed - Parking and Parking Facilities Amendment Local Law 2007]*

8.3 **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 3;

(b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;

(c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3;

(d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3; and

(e) the form of the notice referred to in section 3.42 (1) (b) of the Act is that of Form 5 in Schedule 3.

9. PART 9 – OBSTRUCTING VEHICLES

9.1 Removal and impounding of vehicles

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.

[Section 9.1 amended: GG No.70 of 24th May 2019]

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

(3) Subject to sub clause (4), a vehicle which is parked in any portion of a road or other public place in contravention of this Local Law is deemed to be obstructing the lawful use of that road or public place.

(4) A vehicle is not obstructing the lawful use of a road or public place if it is so stood or parked in contravention of the limits as to time imposed by the local government within respect to that portion of the road or public place.

(5) Where an Authorised Person finds a vehicle stood or parked contrary to the provision of 9.1 (1) he may remove and impound the vehicle in accordance with Part 3, Division 3, Subdivision 4 of the Act.

(6) Where an Authorised Person removes and impounds a vehicle pursuant to this Local Law, he shall enter in a register to be provided by the local government for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed.

(7) A notice under section 3.42 of the Act given to the owner of a vehicle, which is removed and impounded under this Local Law, shall be in the form of Form 5 of Schedule 3.

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 has been delegated by the Commissioner of Main Roads to the local government.

Schedule 2
PARKING AND PARKING FACILITIES LOCAL LAW
PRESCRIBED OFFENCES

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY $
1	2.2	Failure to park wholly within parking stall	50
2	2.2(4)	Failure to park wholly within parking area	50
3	2.3(1)(a)	Causing obstruction in parking station	70
4	2.3(1)(b)	Parking contrary to sign in parking station	70
5	2.3(1)(c)	Parking contrary to directions of Authorised Person	70
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
7	3.1(1)(a)	Parking wrong class of vehicle	70
8	3.1(1)(b)	Parking by persons of a different class	50
9	3.1(1)(c)	Parking during prohibited period	70
10	3.1(3)(a)	Parking in no parking area, e.g. on footway	70
11	3.1(3)(b)	Parking contrary to signs or limitations	50
12	3.1(3)(c)	Parking vehicle in motor cycle only area	50
13	3.1(4)	Parking motor cycle in stall not marked “M/C”	50
14	3.1(5)	Parking without permission in an area designated for “Authorised Vehicles Only”	70
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	70
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	70
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	70
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	70
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	50
20	3.2(1)(e)	Causing obstruction	70

21	3.3(b)	Failure to park at approximate right angle	50
22	3.4(2)	Failure to park at an appropriate angle	50
23	3.5(2)(a) and 6.2	Double parking	70
24	3.5(2)(b)	Parking on or adjacent to a median strip	70
25	3.5(2)(c)	Denying access to private drive or right of way	70
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	70
27	3.5(2)(e)	Parking within 10 metres of traffic island	50
28	3.5(2)(f)	Parking on footpath/pedestrian crossing	70
29	3.5(2)(g)	Parking contrary to continuous line markings	70
30	3.5(2)(h)	Parking on intersection	70
31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	70
32	3.5(2)(j)	Parking within 3 metres of public letter box	50
33	3.5(2)(k)	Parking within 10 metres of intersection	50
34	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	70
35	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	70
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
37	3.6	Parking contrary to direction of Authorised Person	70
38	3.7(2)	Removing mark of Authorised Person	70
39	3.8	Moving vehicle to avoid time limitation	70
40	3.9(a)	Parking in thoroughfare for purpose of sale	50
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	70
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	70
43	3.9(d)	Parking in thoroughfare for purpose of repairs	70

44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	70
45	3.10(3)	Parking on land not in accordance with consent	50
46	3.11	Driving or parking on reserve	70
47	4.1(1)	Stopping contrary to a 'no stopping' sign	70
48	4.1(2)	Parking contrary to a 'no parking' sign	70
49	4.1(3)	Stopping within continuous yellow lines	70
50	5.1	Stopping unlawfully in a loading zone	70
51	5.2	Stopping unlawfully in a taxi zone or bus zone	70
52	5.3	Stopping unlawfully in a mail zone	70
53	5.4	Stopping in a zone contrary to a sign	70
54	6.1	Stopping in a shared zone	50
55	6.3	Stopping near an obstruction	50
56	6.4	Stopping on a bridge or tunnel	70
57	6.5	Stopping on crests/curves etc	70
58	6.6	Stopping near fire hydrant	70
59	6.7	Stopping near bus stop	70
60	6.8	Stopping on path, median strip or traffic island	70
61	6.9	Stopping on verge	70
62	6.10	Obstructing path, a driveway etc	70
63	6.11	Stopping near letter box	70
64	6.12	Stopping heavy or long vehicles on carriageway	70
65	6.13	Stopping in bicycle parking area	50
66	6.14	Stopping in motorcycle parking area	70
67	9.1 (1)	Obstruction of street or public place	70
68		All other offences not specified	70

[Schedule Replaced: GG 160 23rd October 2015, and amended: GG No.70 of 24th May 2019]

Schedule 3

Local Government Act 1995

Form 1

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date ..... / ..... / .....

To: (1) .....
of: (2) .....
It is alleged that on ..... / ..... / ..... at (3) .....
at (4) ..... your vehicle:

make: ..... ;
model: ..... ;
registration: ..... ,
was involved in the commission of the following offence - .....
.....
.....
.....
.....

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

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

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

(a) within 28 days after being served with this notice;

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

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

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

(5) .....

(6) .....

Insert:

(1) Name of owner or 'the owner'

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice

[Form 1 amended: GG No.70 of 24th May 2019]

Schedule 3

Local Government Act 1995

Form 2

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No .....

Date ..... / ..... / .....

To: (1) .....
of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....
at (4) .....
in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence:

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

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

The modified penalty for the offence is $ .....

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended: your vehicle licence may be suspended or cancelled: your details may be published on a website: your vehicle may be immobilised or have its number plates removed and your property may be seized and sold. If the above matter is registered with the Registry additional costs will also be payable.

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

(6) .....

(7) .....

Insert:

(1) Name of alleged offender or 'the owner'

(2) Address of alleged offender

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(7) Name and title of authorised person giving notice

[Form 2 amended: GG 160 23rd October 2015 and GG No.70 of 24th May 2019]

Schedule 3

Local Government Act 1995

Form 3

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No .....

Date ..... / ..... / .....

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....
at (4) .....
in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence:

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

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

The modified penalty for the offence is $ .....

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

Unless within 28 days after being served with this notice:

(a) you pay the modified penalty; or

(b) you:

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

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

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended: your vehicle licence may be suspended or cancelled: your details may be published on a website: your vehicle may be immobilised or have its number plates removed and your property may be seized and sold. If the above matter is registered with the Registry additional costs will also be payable.

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

(6) .....

(7) .....

Insert:

(1) Name of owner or 'the owner'

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(8) Name and title of authorised person giving notice

[Form 3 amended: GG No.70 of 24th May 2019]

Schedule 3

Local Government Act 1995

Form 4

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No .....

Date ..... / ..... / .....

To: (1) .....
of: (2) .....

Infringement Notice No. ..... dated ..... / ..... / .....

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

for the alleged offence of .....
.....
.....
.....
has been withdrawn.

The modified penalty of $ .....

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- delete as appropriate.

(3) .....

(4) .....

Insert:

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

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

[Form 4 amended: GG No.70 of 24th May 2019]

Schedule 3

Local Government Act 1995

Form 5

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE OF REMOVAL AND IMPOUNDING OF VEHICLE

Serial No……..

Date……/……/……

To (name of owner of vehicle):.....

of (address of owner of vehicle): .....

the owner of vehicle (vehicle identification number)……..…,(make)……(type)…….

On (date)..... at (time) .....am/pm, at (place) .....

.....

your vehicle was involved in a contravention of the City of Armadale Parking and Parking Facilities Local Law and was removed and impounded under section 3.39 of the *Local Government Act 1995*.

Your vehicle may be collected from (place).....

between the hours of ..... am/pm and ..... am/pm, Monday to Friday by satisfying the Chief Executive Officer of the City that you are the owner of the vehicle or a person entitled to possession of the vehicle.

If you vehicle is not collected within **two (2) months** after the date of this notice, the City may either:

(a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of custody of the vehicle after the period of two months have been paid to the City; or

(b) under section 3.47 of the *Local Government Act 1995* sell the vehicle and credit the money received from that sale to the City's trust fund except to the extent required to meet the City's costs of custody of the vehicle after the period of two months and the expenses incurred by the City in selling the vehicle.

If you are convicted of an offence against the City of Armadale Parking and Parking Facilities Local Law as a result of the above contravention then section 3.48 of the *Local Government Act 1995* also allows the City to recover from you its expenses incurred in removing and impounding the vehicle and any outstanding expenses for the custody of the vehicle.

[Form 5 amended: GG No. 178 of 31st August 2007]

Schedule 4

[Schedule 4 Repealed - Parking and Parking Facilities Amendment Local Law 2007]

Dated this 24th day of April 2003.

The Common Seal of the City of Armadale was affixed in the presence of-

G.L. REYNOLDS, JP, Mayor
R.S. TAME, Chief Executive Officer.