

LOCAL GOVERNMENT ACT 1995

THE SHIRE OF WEST ARTHUR

LOCAL LAWS RELATING TO PARKING AND USE OF VEHICLES

Interpretation

1. In these Local laws, unless the context requires otherwise—

“Authorised vehicle” means a vehicle authorised by the Council;

“Carriageway” means a portion of a street that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders and areas, including embayments, at the side of centre of the carriageway used for the standing or parking of vehicles and where a street has two or more of these portions divided by a median strip, the expression means each of these portions separately;

“Chief Executive Officer” means the Chief Executive Officer of the Council;

“Council” means the Shire of West Arthur Council;

“Crossover” means a pavement to the specification fixed by Council for use by vehicles over the verge from the carriageway to the nearest property line;

“Driver” includes rider and the person in charge of a vehicle;

“Footway” includes every footpath, lane or other place intended for use of pedestrians only, or habitually used by pedestrians and not by vehicles, except cycles where the path is set aside for dual use by both cyclists and pedestrians;

“Inspector” means a Parking Inspector appointed by the Council under these Local laws;

“Local Government” means the Shire of West Arthur;

“No Parking Area” means a portion of a carriageway that lies between two consecutive white signs inscribed with the words “No Parking”, in red lettering, and each with an arrow pointing generally towards the other item;

“Notice” means a notice in the form of Form 1, Form 2 or Form 3 issued pursuant to Local law 35;

“Owner” of a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession;

“Park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately taking up or setting down persons or goods, and “parking” has a correlative meaning;

“Parking area” means a portion of a carriageway between two consecutive white signs inscribed with the word “Parking”, in green lettering, each with an arrow pointing generally towards the other of them.

“Parking region” means streets and reserves and any private land in respect of which the owner or occupier from time to time requests the Council to control parking under these Local laws within the Scheme Area of the Shire of West Arthur Town Planning Scheme;

“Parking stall” means a section or part of a street or of a reserve car park which is marked or defined by painted lines, by metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise;

“Property line” means the boundary between the land comprising a street and the land that abuts thereon;

“Reserve” means any land, other than street reserves, owned by, vested in or otherwise under the care, control or management of the Local Government;

“Reserve car park” means any portion of a reserve set aside by the Council for the purpose of the standing or parking of vehicles whether on payment of a fee or charge or otherwise;

“Sign” means a traffic sign, mark, structure or device placed or erected on or near a street or reserve or within a reserve car park for the purpose of regulating, guiding or directing traffic;

“Stand” in relation to a vehicle means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law and “standing” has a correlative meaning;

“Street” has the meaning given to it by the Act;

“Vehicle” includes any vehicle (excluding wheelchairs) which comes within the interpretation of that expression in the Road Traffic Act;

“Verge” means that portion of a street which lies between the carriageway and the nearest property line.

2. In these Local laws a reference to the Council having the power to do something in its discretion and subject to any condition it thinks fit shall be deemed to include a reference to any person, committee or body to whom the Council has delegated the power or the doing of the thing exercising such discretion and imposing any conditions thought fit.

Council Powers to Control Parking and Erect Signs

3. The Council may provide for and control the standing and parking of vehicles within the parking region.
4. Any sign that was lawfully erected prior to the coming into operation of these Local laws and relates to the standing or parking of vehicles within the parking region shall be deemed, for the purposes of these Local laws, to have been erected by Council under the authority of these Local laws.
5. Where under these Local laws the standing or parking of vehicles in a street is controlled by a sign, such sign shall be read as applying to that part of the street which—
- (a) lies beyond the sign;
 - (b) lies between that sign and the next sign beyond that sign;
 - (c) is that side of the carriageway of the street nearest to the sign.
6. An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these Local laws.
7. A person shall not without the authority of the Council mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these Local laws.
8. A person shall not remove, damage, deface or misuse any sign or attempt to do such acts.
9. A person shall not, without the permission of the Council, affix any board, sign, placard, notice or other thing to or paint or write upon any part of a sign.

Standing or Parking of Vehicles in Street

10. Subject to Local law 11 a person standing or parking a vehicle in a street shall stand or park it—
- (a) on 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 carriageway on which the vehicle is standing or parked.
 - (b) on 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.
11. (1) Where a traffic sign associated with a parking area is not inscribed with the words "Angle Parking" then—
- (a) where the parking area is adjacent to the boundary of a carriageway, a person standing a vehicle in the parking area shall stand it as near as practicable to and parallel with, that boundary;
- (2) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway, unless otherwise indicated by the inscription on the sign or by marks on the carriageway.
12. Where a street is provided with parking stalls set at an angle to the kerb a person shall not stand a vehicle or permit a vehicle to stand on such street otherwise than wholly within a parking stall and as close to the kerb as is practicable.
13. A person parking a vehicle on a street shall park it—
- (a) so that at least 3 metres of the width of the street is available for the passage of other vehicles;
 - (b) so that it is not less than 1.2 metres from any other vehicle, except a motor bicycle or a bicycle parked in accordance with these Local laws;
 - (c) so that it does not cause any undue obstruction on the street.
14. A person shall not stand a vehicle or permit a vehicle to stand in a street—
- (a) in a parking area, other than in a manner indicated by the inscription on the sign or signs associated with the parking area and where the parking area includes parking stalls, except as in these Local laws provided, with reference to such parking stall;
 - (b) in a parking area contrary to any limitation in respect of time, days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area.
15. A person shall not park a vehicle in a street—
- (a) in a "No Parking" area;
 - (b) partly within and partly outside a parking area, unless directed to do so by an Inspector or a member of the Police Force;
 - (c) 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 street;
 - (d) if the vehicle is exposed for sale.
16. A person shall not stand or park a vehicle in a street so that any portion of the vehicle is—
- (a) between any other standing vehicle and the centre of the carriageway;
 - (b) obstructing a right of way, passage or private drive or carriageway or so close thereto as to deny vehicles reasonable access to or egress from the right of way, passage or private drive or carriageway;
 - (c) in front of a footway constructed across a reservation;
 - (d) on any footway or pedestrian crossing;

- (e) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or a fire plug;
 - (f) within 3 metres of a public letter pillar box, unless the vehicles being used for the purpose of collecting postal articles from the pillar box;
 - (g) within 6 metres of the nearer property line of any street intersecting the street on the side on which the vehicle is standing;
17. Subject to Local law 18 and 19 a person shall not drive or park or cause a vehicle to be driven or parked on a verge.
18. Local law 17 does not apply to a vehicle driven or parked on a crossover or other usual accessway to land adjoining a carriageway provided that such vehicle is driven or parked at right angles to the carriageway and not parked on or near a footway so as to cause an obstruction.
19. Local law 17 does not apply to the owner or occupier of the adjoining property or if the vehicles owner has the permission of the property owner or occupier, provided that—
- (a) A private vehicle is not parked on the street verge for more than 24 hours without being moved.
 - (b) Vehicles over eight metres in length are not parked on the street verge for more than one hour in any 24 hour period.
 - (c) A vehicle is not parked on the verge to effect repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street.
 - (d) A vehicle is not parked on the verge to be wrecked.

Parking and Use of Vehicles on Reserves

20. A person, other than an employee of the Council carrying out official duties, shall not, without the permission of the Council, drive, ride, stand or park a vehicle on any portion of a reserve which is not set aside or intended for vehicular use.
21. Subject to Local law 20 a person shall not drive or ride a vehicle on any road or carriageway at a speed in excess of any maximum set by the Council and indicated by signs.
22. A person shall not stand or park a vehicle in any area of a reserve contrary to any prohibitions, regulations or restrictions indicated by the inscription on a sign or signs on or associated with the area.
23. A person shall not stand or park a vehicle so as to obstruct an entrance to, an exit from or a thoroughfare within a reserve or a reserve carpark or beyond the limits of any defined right-of-way within a reserve car park.

Standing and Parking of Vehicles Generally

24. A person shall not stand or park a vehicle or permit a vehicle to stand in a street or reserve carpark—
- (a) which is by any sign thereon or adjacent thereto set apart for the standing or parking of vehicles of a different class;
 - (b) if by any sign the standing of vehicles is prohibited or restricted during any period or periods, during such period or periods;
 - (c) which is by any sign designated "Authorised Vehicles Only" or "Council Vehicles Only", unless the person first obtains the permission of the Council, the Chief Executive Officer or an Inspector.
25. A person shall not stand or park a vehicle on any part of a street or reserve if an Inspector or member of the Police Force directs the driver to remove it.

Miscellaneous

26. The Council may appoint such of its officers as it deems necessary as Inspectors for the purposes of these Local laws.
27. Inspectors appointed by the Council are authorised—
- (a) to take all reasonable necessary steps to enable the Local laws to be given full force and effect;
 - (b) to initiate and conduct prosecutions as directed by the Council or the Chief Executive Officer from time to time.
28. An Inspector shall be furnished with a certificate of appointment in a form determined by the Council from time to time.
29. An Inspector shall on demand show a certificate of his or her appointment.
30. A person who is not an Inspector shall not in any way assume the duties of an Inspector.
31. A person shall not in any way obstruct or hinder an Inspector in the execution of his or her duties.
32. An Inspector may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of his or her duties and powers and a person shall not remove such a mark made by an Inspector so that the purpose of affixing the mark is defeated or likely to be defeated.
33. An Inspector who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of these Local laws may demand from that person his or her name and place of abode.
34. A person who refuses a demand from an Inspector to state his or her name or place of abode, or who states a false name or place of abode, commits an offence.

Unless payment is made within twenty eight (28) days of the date of the service of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ To the Chief Executive Officer, Shire of West Arthur or by delivering this form and paying the amount at the Administration Centre, Burrowes Street, Darkan between 8:30am and 4:30pm Mondays to Fridays. If payment is not received within twenty eight (28) days of the date of this notice, it will be assumed that you wish to insist on your right to a Court Hearing, and Court proceedings will be issued against you in due course.

Chief Executive Officer, Shire of West Arthur.

First Schedule

Form 3

LOCAL GOVERNMENT ACT 1995

Shire of West Arthur

Local Laws Relating to Parking and Use of Vehicles

WITHDRAWAL OF INFRINGEMENT NOTICE

To: Date

Infringement Notice No. Date

Modified Penalty \$ is hereby withdrawn.

Signature of Authorised Officer:

Chief Executive Officer, Shire of West Arthur.

Second Schedule

Local law	Nature of Offence	Penalty
12	Parking not wholly within a Parking Stall.	\$20.00
13 (C)	Causing an obstruction	\$30.00
15(a)	Parking in a "No Parking" area.	\$30.00
16(1)b &	Causing an obstruction	\$30.00
16(1)c &	Causing an obstruction	\$30.00
16(1)d	Causing an obstruction	\$30.00
17	Parking or Driving on a Street Verge	\$30.00