Local Government Act 1995

Shire of Denmark

PARKING & PARKING FACILITIES LOCAL LAW

Government Gazette of Tuesday 29 May 2001.

Council reviewed on Tuesday 22 April 2008.

Amended Government Gazette of Friday 14 November 2008.

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PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Shire of Denmark resolved to make the following Local Law on the 23rd day of January 2001.

PART 1 – DEFINITION AND OPERATION

1.1 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

Deleted

1.3 (1) Interpretation

In this Local Law unless the context otherwise requires:

"ACROD Sticker" has the meaning given to it in the Code;

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

"Authorized Person" means a person authorized by the local government under section 9.10 of the Act, to perform any of the functions of an Authorized Person under this Local Law;

"authorized vehicle" means a vehicle authorized by the local government, Chief Executive Officer, Authorized Person or by any written law to park on a thoroughfare or parking facility;

"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;

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

"carriageway" means a portion of thoroughfare that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the 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 placed at, or near, the middle of the carriageway or, 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;

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

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

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

"district" means the district of the local government;

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

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

"footpath" has the meaning given to it in 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 Shire of Denmark;

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

"motorcycle" has the meaning given to it in 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 in the Code;

"occupier" has the meaning given to it in the Act;

"owner" where used in relation to a vehicle, means a person who is the registered 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; and where used in relation to land has the meaning given to it by the Act;

"park" has the meaning given to it in the Code;

"parking area" means a portion of a carriageway -

(a) between two consecutive signs inscribed with the word "Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or

(b) extending from a sign inscribed with the word "Parking" or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited,

and is on that side of the carriageway of the thoroughfare nearest the sign;

"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 the First Schedule;

"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 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 used for the purpose of parks and recreation or conservation –

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

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

"Schedule" means a Schedule to this Local Law;

"sign" includes a traffic sign, inscription, 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 in the Code;

"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" has the same meaning as "taxi-car" in section 47Z of the *Transport Co-ordination Act 1966;*

"thoroughfare" has the meaning given to it in the Act;

"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 in the Code; and

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

(2) 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.

(3) 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.

1.4 Application and pre-existing signs

(1) Subject to subclause (2) this Local Law applies to the parking region.

(2) This Local Law does not apply to a parking facility 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) Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this Local Law applies, and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that -

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

(b) relates to the parking of vehicles within the parking region;

shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

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

1.5 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.

1.6 Part of thoroughfare to which sign applies

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

(a) lies beyond the sign;

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

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

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), 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) 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.

2.3 Vehicles to be within parking stall in parking station

Unless otherwise directed by an Authorized Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

2.4 Parking and loading 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 Authorized 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 Authorized 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) No person shall park any bicycle:

(a) in a parking stall other than in a stall marked "M/C"; and

(b) in such stall other than against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that –

(a) the driver's vehicle displays an ACROD Sticker; and

(b) a person with disabilities to which that ACROD Sticker relates is either the driver of or a passenger in the vehicle.

PART 3 – PARKING GENERALLY

3.1 Prohibition and regulation of parking by signs

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

3.2 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;

(c) during any period when the parking of vehicles is prohibited by a sign; or

(d) if by a sign it is set apart for Disabled Persons and the vehicle does not display an "ACROD Sticker" which relates either to the driver or a passenger in the vehicle.

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

(i) the driver's vehicle displays an "ACROD Sticker"; and

(ii) a Disabled person to which the "ACROD Sticker" relates is either the driver of the vehicle or a passenger in the vehicle.

(b) The driver may park a vehicle in a thoroughfare 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 Authorized Person, park a vehicle in an area designated by a sign stating "Authorized Vehicles Only".

(6) In a Loading Zone, a person shall not -

(a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or

(b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.

(7) In paragraph (b) of subclause (6) "goods" means an article or collection of articles weighing at least 13.6 kg and of which the cubic measurement is not less than $0.17m^3$.

3.3 Parking vehicle on a carriageway

A person parking a vehicle on a carriageway 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 between the vehicle and a vehicle parked on the farther side of the carriageway;

(d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;

(e) so that it does not obstruct any vehicle on the carriageway; and

(f) so that it is entirely within the confines of any parking stall marked on the carriageway.

3.4 Vehicle to be wholly within parking area

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

3.5 When parallel and right-angled parking apply

Where a traffic sign associated with the 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.

3.6 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.

3.7 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) Paragraphs (c), (e) and (g) of subclause 2 do not apply to a vehicle which parks in a bus embayment.

(2) 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 vehicles 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 9 metres of any portion of a carriageway bounded by a traffic island;

(f) on any footpath or pedestrian crossing;

(g) on a bridge or other elevated structure or within a tunnel or underpass;

(h) 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;

(i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

(j) 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;

(k) 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.

(l) within 6 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; or

(3) A person shall not park a vehicle so that any portion of the vehicle is within 9 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;

(b) a children’s crossing established on a two-way carriageway; or

(c) the nearest rail of a railway level crossing.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 18 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 pedestrian crossing or children's crossing; or

(c) the nearest rail of a railway level crossing.

3.8 Parking on verges

(1) A person shall not park a vehicle so that any portion of it is on a verge.

(2) Unless in contravention of a sign adjacent and referable to that verge which prohibits the parking of vehicles on that verge, subclause (1) does not apply in the following circumstances -

(a) if the person is the occupier of the premises adjacent to that verge, or is a person authorized by the occupier of those premises to park the vehicle so that any portion of it is on the verge; or

(b) 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 footpath.

3.9 Limitation on parking of trucks with a tare in excess of 2000kgs on carriageway

A person shall not park a vehicle having a tare in excess of 2000kgs on a carriageway for more than two hours consecutively.

3.10 Limitation on parking of over length vehicles on carriageway

A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 8 metres in length, on a carriageway for more than two hours consecutively.

3.11 Authorized 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 Authorized Person has directed the driver to move it.

3.12 Authorized person may mark tyres

(1) An Authorized 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 Authorized Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.13 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.

3.14 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 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.

3.15 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;

(d) which is the subject of an agreement referred to in clause 1.4 (2); or

(e) Which is identified in the Fourth Schedule.

(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.

3.16 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.17 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 Authorized 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 Authorized Person may prohibit the use by any other vehicle on that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 - MISCELLANEOUS

4.1 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 Authorized Person.

4.2 Unauthorized 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.

4.3 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.

4.4 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, set up, erected, 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.

4.5 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.

4.6 Vehicles not to obstruct a public place

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

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

PART 5 - PENALTIES

5.1 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 the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

5.2 Averment on complaint as to clause 1.4(2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.4(2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

5.3 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 the Third Schedule;

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

(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 the Third Schedule; and

(d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

FIRST SCHEDULE

PARKING REGION

The parking region is the whole of the district but excludes the following portions of the District:

(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 thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

SECOND SCHEDULE

PRESCRIBED OFFENCES

PARKING AND PARKING FACILITIES LOCAL LAW

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY $
1	2.4 (1) (a)	Causing obstruction in parking station	60
2	2.4 (1) (b)	Parking contrary to sign in parking station	60
3	2.4 (1) (c)	Parking contrary to directions of Authorized Person	60
4	3.2 (1) (a)	Parking wrong class of vehicle	60
5	3.2 (1) (b)	Parking by persons of a different class	60
6	3.2 (1) (c)	Parking during prohibited period	60
7	3.2 (1) (d)	Parking in a signed Disabled Persons area and not displaying "ACROD Sticker"	60
8	3.2 (3) (a)	Parking in no parking area	60
9	3.2 (3) (b)	Parking contrary to signs or limitations	60
10	3.2 (3) (c)	Parking vehicle in motor cycle only area	60
11	3.2(4)	Parking motor cycle in stall not marked "M/C"	60
12	3.2 (6) (a)	Parking in Loading Zone	60
13	3.3 (a)	Fail to park on the left of two-way carriageway	50
14	3.3 (b)	Fail to park on boundary of one-way carriageway	50
15	3.3 (a)+(b)	Parking against the flow of traffic	60
16	3.3 (c)	Parking when distance from farther boundary less than 3 metres	60
17	3.3 (e)	Causing obstruction	60
18	3.7 (2) (a)	Double parking	60
19	3.7 (2) (c)	Denying access to private drive or right of way	60
20	3.7 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	60
21	3.7 (2) (e)	Parking within 9 metres of traffic island	60
22	3.7 (2) (f)	Parking on footpath/pedestrian crossing	80
23	3.7 (2) (g)	Parking on bridge or in tunnel	80
24	3.7 (2) (i)	Parking on intersection	80
25	3.7 (2) (l)	Parking within 6 metres of intersection	60
26	3.7 (3) (a)	Parking vehicle within 9 metres of departure side of bus stop	60
27	3.7 (4) (a)	Parking vehicle within 18 metres of approach side of bus stop	60
28	3.7 (4) (b)	Parking vehicle within 18 metres of approach side of pedestrian/children's crossing	60
29	3.8 (1)	Parking vehicle on verge	50
30	3.8 (2)	Parking on verge contrary to sign	60
31	3.9	Parking vehicle with tare of over 2000kgs for over 2 hours	80
32	3.10	Parking over length vehicle in excess of 2 hours	80
33	3.11	Parking contrary to direction of Authorized Person	80
34	3.14 (c)	Parking a trailer/caravan on a thoroughfare	60
35	3.15 (2)	Parking on land that is not a parking facility without consent	80
36	3.15 (3)	Parking on land not in accordance with consent	50
37	3.16	Driving or parking on reserve	50
38	4.6 (1)	Leaving vehicle so as to obstruct a public place	60
39		All other offences not specified	50

THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995
FORM 1
Shire of Denmark
Strickland Street, Denmark, 6333

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 authorized 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 authorized person
(6) Name and title of authorized person giving notice

THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995
FORM 2
Shire of Denmark
Strickland Street, Denmark, 6333

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 authorized person at the Shire of Denmark Administration Centre, Strickland Street, Denmark, 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 or any vehicle licence held by you may be suspended. If the 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.
(5) .....
(6) .....

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) Signature of authorized person
(6) Name and title of authorized person giving notice

THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995
FORM 3
Shire of Denmark
Strickland Street, Denmark, 6333

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 authorized person at the Shire of Denmark, Strickland Street, Denmark, 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 authorized 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 or any vehicle licence held by you may be suspended. If the 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.
(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 authorized person
(6) Name and title of authorized person giving notice

THIRD SCHEDULE
LOCAL GOVERNMENT ACT 1995
FORM 4
Shire of Denmark
Strickland Street, Denmark, 6333

PARKING AND PARKING FACILITIES LOCAL LAW
WITHDRAWAL OF 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 authorized person
(4) Name and title of authorized person giving notice

FOURTH SCHEDULE
LOCAL GOVERNMENT ACT 1995
Shire of Denmark
Strickland Street, Denmark, 6333

PARKING AND PARKING FACILITIES LOCAL LAW
DEEMED PARKING STATIONS

_____

Dated this…….day of……..200……
.

The Common Seal of the Shire of Denmark was affixed in the presence of:

_____
C Donnelly, President

_____
P Durtanovich, CEO