

**City of Kalamunda**

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**PARKING AND PARKING FACILITIES LOCAL LAW  
2019**

## Parking and Parking Facilities Local Law 2019

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*Local Government Act 1995*

City of Kalamunda

## Parking and Parking Facilities Local Law 2019

Under the powers conferred on it by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalamunda resolved on 24 September 2019 to make the following local law.

### Part 1 - Preliminary

#### 1.1 Citation

This local law may be cited as the *City of Kalamunda Parking and Parking Facilities Local Law 2019*.

#### 1.2 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the 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.

#### 1.3 Commencement

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

#### 1.4 Repeal

The *Shire of Kalamunda Parking and Parking Facilities Local Law 2008* published in the *Government Gazette* on 14 January 2009 is repealed.

#### 1.5 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, CEO, 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;

**built up area** means an area in which there are buildings on the land next to the road;

**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 thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayment's, 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, fitted or adapted for the conveyance of goods, materials or merchandise of any kind used in any trade, business or industry and which is used primarily 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 *Road Traffic (Vehicles) Act 2012*;

**heavy vehicle** means a vehicle with a GVM of 4.5 tonnes or greater;

**kerb** means a line of stone or concrete forming an edge between a pavement and a roadway;

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

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

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

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

**metered space** means a section or part 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 on payment of a fee or charge;

**motor cycle** has the meaning given to it by the Code;

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

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

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

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

**no stopping sign** means a sign with the words no stopping or no standing in red letters on a white background, or the letter S within a red annulus and a red diagonal line across it on a white background;

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

**owner -**

- (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;
- (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 scheme** means the mapped record of the local government, which details the location of parking facilities, parking stall layout and any parking time restrictions, parking prohibitions and special uses like bus or taxi zones, that are applied to those parking facilities;

**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 bus** 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;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**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 – “Manual of uniform traffic control devices and any symbol specified from time to time by the code 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 Transport (Road Passenger Services) Act 2018;

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

**thoroughfare** has the meaning given to it by the Act;

**ticket issuing machine** means a machine or device which issues, as a result of money or other form of permitted payment being inserted into the machine, a ticket showing the period during which it is lawful to remain parked in the area to which the machine relates;

**traffic island** has the meaning given to it by the Code;

**trailer** means any vehicle without motor 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; 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.

## 1.6 Application of particular definitions

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

## 1.7 Pre-existing signs

- (1) A sign that -
  - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
  - (b) relates to the parking of vehicles within the parking region,shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (2) An inscription or symbol on a sign referred to in subclause (1) operates and has effect according to its literal meaning, 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.
- (3) The provisions of Parts 2, 3 and 4 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

## 1.8 Classes of vehicles

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

- (a) buses;

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

### **1.9 Part of thoroughfare to which sign applies**

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

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

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

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

## **Part 2 - Parking stalls and parking stations**

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

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs -
  - (a) parking stalls;
  - (b) parking stations, with or without a ticket issuing machine;
  - (c) no parking areas or no stopping areas;
  - (d) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
  - (e) permitted classes of vehicles which may park in parking stalls and parking stations;
  - (f) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (g) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.
- (3) Where the local government makes a determination under subclause (1) it shall record the details and effect in the parking scheme.

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

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

## **2.4 Parking stations equipped with a ticket issuing machine**

- (1) If a parking station is equipped with a ticket issuing machine a person shall not park or stop a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless-
  - (a) the appropriate fee has been inserted into a ticket issuing machine or payment otherwise made in accordance with the operating instructions printed on the ticket issuing machine;
  - (b) the ticket issued by the ticket issuing machine is displayed inside the vehicle so that the date, time of issue and expiry time of the ticket are able to be read by an authorised person outside the vehicle; and
  - (c) the ticket has not expired.

## **2.5 Operation of ticket issuing machines**

- (1) A person shall not insert or cause to be inserted or attempt to insert anything into a ticket issuing machine other than money or other forms of payment permitted by the local government.
- (2) A person shall not operate or attempt to operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.
- (3) A person shall not alter, add to or deface a ticket issued by a ticket issuing machine.
- (4) For the purposes of subclause (1), a reference to “other forms of payment” includes a permit, ticket, pass, voucher, credit card or any other form of payment permitted by the local government.

## **2.6 Parking stations having attendants on duty**

If a parking station has a parking attendant on duty a person shall not park or stop a vehicle or permit a vehicle to remain parked in the parking station during its hours of operation unless the appropriate fee is paid upon demand.

## **2.7 Parking stations making provision for payment on departure**

If a parking station makes provision for payment on departure of a vehicle:-

- (a) a person shall not remove a vehicle from the parking station unless the appropriate fee has been paid for the period during which the vehicle was parked; and
- (b) where the ticket issued when the vehicle entered the parking station is not produced on departure the fee for parking shall be calculated from the time the parking station opened on that day to the time of departure.

## **2.8 Parking in metered space**

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a metered space in a parking station unless-

- (a) the appropriate fee has been inserted into the parking meter; and
- (b) the parking meter referable to that metered space does not exhibit or display the sign 'Expired', a negative time or an expiry indicator light.

## **2.9 Behaviour in parking stations**

- (1) A person shall not loiter in a parking station.
- (2) A person shall not remain in a parking station after having been directed to leave the parking station by an authorised person.

## **2.10 Damage to parking facilities or parking station**

A person shall not remove, damage, deface, interfere with or misuse any part of a parking facility or parking station or attempt to do any of those acts.

# **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) If -
  - (a) the driver's vehicle displays a disability parking permit; and
  - (b) a disabled person to which disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle,

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; or
  - (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 motor cycle 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'.

### **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 dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that both the front and the rear of the vehicle are 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 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 4.5 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) This clause does not apply to a vehicle parked in a parking stall, nor to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is -
  - (a) between any other stationary vehicle and the centre of the carriageway;
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or 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 box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box;
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; or
- (l) in a cul-de-sac so as to obstruct the turning of vehicles within the cul-de-sac,

unless a sign or markings on the carriageway indicate otherwise.

- (4) 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.
- (5) 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; or
  - (b) a children's crossing or pedestrian crossing.
- (6) 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 or allow that vehicle to remain parked 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 parking 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 permit a vehicle to be parked or otherwise remain 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 permit a vehicle to be parked or otherwise remain 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 1.2(2).

(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.

### **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.

#### **Part 4 - Parking and stopping generally**

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

- (1) A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) 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.
- (3) In this clause, ***unattended***, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.
- (4) A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

##### **4.2 Setting aside parking for persons authorised by the local government**

- (1) The local government may indicate by signs that all or part of a parking station or thoroughfare is set aside during the period indicated on the signs for the parking of vehicles by persons authorised by the local government.
- (2) Where a person is authorised under subclause (1) the local government shall issue a written permit to the person.
- (3) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under subclause (1) unless a permit issued under subclause (2) is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.
- (4) The local government may revoke a permit issued under subclause (2) at any time.

##### **4.3 Trading from parked or stopped vehicles**

- (1) A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station or on a thoroughfare for the purpose of trading from that vehicle other than in accordance with a permit issued by the local government pursuant to the "*Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008*" as amended from time to time.

- (2) In this clause **trading** has the same meaning as in the “Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008” as amended from time to time.

#### **4.4 Setting aside parking for events**

- (1) The local government may indicate by signs that all or any part of a parking station, thoroughfare or public place is set aside during the period indicated on the signs for the parking of vehicles by persons attending a particular event.
- (2) A person shall not park or stop a vehicle or permit a vehicle to remain parked in any area which is set aside under subclause (1) unless a ticket obtained from the local government relating to the event is displayed inside the vehicle so that it can be read by an authorised person from outside the vehicle.

### **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 commercial vehicle and a person is continuously engaged in the picking up or setting down of goods, merchandise or materials from the vehicle; or
- (b) a motor vehicle taking up or setting down passengers,

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, unless the vehicle is being used for the purpose of collecting postal articles from a post box.

#### **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 parking sign that applies to the zone.

## **Part 6 - Other places where stopping is restricted**

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

A driver shall not stop in a shared zone unless -

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

### **6.2 Double parking**

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
  - (a) a driver stopped in traffic; or
  - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

### **6.3 Stopping near an obstruction**

A driver shall not stop 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 this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless -
  - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a 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 90 metres within a built-up area, and from a distance of 190 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 sign applies and the driver is permitted to stop at that place under this local law.

## **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 10 metres of the departure side of a bus stop, unless -
  - (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking sign applies, and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
  - (a) distances are measured in the direction in which the driver is driving; and
  - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

The driver of a vehicle (other than a bicycle 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 sign applies, and the driver is permitted to stop at that place under this local law.

## **6.9 Stopping on verge**

- (1) A person shall not -
  - (a) stop a vehicle (other than a bicycle);
  - (b) stop a heavy 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 owner or 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 this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
  - (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

## **6.11 Stopping near a 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 sign applies, and the driver is permitted to stop at that place under this local law.

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

- (1) A 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 conditions imposed by any other clause or by any local law or 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.

## **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.

### **7.6 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 authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

### **7.7 Impersonating an authorised person**

A person who is not an authorised person must not impersonate or assume the duties of an authorised person.

### **7.8 Obstructing of an authorised person**

A person must not obstruct or hinder an authorised person in the execution of his or her duties.

## **Part 8 - Offences and penalties**

### **8.1 Offences and penalties**

- (1) A 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) A person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and, if the offence is of a

continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## **8.2 Modified penalties**

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

## **8.3 Notices**

Unless otherwise specified, for the purposes of this local law -

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations;
- (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; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the regulations.

## **Schedule 1 - 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 road which comes under the control of the Commissioner of Main Roads, unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads, or has been delegated by the Commissioner to the local government.

## Schedule 2 - Prescribed offences

[CI 8.2(2)]

Item No.	Clause No.	Nature of offence	Modified Penalty (\$)
1.	2.2(1)(b)	Failure to park wholly within parking stall	80
2.	2.2(4)	Failure to park wholly within parking area	80
3.	2.3(1)(a)	Causing obstruction in parking station	100
4.	2.3(1)(b)	Parking contrary to sign in parking station	100
5.	2.3(1)(c)	Parking contrary to directions of authorised person	100
6.	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	80
7.	2.4(1)	Failure to obtain and display unexpired ticket in parking station equipped with a ticket issuing machine	80
8.	2.6	Failure to pay fee in parking station with attendant on duty	80
9.	2.8	Failure to pay fee for parking or stopping a vehicle in a metered space in a parking station	80
10.	2.9(2)	Failure to comply with direction of authorised person to leave a parking station	80
11.	2.10	Damage to parking facility or parking station	80
12.	3.1(1)(a)	Parking wrong class of vehicle	80
13.	3.1(1)(b)	Parking by persons of a class not permitted	80
14.	3.1(1)(c)	Parking during prohibited period	90
15.	3.1(3)(a)	Parking in no parking area	100
16.	3.1(3)(b)	Parking contrary to signs in parking area	80
17.	3.1(3)(c)	Parking vehicle in stall marked 'M/C'	80
18.	3.1(4)	Parking motor cycle in stall not marked 'M/C'	80
19.	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	90
20.	3.2(1)(a)	Failure to park on the left of two-way carriageway	90
21.	3.2(1)(b)	Failure to park on boundary of one-way carriageway	90
22.	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic on carriageway	100
23.	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres on carriageway	100
24.	3.2(1)(d)	Parking closer than 1 metre from another vehicle on carriageway	100
25.	3.2(1)(e)	Causing obstruction on carriageway	100

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified Penalty (\$)</b>
26.	3.3(b)	Failure to park at approximate right angle on carriageway	80
27.	3.4(2)	Failure to park at an appropriate angle in angle parking area	80
28.	3.5(3)(a) and 6.2(1)	Double parking	100
29.	3.5(3)(b)	Parking on or adjacent to a median strip	80
30.	3.5(3)(c)	Obstructing access to private drive or right of way	100
31.	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
32.	3.5(3)(e)	Parking within 10 metres of traffic island	90
33.	3.5(3)(f)	Parking on footpath/pedestrian crossing	100
34.	3.5(3)(g)	Parking less than 3m clear of continuous line markings	90
35.	3.5(3)(h)	Parking on intersection	90
36.	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	100
37.	3.5(3)(j)	Parking within 3 metres of public letter box	90
38.	3.5(3)(k)	Parking within 10 metres of intersection	90
39.	3.5(3)(l)	Parking of a vehicle in a cul-de-sac so as to obstruct turning of vehicles within the cul-de-sac	80
40.	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
41.	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
42.	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
43.	3.6	Parking contrary to direction of authorised person	100
44.	3.7(2)	Removing mark of authorised person	100
45.	3.8	Parking vehicle to avoid time limitation	80
46.	3.9(a)	Parking in thoroughfare for purpose of sale	80
47.	3.9(b)	Parking unlicensed vehicle in thoroughfare	80
48.	3.9(c)	Parking a trailer/caravan on a thoroughfare	80
49.	3.9(d)	Parking in thoroughfare for purpose of repairs	80
50.	3.10(2)	Parking on private land without consent	100
51.	3.10(3)	Parking on land not in accordance with consent	80
52.	3.11	Driving or parking on reserve	80
53.	4.1(1)	Stopping contrary to a 'no stopping' sign	80

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified Penalty (\$)</b>
54.	4.1(2)	Parking contrary to a 'no parking' sign	80
55.	4.1(4)	Stopping within continuous yellow lines	80
56.	4.2(3)	Parking or stopping a vehicle in an area set aside for parking of vehicles by persons authorised by the local government without permit displayed	80
57.	5.1	Stopping unlawfully in a loading zone	80
58.	5.2	Stopping unlawfully in a taxi zone or bus zone	80
59.	5.3	Stopping unlawfully in a mail zone	80
60.	5.4	Stopping in a zone contrary to a sign	80
61.	6.1	Stopping unlawfully in a shared zone	100
62.	6.3	Stopping near an obstruction on carriageway	90
63.	6.4	Stopping unlawfully on a bridge or in tunnel	80
64.	6.5	Stopping unlawfully on crests/curves etc.	100
65.	6.6	Stopping near fire hydrant	100
66.	6.7(1)	Stopping near bus stop	90
67.	6.8	Stopping on path, median strip or traffic island	80
68.	6.9(1)	Stopping on verge	80
69.	6.10	Obstructing path or driveway	100
70.	6.11	Stopping unlawfully near letter box	80
71.	6.12(1)	Stopping heavy or long vehicles unlawfully on carriageway	100
72.	6.13	Stopping in bicycle parking area	80
73.	6.14	Stopping in motorcycle parking area	80
74.	7.6	Leaving vehicle so as to obstruct a public place	100
75.	7.7	Impersonating an authorised person	80
76.	7.8	Obstructing or hindering an authorised person in the execution of his or her duties	80
77.	8.1	All other offences not specified	80

Dated: 2 October 2019.

The Common Seal of the City of Kalamunda was affixed in the presence of ——

JOHN GIARDINA  
Mayor.

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RHONDA HARDY  
Chief Executive Officer.

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