

**CITY OF KARRATHA**

**PARKING AND PARKING FACILITIES LOCAL  
LAW 2019**

***LOCAL GOVERNMENT ACT 1995***

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## **PARKING AND PARKING FACILITIES LOCAL LAW 2019**

## **LOCAL GOVERNMENT ACT 1995**

## **CITY OF KARRATHA**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it,

the Council of the City of Karratha resolved on [insert date] to make the following local law.

## PART 1 – PRELIMINARY

### 1.1 Citation

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

### 1.2 Commencement

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

### 1.3 Repeal

The *Shire of Roebourne Parking and Parking Facilities Local Law 2010* published in the *Government Gazette* on 30 July 2010 and as amended on 15 April 2011 are repealed.

### 1.4 Application

- (1) Subject to subclause (2), this local law applies to the parking region as described in Schedule 1.
- (2) The local government may enter into an agreement in writing with the owner or occupier of a parking facility or a parking station that is not owned or occupied by the local government for the application of this local law to the facility or station.
- (3) The agreement referred to in subclause (2) may be made in such terms and conditions as the parties may agree.
- (4) 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.
- ~~(5) Where a parking facility or a parking station is identified in a register maintained by the local government, the facility or station shall be deemed to be a facility or station to which this local law applies.~~
- ~~(6)~~(5) The provisions of Parts 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

### 1.5 Interpretation

In this local law unless the context otherwise requires –

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

**Australian Standard** means an Australian Standard published by Standards Australia and as amended from time to time;

**Australian Standard 1742.11 – 2016** specifies the signs and pavement markings to be used for indicating areas of a road - (a) available or reserved for parking;(b) where parking is restricted or prohibited; and(c) where stopping is restricted or prohibited; on a part-time or full-time basis by means of either linear or area parking control

**authorised person** means a person appointed 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;

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

**bus** has the meaning given to it by the Code;

**bus embayment** has the meaning given to it by the Code;

**bus stop** has the meaning given to it by the Code;

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

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

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

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

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

**children's crossing** has the meaning given to it by the Code;

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

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

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

**cul-de-sac** means a carriageway closed at one end that has the same entry and exit point;

**disability parking permit** means a current document issued by the National Disability Service (ACN 008 445 485), consisting of —

- (a) an Australian Disability Parking Permit; and
- (b) an ACROD Parking Program Card;

**display** means to place in a prominent place inside the vehicle on the front passenger's side, preferably on the dashboard, in order that the text may readily be seen and read from outside the vehicle;

***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;

***fire hydrant*** means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency;

***footpath*** has the meaning given to it by the Code;

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

***kerb*** means any structure, mark, marking, or device to delineate or indicate the edge of a carriageway;

***laneway*** means a narrow carriageway generally situated at the rear of a lot, the purpose of which is to service the lots adjacent to it and not as a general thoroughfare for through traffic;

***Loading Zone*** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;

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

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

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

***motorcycle*** has the meaning given to it by the Code;

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

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

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

***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;

***obstruct*** means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and obstruction shall have the corresponding meaning;

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

***owner***

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

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

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

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

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

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

***parking region*** means the area described in Schedule 1;

***parking stall*** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

***parking station*** means any land, or structure provided for the purpose of accommodating vehicles;

***pedestrian crossing*** has the meaning given to it by the Code;

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

***reserve*** means any land:

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

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

***Schedule*** means a Schedule to this local law;

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

***sign*** includes a traffic sign, inscription, road marking, mark, structure or device 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;

***Standards Australia*** means Standards Australia Limited ACN 087 326 690;

**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, but is not limited to, any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking;

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

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

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

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

**trailer** means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

**vehicle** has the meaning given to it by the Code; 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.
- (3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.

## **1.7 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.

## **1.8 Part of thoroughfares to which signs 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.

## **1.9 Powers of the Local Government**

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

## **PART 2 – SIGNS**

### **2.1 Erection of signs**

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

### **2.2 Compliance with signs**

- (1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.
- (2) 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.

### **2.3 Unauthorised signs and defacing of signs**

A person shall not without the approval of the local government –

- (a) display, 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.

### **2.4 General provisions about signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.
- (3) ~~For the purpose of this local law, the local government may use (Australian Standard 1742.11-2016), as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of (Australian Standard 1742.11-2016) as it sees fit.~~

### **2.5 Application of this local law to pre-existing signs**

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.

## **2.6 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
- (c) is on that side of the thoroughfare nearest to the sign.

## **PART 3 - PARKING STALLS AND PARKING STATIONS**

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

- (1) The local government may by resolution constitute, determine and vary –
  - (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) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

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

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than –
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

### 3.3 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 persons with a disability) for twice the length of time allowed, provided that –
  - (b) the driver's vehicle displays a disability parking permit; and
  - (c) a person with a disability to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

## PART 4 - PARKING GENERALLY

### 4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (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) by exceeding the length of time specified by a sign.
- (2)
  - (a) In subclause (2)(b) **driver** means a driver where –
    - (i) the driver's vehicle displays a disability parking permit; and
    - (ii) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle-
  - (a) in a no parking area;
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
  - (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

#### **4.2 Stopping in a parking area for people with disabilities**

- (1) In this clause, unless the contrary intention appears –
 

**authorised vehicle** means a vehicle –

  - (a) used by the holder of a disability parking permit; and
  - (b) identified in accordance with regulation 6 of the *Local Government (Parking for People with Disabilities) Regulations 2014*;

**disability parking permit** means a current document issued by the National Disability Service (ACN 008 445 485), consisting of –

  - (a) an Australian Disability Parking Permit; and
  - (b) an ACROD Parking Program Card;
- (2) A vehicle shall not stop in a parking area for people with disabilities unless –
  - (a) the vehicle displays an ACROD Program Card; and
  - (b) either the driver or a passenger of that vehicle possess a current Australian Disability Parking Permit.
- (3) In this clause, a parking area for people with disabilities is a parking stall—
  - (a) to which a parking control sign of the kind referred to in regulation 3 paragraphs (i) and (k) of the definition of that term in the Road Traffic Code 2000 applies; and
  - (b) a people with disabilities symbol (as depicted in the Road Traffic Code 2000 regulation 171(2)), clearly marked on the ground within the limits of the permit parking.

#### **4.3 Parking vehicle on a carriageway**

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

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;
- (e) in a cul-de-sac so as not to obstruct the turning of vehicles within the cul-de-sac;
- (f) in a laneway so as to not obstruct any vehicle on the carriageway; and
- (g) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a sign or markings on the carriageway.

(2) In this clause, 'continuous dividing line' means –

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

#### **4.4 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.

#### **4.5 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 3 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.

#### **4.6 General prohibitions on parking**

- (1)
  - (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
  - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is –
  - (a) between any other stationary vehicles and the centre of the carriageway;
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (f) on, over or across any footpath or pedestrian crossing;
  - (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
  - (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,  
  
unless a sign or markings on the carriageway indicate otherwise.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
  - (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children’s crossing or pedestrian crossing.

- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of –
- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children’s crossing or pedestrian crossing.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### **4.7 Authorised person may order vehicle on thoroughfare to be moved**

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

#### **4.8 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.

#### **4.9 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 2 hours.

#### **4.10 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.

#### **4.11 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 Schedule 3.
- (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.

#### **4.12 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.

#### **4.13 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 5 – PARKING AND STOPPING GENERALLY**

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

~~(1) No stopping~~

(1) A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

~~(2) No parking~~

(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.

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



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

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

## **PART 6 – STOPPING IN ZONES FOR PARTICULAR VEHICLES**

### **6.1 Stopping in a loading zone**

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

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

(b) a motor vehicle 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).

### **6.2 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.

### **6.3 Stopping in a mail zone**

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

### **6.4 Other limitations in zones**

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

## **PART 7 – OTHER PLACES WHERE STOPPING IS RESTRICTED**

### **7.1 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.

## **7.2 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.

## **7.3 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.

## **7.4 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.

## **7.5 Stopping on crests, curves, etc.**

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

## **7.6 Stopping near a fire hydrant etc**

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is 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, 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.

#### **7.7 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 control 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.

#### **7.8 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 sign applies and the driver is permitted to stop at that place by the sign.

#### **7.9 Stopping on verge**

- (1) A person shall not –
- (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

#### **7.10 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.

#### **7.11 Stopping near a letter box**

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

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

#### **7.12 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 1 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.
  - (c) on a thoroughfare in a residential area between the hours of 6.00pm and 6.00am the following day; unless an approval has been issued in accordance with the *Planning and Development Act 2005*.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

#### **7.13 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.

#### **7.14 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 8 – MISCELLANEOUS**

### **8.1 Removal of notices on vehicle**

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

### **8.2 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.

### **8.3 Signs must be complied with**

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

### **8.4 General provisions about signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### **8.5 Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this local law, the driver of –

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

### **8.6 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.
- (3) A vehicle found to be in contravention of subclause (2) may be impounded by an authorised officer.

- (4) The impounding of vehicles and other goods under subclause (3) shall be carried out in accordance with sections 3.37 and 3.48 of the Act and Regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

**8.7 Hindrance of authorised person**

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

**8.8 Causing or attempting to cause damage to Council property**

A person shall not cause or attempt to cause damage to the property of the local government in any way.

**PART 9 - PENALTIES**

**9.1 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 \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

**9.2 Form of notices**

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 *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

## **Schedule 1 – Parking region**

### **[cl.4.1(1)]**

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

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road 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**

[cl.9.1(4)]

Local Government Act 1995

City of Karratha Parking and Parking Facilities Local Law 2019

### **Offences and Modified Penalties**

<b>Item No.</b>	<b>Clause No.</b>	<b>Description of Offence</b>	<b>Modified Penalty \$</b>
1	2.3(a),(b) or (c)	Unauthorised signs and defacing signs	200
2	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	80
3	3.2(1)(b)	Failure to park wholly within parking stall	80
4	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	80
5	3.2(4)	Failure to park wholly within parking area	80
6	3.3(1)(a)	Causing obstruction in parking station	80
7	3.3(1)(b)	Parking contrary to sign in parking station	80
8	3.3(1)(c)	Parking contrary to directions of authorised person	100
9	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	85
10	4.1(1)(a)	Parking by vehicles of a different class	85
11	4.1(1)(b)	Parking by persons of a different class	85
12	4.1(1)(c)	Parking during a prohibited period	85
13	4.1(1)(d)	Exceeding the length of time specified by a sign	85
14	4.1(3)(a)	Parking in no parking area	85
15	4.1(3)(b)	Parking contrary to signs or limitations	80
16	4.1(3)(c)	Parking vehicle in motor cycle only area	80
17	4.1(4)	Parking motor cycle in stall not marked “M/C”	80

<u>Item No.</u>	<u>Clause No.</u>	<u>Description of offence</u>	<u>Modified Penalty</u> \$
18	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	100
19	4.2(2)(a)	Stopping a vehicle in a parking area for people with disabilities without the vehicle displaying a disability parking permit.	500
20	4.2(2)(b)	Stopping a vehicle in a parking area for people with disabilities when neither the driver nor a passenger of that vehicle is a person with a current Australian Disability Parking Permit.	500
21	4.3(1)(a)	Failure to park on the left of a two-way carriageway	100
22	4.3(1)(b)	Failure to park adjacent to the boundary of carriageway	100
23	4.3(1)(a) or 4.3(1)(b)	Parking contrary to direction of traffic on carriageway	100
24	4.3(1)(c)	Parking when distance from farther boundary less than 3 metres	100
25	4.3(1)(d)	Parking closer than 1 metre from another vehicle	80
26	4.3(1)(e)	Parking in a cul-de-sac so as to obstruct the turning of a vehicle within the cul-de-sac	100
27	4.3(1)(f)	Parking in a laneway	100
28	4.3(1)(g)	Causing obstruction on carriageway	100
29	4.4(a)	Failure to park parallel	80
30	4.4(b)	Failure to park at approximate right angle	80
31	4.5(2)	Failure to park at an appropriate angle	80
32	4.6(2)(a)	Parking between any other stationary vehicle or vehicles and the centre of the carriageway (double parking)	125
33	4.6(2)(b)	Parking on or adjacent to a median strip	100
34	4.6(2)(c)	Denying access to private drive or right of way	100
35	4.6(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
36	4.6(2)(e)	Parking within 10 metres of traffic island	100
37	4.6(2)(f)	Parking on or over footpath/pedestrian crossing	100
38	4.6(2)(g)	Parking contrary to continuous line markings	100
39	4.6(2)(h)	Parking on intersection	100
40	4.6(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
41	4.6(2)(j)	Parking within 3 metres of public letter box	100
42	4.6(2)(k)	Parking within 10 metres of intersection	100
43	4.6(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
44	4.6(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
45	4.7	Parking contrary to direction of authorised person	150
46	4.8(2)	Removing or interfering with a lawful mark on a tyre	125
47	4.9(1) or (2)	Moving vehicle to avoid time limitation	100
48	4.10(a)	Parking in thoroughfare for purpose of sale	125
49	4.10(b)	Parking unlicensed vehicle in thoroughfare	100
50	4.10(c)	Parking an unattached trailer/caravan on a thoroughfare	100
51	4.10(d)	Parking in thoroughfare for purpose of repairs	125
52	4.11	Parking on land not in accordance with consent	125
53	4.12	Driving or parking on reserve	250



<b>Item No.</b>	<b>Clause No.</b>	<b>Description of offence</b>	<b>Modified Penalty \$</b>
54	5.1(1)	Stopping contrary to a “no stopping” sign	100
55	5.1(2)	Parking contrary to a “no parking” sign	100
56	5.1(3)	Stopping within continuous yellow lines	100
57	6.1	Stopping unlawfully in a loading zone	100
58	6.2	Stopping unlawfully in a taxi zone or bus zone	100
59	6.3	Stopping unlawfully in a mail zone	80
60	6.4	Stopping in a zone contrary to a sign	80
61	7.1	Stopping in a shared zone	80
62	7.2(1)	Double parking	125
63	7.3	Stopping near an obstruction	125
64	7.4	Stopping on a bridge or tunnel	100
65	7.5	Stopping on crests/curves etc	100
66	7.6	Stopping near fire hydrant	100
67	7.7(1)	Stopping near bus stop	100
68	7.8	Stopping on path, median strip or traffic island	100
69	7.9	Stopping on a verge	100
70	7.10	Obstructing path, a driveway etc	100
71	7.11	Stopping near letter box	80
72	7.12	Stopping a commercial vehicle on a thoroughfare without or in contravention of a permit	85
73	8.1	Removal of notices from vehicle	100
74	8.6	Leaving vehicle so as to obstruct a public place	200
75	8.7	Hindrance of authorised person	200
76	8.8	Causing damage to local government property	500
77		All other offences not specified	80

### Schedule 3 – Deemed parking stations

[4.11(1)(e)]

### Parking Station Location

Number 1, Airport Lot 15, Bayly Avenue, Gap Ridge  
 Number 2, Centro Lot 50, Welcome Road, Karratha  
 Number 3, TAFE Lot 2598, Dampier Road, Stove Hill  
 Number 4, TAFE Lot 2899, Dampier Road, Stove Hill

Dated. ....20\_\_

The Common Seal of the }  
[insert name of local government] } was  
affixed by authority of a }  
resolution of the Council in the }  
presence of: }

**Mayor**

**Chief Executive Officer**



