LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

PARKING AND PARKING FACILITIES LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

PARKING AND PARKING FACILITIES LOCAL LAW 2016

Under the power conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 15 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Parking and Parking Facilities Local Law 2016*.

1.2 Commencement

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

1.3 Repeal

The *Parking and Parking Facilities Local Law 2002* published in the *Government Gazette* on 21 March 2003 is repealed.

1.4 Interpretation

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

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;

built-up area 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 has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

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

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

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

disability parking permit 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;

district means the district of the local government;

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

edge line has the meaning given to it by the Code;

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") means the maximum weight that a vehicle can carry including its own weight;

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

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

local government means the Shire of Dumbleyung;

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

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

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

motor vehicle has the meaning given to it by the Code;

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 licenced under the *Road Traffic Act*, means the person in whose name the vehicle has been registered under the *Road Traffic Act*; and

(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 has the meaning given to it by the Code;

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

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

parking region means the area described in Schedule 1;

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

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

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

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

reserve means any land—

(a) which belongs to the local government;

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

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

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

Schedule means a Schedule to this local law;

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

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop has the meaning given to it by the Code;

symbol means any symbol specified in the standard published by the Standards Association of Australia as AS 1742.11:1999 called Manual of uniform traffic control devices—Parking controls, as amended from time to time, and any reference to the wording of any sign in this local law shall also be deemed to include a reference to the corresponding symbol;

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 has the meaning given to it by the Code;

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.

1.5 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.

1.6 Application and pre-existing signs

(1) Subject to subclause (2), this local law applies to the parking region.

(2) This local law does not apply to a parking facility or parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

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

(5) A sign that—

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

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

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

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

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) motor cycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.8 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.

1.9 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—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—

(a) parking stalls;

(b) parking stations;

(c) permitted time and conditions of parking in parking stalls, and parking stations which may vary within 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.

2.2 Vehicles to be within parking stalls 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 accessway 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 motor cycle 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 disability parking area) for twice the length of time allowed, provided that—

(a) the driver's vehicle displays a disability parking permit; and

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

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

(a) if by a sign it is set apart for the parking of vehicles of a different class;

(b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or

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

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

(i) the driver's vehicle displays a disability parking permit; and

(ii) a 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 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 disability 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 motor cycle 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 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 motor cycle without a trailer, or a bicycle parked in accordance with this local law; and

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

unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, ***continuous dividing line*** means—

(a) a single continuous dividing line only;

(b) a single continuous dividing line to the left or right of a broken dividing line; or

(c) 2 parallel continuous dividing lines.

3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking", or with an equivalent symbol depicting this purpose, then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

(a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and

(b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.4 When angle parking applies

(1) This clause does not apply to—

(a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 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.

3.5 General prohibitions on parking

(1) (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(2) Subject to any law relating to intersections 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 any footpath or pedestrian crossing;

(g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 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 interesting 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 public letter 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 other 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; 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 either the approach side or the departure side of the nearest rail of a railway level crossing.

3.6 Authorised person may order vehicle on thoroughfare to be moved

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

3.7 Authorised person may mark tyres

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

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

(d) which is the subject of an agreement referred to in clause 1.5(2); or

(e) which is identified in a Schedule to this local law.

(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—

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

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

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

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

(b) a motor vehicle 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.

5.4 Other limitations in zones

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

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 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 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 a 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.

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 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.

unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is over 3 metres form the closest point of the vehicle.

6.7 Stopping at or near a bust stop

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach 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.

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

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

6.9 Stopping on verge

(1) A person shall not—

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

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

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

so that any portion of it is on a verge.

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

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

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

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

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

(b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under 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 letterbox

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letterbox, 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.

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 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.

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

6.13 Stopping on a carriageway with a bicycle parking sign

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

6.14 Stopping on a carriageway with motor cycle parking sign

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

(a) the vehicle is a motor cycle; or

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

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 agent.

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 3 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 unauthorised under any written law.

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

PART 8—PENALTIES

8.1 Offences and penalties

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

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

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding $1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $100 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

For the purpose of this local law—

(a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;

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

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

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

Schedule 1

PARKING REGION

[Cl 1.4]

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 8.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty $
1	2.2	Failure to park wholly within parking stall	40
2	2.2(4)	Failure to park wholly within parking area	40
3	2.3(1)(a)	Causing obstruction in parking station	50
4	2.3(1)(b)	Parking contrary to sign in parking station	50
5	2.3(1)(c)	Parking contrary to directions of authorised person	50
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
7	3.1(1)(a)	Parking wrong class of vehicle	40
8	3.1(1)(b)	Parking by persons of a different class	45
9	3.1(1)(c)	Parking during prohibited period	45
10	3.1(3)(a)	Parking in a no parking area	50
11	3.1(3)(b)	Parking contrary to signs or limitations	40
12	3.1(3)(c)	Parking vehicle in motor cycle area only	40
13	3.1(4)	Parking motor cycle in stall not marked "M/C"	40
14	3.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	45
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	40

Item No.	Clause No.	Nature of Offence	Modified Penalty $
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	40
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	45
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	40
20	3.2(1)(e)	Causing obstruction on a carriageway	50
21	3.3(b)	Failure to park at approximate right angle	40
22	3.4(2)	Failure to park at an appropriate angle	40
23	3.5(2)(a) and 6.2	Double parking	45
24	3.5(2)(b)	Parking on or adjacent to a median strip	40
25	3.5(2)(c)	Denying access to private drive or right of way	45
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	50
27	3.5(2)(e)	Parking within 10 metres of traffic island	45
28	3.5(2)(f)	Parking on footpath or pedestrian crossing	50
29	3.5(2)(g)	Parking contrary to continuous line markings	45
30	3.5(2)(h)	Parking on intersection	45
31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	50
32	3.5(2)(j)	Parking within 3 metres of public letterbox	45
33	3.5(2)(k)	Parking within 10 metres of intersection	45
34	3.5(3)(a) or 3.5(3)(b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
35	3.5(4)(a) or 3.5(4)(b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
37	3.6	Parking contrary to direction of authorised person	50
38	3.7(2)	Removing mark of authorised person	55
39	3.8	Moving vehicle to avoid time limitation	40
40	3.9(a)	Parking in thoroughfare for purpose of sale	40
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	40
42	3.9(c)	Parking a trailer or caravan on a thoroughfare	40
43	3.9(d)	Parking in thoroughfare for purpose of repairs	40
44	3.10(1) or 3.10(2)	Parking on land that is not a parking facility without consent	55
45	3.10(3)	Parking on land not in accordance with consent	40
46	3.11	Driving or parking on reserve	40
47	4.1(1)	Stopping contrary to a "no stopping" sign	40
48	4.1(2)	Parking contrary to a "no stopping" sign	40
49	4.1(3)	Stopping within continuous yellow lines	40
50	5.1	Stopping unlawfully in a loading zone	40
51	5.2	Stopping unlawfully in a taxi zone or bus zone	40
52	5.3	Stopping unlawfully in a mail zone	40
53	5.4	Stopping in a zone contrary to a sign	40
54	6.1	Stopping in a shared zone	40
55	6.3	Stopping near an obstruction	45
56	6.4	Stopping on a bridge or tunnel	40
57	6.5	Stopping on crests, curves, etc	55
58	6.6	Stopping near fire hydrant or fire plug	55
59	6.7	Stopping near bus stop	45
60	6.8	Stopping on path, median strip or traffic island	40
61	6.9	Stopping on verge	40
62	6.10	Obstructing path, driveway etc	40

Item No.	Clause No.	Nature of Offence	Modified Penalty $
63	6.11	Stopping near letterbox	40
64	6.12	Stopping heavy or long vehicles on carriageway	45
65	6.13	Stopping in bicycle parking area	40
66	6.14	Stopping in motor cycle parking area	40
67	7.6	Leaving vehicle so as to obstruct a public place	50
68		All other offences not specified	35

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Schedule 3

FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

[Cl 8.2(a)]

Shire of Dumbleyung Parking and Parking Facilities Local Law 2016

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) ..... your vehicle—

make: ..... ;

model: ..... ;

registration: ..... ,

was involved in the commission of the following offence—.....

.....

.....

.....

.....

contrary to clause ..... of the *Shire of Dumbleyung Parking and Parking Facilities Local Law 2016*.

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

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

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

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

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

or

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

(5) .....

(6) .....

Insert—

(1) Name of owner of 'the owner'

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

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice

LOCAL GOVERNMENT ACT 1995

FORM 2

[Cl 8.2(b)]

Shire of Dumbleyung Parking and Parking Facilities Local Law 2016

INFRINGEMENT NOTICE

Serial No .....

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

To: (1) .....

of: (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) .....

in respect of vehicle—

make: .....;

model: .....;

registration: .....,

you committed the following offence—

.....

.....

.....

contrary to clause ..... of the *Shire of Dumbleyung Parking and Parking Facilities Local Law 2016*.

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

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

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

(6) .....

(7) .....

Insert—

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

(2) Address of alleged offender

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(7) Name and title of authorised person giving notice

_____

LOCAL GOVERNMENT ACT 1995

FORM 3

[Cl 8.2(c)]

Shire of Dumbleyung Parking and Parking Facilities Local Law 2016

INFRINGEMENT NOTICE

Serial No .....

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

To: (1) .....

of (2) .....

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) .....

in respect of vehicle—

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence—

.....

.....

.....

contrary to clause ..... of the *Shire of Dumbleyung Parking and Parking Facilities Local Law 2016*.

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

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

Unless within 28 days after being served with this notice—

(a) you pay the modified penalty; or

(b) you—

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

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

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

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

(6) .....

(7) .....

Insert—

(1) Name of owner or 'the owner'

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

(3) Time of alleged offence

(4) Location of alleged offence

(5) Place where modified penalty may be paid

(6) Signature of authorised person

(7) Name and title of authorised person giving notice

_____

LOCAL GOVERNMENT ACT 1995

FORM 4

[Cl 8.2(d)]

Shire of Dumbleyung Parking and Parking Facilities Local Law 2016

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No .....

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

To: (1) .....

of: (2) .....

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

in respect of vehicle—

make: .....;

model: .....;

registration: ..... ,

for the alleged offence of

.....

.....

.....

has been withdrawn.

The modified penalty of $ .....

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

(3) .....

(4) .....

Insert—

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

(2) Address of alleged offender

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated 15 December 2016.

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of the Council in the presence of—

GORDON DAVIDSON, President.

MATTHEW GILFELLON, Chief Executive Officer.