

LOCAL GOVERNMENT ACT 1995

Shire of York

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of York resolved on 18 February 2013 to make the following local law.

1. Citation

This local law is cited as the *Shire of York Parking and Parking Facilities Amendment Local Law 2013*.

2. Commencement

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

3. Principal Local Law

In this local law, the *Shire of York Parking and Parking Facilities Local Law* published in the *Government Gazette* on 22 February 2000 is referred to as the principal local law. The principal local law is amended.

4. Various amendments to terminology

(1) Delete “stall” where it appears in this local law and substitute—
bay

(2) Delete “stalls” where it appears in this local law and substitute—
bays

5. Part 1 Clause 1.3 amended

(1) Delete the definitions “bicycle”, “carriageway”, “centre”, “footpath”, “motorcycle”, “no parking area”, “parking area”, “parking region”, “pedestrian crossing”, “special purpose vehicle” and “vehicle”, and insert the following in the appropriate alphabetical order—

“bicycle” has the meaning given to it in the Code;

“carriageway” has the meaning given to it in the Code;

“centre” has the meaning given to it in the Code;

“footpath” has the meaning given to it in the Code;

“motorcycle” has the meaning given to it in the Code;

“no parking area” has the meaning given to it in 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 in the Code;

“no stopping sign” means a sign with words ‘no stopping’ 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;

“parking area” has the meaning given to it in the Code;

“parking region” means the area described in Schedule 1;

“right of way” means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

“special purpose vehicle” has the meaning given to it in the Code;

“vehicle” has the meaning given to it in the Code.

(2) Amend the definition “Code” by deleting “1975” and substituting—
2000

(3) Amend the definition “symbol” by deleting “1989” and substituting—
1999

6. Part 1 Clause 1.4 amended

(1) In subclause (2) delete—
(a) “or a parking station”; and
(b) “or station”.

(2) Delete subclause (4).

7. Part 2 Heading amended

Delete “AND PARKING STATIONS”.

8. Part 2 Clause 2.1 amended

(1) Insert before the word “The”, the number “(1)”.

- (2) Delete “and also indicate by signs”.
- (3) Delete paragraph (b).
- (4) In paragraph (c) delete “and parking stations”.
- (5) In paragraph (d) delete “and parking stations”.
- (6) In paragraph (e) delete “or parking stations”.
- (7) In paragraph (f) delete “and parking stations”.
- (8) After paragraph (f) insert—
 - (2) Where the local government makes a determination under subsection (1), it shall erect signs to give effect to the determination.

9. Part 2 Clause 2.3 deleted

Delete clause 2.3.

10. Part 2 Clause 2.4 amended

- (1) Delete subclause (1) and substitute—

A person shall not park or attempt to park a vehicle in a parking bay stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked “M/C”, if the bicycle is parked in accordance with subclause (2).

- (2) After subclause (2)(b) insert—

(3) A driver may park a vehicle in a permissive parking bay (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) The driver's vehicle displays an ACROD sticker; and
- (b) A person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

11. Part 3 Clause 3.2 amended

- (1) Subclause (1) is amended by deleting the words “, or part of a parking station”;
- (2) Delete subclause (3) and renumber remaining subclauses.

12. Part 3 Clause 3.3 amended

Delete “A person” and substitute—

Unless otherwise permitted by a sign, a person

13. Part 3 Clause 3.7 amended

- (1) In subclause (2) delete “A person” and substitute—

Subject to any law relating to intersections with traffic control signals a person

- (2) In paragraph (e) of subclause (2), delete “9” and substitute “10”.
- (3) In paragraph (g) of subclause (2) delete “or other elevated structure or within a tunnel or underpass”.
- (4) In paragraph (j) of subclause (2), after the semicolon insert—

or
- (5) Delete paragraph (k) of subclause (2).
- (6) Redesignate paragraph “(l)” to “(k)”.
- (7) Delete subclause (3), and substitute—
 - (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 children's crossing.
- (8) Delete subclause (4) and substitute—
 - (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 children's crossing.
- (9) In the appropriate numerical order insert—
 - (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side or departure side of the nearest rail of a railway level crossing.

14. Part 3 Clause 3.9 amended

- (1) In the title of the clause, delete “2,000” and substitute—

5,000
- (2) In the first line of the clause, delete “2,000” and substitute—

5,000

15. Part 3 Clause 3.15 amended

- (1) In subclause (1)(c) delete “or”.
- (2) In subclause (1)(d) delete “; or” and substitute—

(3) Delete paragraph (e) of subclause (1).

16. Part 3 Clause 3.16 amended

Delete the title of clause 3.16 and substitute—

3.16 Driving or parking on reserves

17. New Part 4 inserted

Insert a new Part 4 as follows—

PART 4—STOPPING GENERALLY

4.1 No Stopping

A driver shall not stop on a part of a carriageway, or in an area—

- (a) to which a ‘no stopping’ sign applies; or
- (b) during the times a sign specifies a ‘no stopping’ restriction is in operation.

4.2 No Parking

(1) 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.

(2) For the purposes of subclause (1)—“unattended”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

4.3 Stopping in a parking bay for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver’s vehicle displays an ACROD sticker; or
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause a ‘parking area for people with disabilities’ is a length or area—

- (a) to which a ‘permissive parking’ sign displaying a “people with disabilities” symbol applies;
- (b) to which a ‘people with disabilities parking’ sign applies;
- (c) indicated by a road marking that consists of, or includes, a “people with disabilities” symbol; or
- (d) set aside within a parking region as a ‘parking bay for use of a disabled person’ under the *Local Government (Parking for Disabled Persons) Regulations 1988*.”.

18. Part 5 Clause 5.1 amended

(1) In subclause (3) delete—

- (a) “\$1,000” and substitute—
\$5,000

- (b) delete the number “\$100” and substitute—
\$500

(2) In subclause (4) delete “Second Schedule” and substitute—

Schedule 2

19. Part 5 Clause 5.2 deleted

Delete clause 5.2.

20. Part 5 Clause 5.3 amended

Delete “Third Schedule” where it appears in this clause and substitute—

Schedule 3

21. First Schedule amended

Delete the First Schedule and substitute—

Schedule 1—Parking Region

The parking region is the area of the Shire of York enclosed by the following roads—

- | | |
|--|--------------------|
| 1. Macartney Street | 6. Monger Street |
| 2. Howick Street | 7. South Street |
| 3. Railway line (between Henrietta and Christie Streets) | 8. Lowe Street |
| 4. Henrietta Street | 9. Christie Street |

5. Thorn Street
and includes both sides of the above named roads within that area, but excludes the following portions of the district—

10. Neville Street
- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

22. Second Schedule amended

Delete the Second Schedule and substitute the following—

Schedule 2—Prescribed Offences
Prescribed Offences

[cl. 6.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2(1)(b)	Failure to park wholly within parking bay	60
2	3.2(1)(a)	Parking wrong class of vehicle	100
3	3.2(1)(b)	Parking by persons of a different class	100
4	3.2(1)(c)	Parking during prohibited period	100
5	3.2(2)(a)	Parking in no parking area	80
6	3.2(2)(b)	Parking contrary to signs or limitations	60
7	3.2(2)(c)	Parking vehicle in motor cycle only area	60
8	3.2(3)	Parking without permission in an area designated for 'Authorised Vehicles Only'	65
9	3.3(a)	Failure to park on the left of two-way carriageway	80
10	3.3(b)	Failure to park on boundary of one-way carriageway	60
11	3.3(a) and 3.3(b)	Parking against the flow of traffic	80
12	3.3(c)	Parking when distance from farther boundary less than 3 metres	60
13	3.3(e)	Causing obstruction	125
14	3.5(a) or (b)	Failure to park at approximate right angle or parallel to carriageway	60
15	3.6(2)	Failure to park at an appropriate angle	60
16	3.7(2)(a)	Double parking	125
17	3.7(2)(b)	Parking on or adjacent to a median strip	80
18	3.7(2)(c)	Denying access to private drive or right of way	125
19	3.7(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
20	3.7(2)(e)	Parking within 10 metres of traffic island	60
21	3.7(2)(f)	Parking on footpath/pedestrian crossing	150
22	3.7(2)(h)	Parking contrary to continuous line markings	60
23	3.7(2)(i)	Parking on intersection	150
24	3.7(2)(j)	Parking within 1 metre of fire hydrant or fire plug	80
25	3.7(2)(k)	Parking within 6 metres of intersection	60
26	3.7(3)	Parking vehicle within 10 metres of departure side of a children's crossing	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
27	3.7(4)	Parking vehicle within 20 metres of approach side of a children's crossing	60
28	3.7(5)	Parking vehicle within 20 metres of the approach side or departure side of a railway level crossing	60
29	3.8(1)(b)	Parking commercial vehicle, bus or caravan on verge	60
30	3.8(1)(c)	Parking on verge contrary to sign	60
31	3.9	Parking vehicle with tare of over 5,000kgs for over 2 hours	100
32	3.10	Parking over length vehicle in excess of 2 hours	100
33	3.11	Parking contrary to direction of Authorized Person	60
34	3.14(c)	Parking a trailer/caravan on a thoroughfare	100
35	3.15(2)	Parking on land that is not a parking facility without consent	125
36	3.15(3)	Parking on land not in accordance with consent	125
37	3.16	Driving or parking on reserve	125
38	4.1	Stopping contrary to a 'no stopping' sign	125
39	4.2	Parking contrary to a 'no parking' sign	85
40	4.3(1)	Stopping in disabled parking area	120
41	5.6	Leaving vehicle so as to obstruct a public place	80
42		All other offences not specified	80

23. Third Schedule Form 1 amended

Delete title and substitute—

**Schedule 3—Form 1
Notice to Owner of Vehicle Involved in Offence**

24. Third Schedule Form 2 amended

Delete title and substitute—

**Schedule 3—Form 2
Infringement Notice**

25. Third Schedule Form 3 amended

Delete title and substitute—

**Schedule 3—Form 3
Infringement Notice**

26. Third Schedule Form 4 amended

Delete title and substitute—

**Schedule 3—Form 4
Withdrawal of Infringement Notice**

27. Fourth Schedule deleted

Delete the Fourth Schedule.

28. Redesignation of clauses

- (1) In clause 1.4, redesignate subclauses “(5)” and “(6)” to “(4)” and “(5)” respectively.
- (2) In clause 2.1(1), redesignate paragraphs “(c)” through to “(f)” to “(b)” through to “(e)”.
- (3) Redesignate clause “2.4” to “2.3”.
- (4) In the Part 4 title, delete “4” and substitute—
5
- (5) Redesignate “4.1” through to “4.6” to “5.1” through to “5.6”.
- (6) In the Part 5 title delete “5” and substitute—
6

- (7) Redesignate clause “5.1” to “6.1”.
- (8) Redesignate clause “5.3” to “6.2”.

29. Table of Contents amended

- (1) Delete item 2.3.
- (2) Renumber item “2.4” to “2.3”.
- (3) Insert a new Part 4 as follows—
 - PART 4—STOPPING GENERALLY**
 - 4.1 No Stopping
 - 4.2 No Parking
 - 4.3 Stopping in a parking bay for people with disabilities
- (4) Renumber Part “4” to Part “5”.
- (5) Renumber items “4.1” through to “4.6” to “5.1” to “5.6”, respectively.
- (6) Renumber Part “5” to Part “6”.
- (7) Renumber item “5.1” “6.1”.
- (8) Renumber item “5.3” to “6.2”.
- (9) Delete Schedule 4.

Dated: 18 February 2013.

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

A. S. BOYLE, Shire President.
R. HOOPER, Chief Executive Officer.
