

WARWICK SHIRE COUNCIL
LOCAL LAW NO. 4
(REGULATED PARKING)

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PART 1—PRELIMINARY

Citation

1. This local law may be cited as *Local Law No. 4 (Regulated Parking)*.

Objects

2. The objects of this local law are to provide for—
 - (a) regulating parking on roads in the local government's area; and
 - (b) establishing, and regulating parking in, off-street regulated parking areas; and
 - (c) fixing parking fees and regulating paid parking; and
 - (d) meeting the parking needs of disabled persons; and
 - (e) giving the local government power to issue parking permits¹; and
 - (f) imposing temporary parking prohibitions and restrictions.

Definitions

3. In this local law—

"commercial vehicle identification label" means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

"designated parking space" means a space in a regulated parking area that is defined by an official traffic sign as a parking space and includes a metered space or a parkatarea space.

"disabled person parking permit" means—

- (a) a disabled person parking permit under section 44N of the *Traffic Act 1949*²; or
- (b) a parking permit under a corresponding provision of the law of another State or a Territory;

"emergency vehicle" means—

- (a) an ambulance; or
- (b) a fire engine or other vehicle for use in fire fighting; or
- (c) a police vehicle.

¹The parking permits issued by the local government under this local law are to be distinguished from disabled person parking permits (which are issued by Queensland Transport under section 44N of the *Traffic Act 1949*).

²Under section 44N of the *Traffic Act 1949* Queensland Transport may issue a permit to a disabled person or to an organisation that transports disabled persons. The permit is subject to the conditions stated on it.

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"metered space" means a space in a regulated parking area that is defined by an official traffic sign as a metered space.

"official traffic sign" means a sign, signal, marking, light or device, for regulating, warning or guiding traffic that is an official traffic sign under the *Traffic Act 1949*.³

"paid parking" means parking in a designated parking space on payment of a prescribed parking fee.

"parkatarea space" means a space in a regulated parking area that is defined by an official traffic sign as a parkatarea space.

"parking infringement notice" means a notice under section 44F of the *Traffic Act 1949*⁴ or a notice under section 6A of the *Justices Regulation 1993*.

"regulated parking area" means—

- (a) a traffic area; or
- (b) a road or part of a road declared, under a local law policy, to be an area where parking is regulated;⁵ or
- (c) land (including structures on the land) defined, under a local law policy, as an off-street area where parking is regulated.⁶

"road" includes a State-controlled road.

"State-controlled road" means a State-controlled road under the *Transport Infrastructure Act 1994*.

"traffic area" means a part of the local government's area that is declared to be a traffic area under section 4.

³The design of the sign and the methods, standards and procedures relating to the sign must conform with the Manual of Uniform Traffic Control Devices issued by Queensland Transport under the *Traffic Act 1949* or be approved by Queensland Transport (See the definition of **"official traffic sign"** in section 9 of the *Traffic Act 1949*).

⁴ Section 44F of the *Traffic Act 1949* will be deleted from the Act in approximately late 1997.

⁵See section 8.

⁶For power to define land under the control of the local government as an off-street parking area, see section 44BA(5) of the *Traffic Act 1949*.

PART 2—REGULATION OF PARKING

Division 1—Traffic areas⁷

Declaration of traffic area

4. (1) The local government may, by local law policy—

- (a) declare the whole or a part of its area to be a traffic area; or
- (b) change the boundaries of a traffic area; or
- (c) revoke the declaration of a traffic area.

(2) The boundaries of the traffic area must be defined in the local law policy.

(3) However, the local government cannot regulate parking on a State-controlled road under this section unless the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994* has given his or her written agreement for the local government to regulate parking on a State-controlled road in its area.

Regulation of parking in declared traffic areas

5. (1) The local government may, by local law policy—

- (a) restrict the time for which a person may park in a traffic area to a maximum time specified in the local law policy; and
- (b) specify the times when the restriction applies, or does not apply, to parking in the traffic area.

(2) The local government may, by local law policy—

- (a) restrict parking in the traffic area to paid parking at a place where the local government has provided for paid parking; and
- (b) specify the times when the restriction applies, or does not apply, to parking in the traffic area.

(3) The local government may, by local law policy—

- (a) prohibit parking in a traffic area; and
- (b) specify the times when the prohibition applies, or does not apply, in the traffic area.

⁷See section 44B of the *Traffic Act 1949*.

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Official traffic signs applying to parking throughout a traffic area

6. At every road entry to a traffic area, the local government must install on the road an official traffic sign indicating the nature of the restriction applying to parking in the traffic area and the times when the restriction applies.⁸

Official traffic sign applying to parking in a particular part of a traffic area

7. (1) Although an official traffic sign applying to parking throughout a traffic area (a "**general parking sign**") is installed, another official traffic sign (a "**special parking sign**") may be installed inside the traffic area applying to parking in a particular part of the traffic area.⁹

(2) A general parking sign applies subject to a special parking sign to parking in a part of a traffic area to which the special parking sign applies.¹⁰

Division 2—Regulated parking areas

Regulated parking areas on roads

8. (1) The local government may, by local law policy, declare a particular road, or a specified part of a particular road, to be a regulated parking area.

(2) However, the local government cannot declare a State-controlled road under this section to be a regulated parking area unless the chief executive of the department which administers Chapter 8 of the *Transport Infrastructure Act 1994* has given his or her written agreement for the local government to declare the State-controlled road in its area to be a regulated parking area.

Off-street regulated parking areas

9. (1) The local government may, by local law policy, define specified land controlled by the local government (including structures on the land) as an off-street regulated parking area.¹¹

Example^{3/4}

A local government might, for example, under an arrangement with the owner of a shopping centre, specify a public parking area at the shopping centre as an off-street regulated parking area and regulate parking in the area under this local law.

⁸Under section 44B(7) of the *Traffic Act 1949* a person parking anywhere within a traffic area is taken to have notice of the contents of the official traffic sign installed at the road entries to the traffic area.

⁹The special parking sign could be installed under Division 2 or 3 or under some other law authorising regulation of parking.

¹⁰See section 44B(4)(b) of the *Traffic Act 1949*.

¹¹Land controlled by a local government includes land over which the local government may exercise control under an arrangement with a person who owns or has an interest in the land (See *Traffic Act 1949*, s.44BA(5A)).

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(2) However, the local government cannot provide access to an off-street regulated parking area from a State-controlled road under this section unless the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994* has given his or her written agreement for the local government to provide such access from the State-controlled road in its area to the off-street regulated parking area.

Regulation of parking in regulated parking areas

10. (1) The local government may, by local law policy, regulate parking in a regulated parking area in 1 or more of the following ways—

- (a) by imposing parking fees for parking in the regulated parking area, specifying the days and hours when paid parking applies and providing for payment of parking fees by parking meter or parkatarea or a particular system (the "**authorised system**") for the payment of parking fees;
- (b) by restricting parking in the regulated parking area to a specified maximum time (whether or not paid parking also applies in the regulated parking area) and specifying the days and hours when the restriction applies;
- (c) by prohibiting parking in a specified part of the regulated parking area;
- (d) by restricting parking in the regulated parking area in another way and specifying the days and hours when the restriction applies.

Example of a restriction under paragraph (d)^{3/4}

The local law policy might, for example, restrict parking in designated parking spaces to the holders of parking permits issued by the local government.

(2) A local law policy may regulate the denomination or number of coins to be inserted in a parking meter or parkatarea and, if an authorised system for the payment of parking fees is prescribed, the authorised system may provide for payment of the fee by the use of a coin, token, or credit card or in some other way.

Installation of official traffic signs for regulated parking areas

11. (1) The local government may install official traffic signs for regulated parking areas indicating—

- (a) designated parking spaces; and
- (b) the nature of the restrictions applying in designated parking spaces and when the restrictions apply; and
- (c) where paid parking applies; and
- (d) other indications of how parking is regulated.

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(2) A prohibition or restriction imposed under this local law on parking in the regulated parking area takes effect on installation of the relevant official traffic sign indicating the prohibition or restriction.¹²

Division 3—Temporary parking restrictions

Temporary parking restrictions

12. (1) If the local government is satisfied that a temporary prohibition or restriction of parking is necessary because of a particular event, or conditions temporarily applying in a particular part of the local government's area, the local government may temporarily prohibit or restrict parking on a road in its area or on land under the local government's control.

Examples^{3/4}

The local government might, for example, temporarily prohibit parking on a particular part of a road if building work that is being carried out on, or adjacent to, the road makes it impracticable to use the relevant part of the road for parking.

The local government might, for example, temporarily prohibit parking on a particular part of a road if the road is to be closed to traffic for the purpose of a festival or public assembly.

(2) A temporary prohibition of, or restriction on, parking may be imposed under this section by resolution of the local government, or by decision of the chief executive officer of the local government or another officer of the local government to whom the power of the local government to impose the temporary prohibition or restriction has been delegated.

(3) However, the local government cannot regulate parking on a State-controlled road under this section unless the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994* has given his or her written agreement for the local government to regulate parking on a State-controlled road in its area.

Duration of temporary prohibition or restriction

13. (1) A temporary prohibition of, or restriction on, parking under this Division takes effect when the local government installs the appropriate official traffic sign indicating the prohibition or restriction.¹³

(2) A temporary prohibition of, or restriction on, parking under this Division cannot remain in force for more than fourteen (14) days.

¹²The regulation of parking is ultimately enforceable under section 12F of the *Traffic Act 1949* as a contravention of an indication on an official traffic sign.

¹³The prohibition or restriction is enforceable under section 12F of the *Traffic Act 1949*. (This section makes it an offence for a person to contravene an indication on an official traffic sign.)

PART 3—LOADING ZONES

Loading zones

14. (1) The local government may, by local law policy, declare a specified part of a road to be a loading zone.

(2) However, no such loading zone on a State-controlled road is a loading zone for the purposes of this local law unless the chief executive of the department which administers Chapter 5 of the *Transport Infrastructure Act 1994* has given his or her written agreement for the local government to declare that loading zone on that State-controlled road in the local government's area.

Installation of official traffic signs indicating loading zones

15. The local government may install official traffic signs indicating loading zones.

Issue of commercial vehicle identification labels

16. (1) The local government may issue a commercial vehicle identification label for a vehicle classified as a commercial vehicle under local law policies.

(2) A commercial vehicle identification label remains in force until a date fixed by the local government and stated on the label.

(3) A fee fixed under the local law policies is payable for a commercial vehicle identification label issued under this local law.

Parking in loading zones

17. (1) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.

(2) A vehicle may be lawfully parked in a loading zone for as long as necessary to set down passengers or to pick up passengers who are waiting at the loading zone to be picked up.

(3) However, a vehicle will not be regarded as lawfully parked in a loading zone under subsection (1) or (2) if the vehicle is parked in contravention of an indication given by an official traffic sign or, in the case of a vehicle displaying a commercial vehicle identification label, if the vehicle is parked in contravention of conditions laid down under the local law policies.

(4) An emergency vehicle may be lawfully parked in a loading zone if it is reasonably necessary to park the vehicle in the loading zone to deal with an emergency.

PART 4—PARKING FOR DISABLED PERSONS

Local government's responsibility to disabled persons

18. In exercising its powers under this local law, the local government must have due regard to the special needs of disabled persons.

Parking under disabled person parking permit

19. A vehicle displaying a disabled person parking permit may, subject to the conditions of the permit, be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee¹⁴.

PART 5—LOCAL GOVERNMENT PARKING PERMITS

Issue of parking permits

20. The local government may grant a parking permit authorising a person to park—

- (a) in a designated parking space where parking is restricted to permit parking; or
- (b) in a regulated parking area contrary to an indication given by an official traffic sign.

Classes of persons to whom permits may be issued

21. The local government may, by local law policy, limit the classes of persons to whom parking permits may be granted to classes specified in the local law policy.

Term of parking permit

22. (1) A parking permit may be granted for a specified occasion or for a specified term.

(2) If a parking permit is granted for a specified term, the local government may, on application by the holder of the permit, renew the permit.

(3) A term for which a parking permit is granted or renewed must be fixed as required by a relevant local law policy, or as decided by the local government when it grants the permit or renewal.

¹⁴See section 44BA(3)(a) of the *Traffic Act 1949*.

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Conditions of permit

23. (1) A parking permit may be granted on conditions the local government considers appropriate.

(2) The conditions of a permit may, for example—

- (a) restrict the use of the permit;
- (b) require the permit to be affixed to, or exhibited on, a specified part of the motor vehicle to which it applies.

Compliance with conditions of parking permit

24. The holder of a parking permit must ensure that the conditions of the permit are complied with.

Maximum penalty—10 penalty units.

Cancellation of a parking permit

25. (1) The local government may, by written notice given to the holder of a parking permit, cancel the permit—

- (a) for breach of a condition; or
- (b) if it appears that the permit was granted on the basis of false or misleading information; or
- (c) if the permit was granted on the basis that the holder of the permit lives or works in the area and the holder no longer lives or works in the area.

(2) However, before cancelling a parking permit, the local government must—

- (a) give the holder of the permit written notice of the proposed cancellation, and the grounds of the proposed cancellation, inviting the holder to make written representations about the proposed cancellation within a reasonable time fixed in the notice; and
- (b) if the holder of the permit makes written representations within the time allowed in the notice—take the representations into account.

PART 6—MISCELLANEOUS**Parking infringement notice penalties¹⁵**

26. The penalties set out in the schedule are prescribed for the offences mentioned in the schedule.

¹⁵See section 44F(5) of the *Traffic Act 1949* and section 6A of the *Justices Regulation 1993*.

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Local law policies

27. The local government may make local law policies about—

- (a) traffic areas;¹⁶ or
- (b) regulating parking in declared traffic areas;¹⁷ or
- (c) regulated parking areas (including off-street regulated parking areas) and the regulating parking in regulated parking areas;¹⁸
- (d) loading zones;¹⁹
- (e) classifying vehicles as commercial vehicles for which commercial vehicle identification labels may be issued;²⁰
- (f) parking permits;²¹
- (g) other matters about which this local law specifically allows for the making of local law policies.

¹⁶See section 4

¹⁷See section 5.

¹⁸See sections 8, 9, and 10.

¹⁹See section 14.

²⁰See section 16.

²¹See Part 5.

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SCHEDULE

Parking Infringement Notice Penalties

Parking at bus stop or in bus zone.....	\$30.00
Parking in taxi zone.....	\$30.00
Parking (without permit) in parking space allocated for disabled persons.....	\$50.00
Parking in ambulance zone.....	\$50.00
Parking in clearway or bus lane.....	\$50.00
All other parking offences.....	\$20.00
