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## SHIRE OF KOJONUP

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LOCAL GOVERNMENT ACT 1995

CAT ACT 2011

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## CAT LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995

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## PARKING LOCAL LAW 2022

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**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

SHIRE OF KOJONUP

**CAT LOCAL LAW 2022**

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**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

SHIRE OF KOJONUP

**CAT LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995 and the Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on the 21st day of June 2022 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Kojonup Cat Local Law 2022*.

**1.2 Commencement**

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

**1.3 Application**

This local law applies throughout the district.

**1.4 Definitions**

In this local law unless the context otherwise requires—

**Act** means the *Cat Act 2011*;

**Applicant** means the occupier of premises who makes application for a permit under this local law;

**Approved cat breeder** has the meaning given to it by section 3(1) of the Act;

**Cat** has the meaning given to it by section 3(1) of the Act; but does not include the young of a cat normally kept on the premises less than 6 months old;

**Cat management facility** has the meaning given to it by section 3(1) of the Act, and includes a cattery;

**Cattery** means any premises where more than two cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

**Commercial lot** means a lot zoned under a local planning scheme as—

- (a) central business; or
- (b) service commercial,

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

**Council** means the Council of the local government;

**District** means the district of the local government;

**Effective control** in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape.

**Enclosed public space** means a public place which is enclosed by walls, whether solid materials or glass, and includes attached or adjoining areas not permitted to the public, unless airflow between the areas is prevented, but does not include a cat management facility or veterinary clinic or hospital; industrial lot means a lot zoned under a local planning scheme as industry;

**Keeper** in relation to a cat means any of the following persons—

- (a) the owner of the cat as defined in the Act;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) a permit holder of a permit which relates to the cat;
- (g) the holder of an exemption issued in relation to the cat;

**Local Government** means the Shire of Kojonup;

**Local planning scheme** means a planning scheme of the local government made under the *Planning and Development Act 2005*;

**Local public notice** has the meaning given to it by section 1.7 of the *Local Government Act 1995*;

**Permit** means a permit issued by the local government under clause 3.5 of this local law;

**Permit holder** means a person who holds a valid permit granted under this local law;

**Premises** includes the following—

- (a) land, whether or not vacant;
- (b) the whole or part of a building or structure whether of a permanent or temporary nature; and
- (c) a vehicle.

**Public place** has the meaning given to it by section 3(1) of the Act;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

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

**Set fee** means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

## PART 2—IMPOUNDING OF CATS

### 2.1 Impounded cats

- (1) The local government may determine from time to time—
  - (a) the times when a cat management facility will be open for the reception and release of cats;
  - (b) times for the sale of cats from the cat management facility; and—
- (2) The local government is to keep a proper record of impounded cats.
- (3) The record is to contain the following information about each impounded cat—
  - (a) if known the breed and sex of the cat;
  - (b) the colour, distinguishing markings and features of the cat;
  - (c) if known, the name and address of the owner;
  - (d) the date and time of seizure and impounding;
  - (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
  - (f) the reason for the impounding;
  - (g) a note of any order made by an authorised person relating to the cat; and
  - (h) the date of the sale, release or destruction of the cat.
- (4) The record is to be available for inspection by the public.
- (5) A person shall not—
  - (a) unless the person is the owner of the cat management facility, or an authorised person, release or attempt to release a cat from a cat management facility;
  - (b) destroy, break into, damage or in any other way interfere with or render not cat proof a cat management facility; or
  - (c) destroy, break into, damage, or in any other way interfere with any container used for the purpose of catching, holding or conveying cats which have been seized.
- (6) A cat must not be released to a person until the person obtains the necessary permit or the cat is registered where—
  - (a) a person wishes to reclaim a cat within the period stated in a notice of impounding; and
  - (b) a permit is required for the keeping of the cat, but the person does not have the necessary permit and/or the cat is not registered.

## PART 3—KEEPING OF CATS

### 3.1 Keeping of cats in non-residential zones

The keeping of cats is not permitted on a commercial or industrial lot unless—

- (a) associated with an occupied attached residence or caretaker's residence; or
- (b) is an approved cat management facility.

### 3.2 Limitation on the number of cats

- (1) This clause does not apply to premises which have been—
  - (a) Licensed under Part 4 of this local law as an approved cat breeder or cat management facility; or
  - (b) granted an exemption under regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) The standard number of cats which may be kept on any premises is, for the purpose of regulation 6 of the *Cat (Uniform Local Provisions) Regulations 2013*—
  - (a) two cats over the age of six months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme; or

- (b) four cats over the age of six months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme.

### 3.3 Cats for which a permit is required

Subject to clause 3.4 an occupier is required to have a permit to—

- (a) keep more than two cats over the age of six months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme;
- (b) keep more than four cats over the age of six months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme.
- (c) use any premises as a cat management facility; or
- (d) be an approved cat breeder.

### 3.4 Permits not required

A permit is not required under clause 3.3 if the premises concerned are—

- (a) a refuge of the RSPCA or of any other animal welfare organisation;
- (b) a veterinary surgery;
- (c) a pet shop;
- (d) premises with two or less cats; or
- (e) the subject of an exemption granted by the local government.

### 3.5 Application for permit

An application for a permit under clause 3.3 shall be—

- (a) made by an occupier of the premises where the cats are to be kept;
- (b) if for a cat management facility, in the form of Schedule 1 and accompanied by the plans of the premises to which the application relates to the satisfaction of the local government;
- (c) if for a cat breeder, in the form of Schedule 1;
- (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the premises to which the application relates; and
- (e) accompanied by the set fee.

### 3.6 Decision on application

(1) The local government may, upon payment of the set fee—

- (a) approve an application for a permit subject to the conditions outlined in clauses 4.1, 4.2, 4.3 or 4.4; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant approval in writing.

(3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

### 3.7 Factors relevant to determination of application

(1) In determining an application for a permit the local government may have regard to—

- (a) the physical suitability of the premises for the proposed use;
- (b) the suitability of the local planning scheme zoning of the premises for the proposed use;
- (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (d) the structural suitability of any enclosure in which any cat is to be kept;
- (e) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- (f) the likely effect on the amenity of the surrounding area of the proposed use;
- (g) the likely effect on the local environment including any pollution or other environmental damage which may be caused by the proposed use;
- (h) any submissions received under subclause (2) within the time specified; and
- (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government may require an applicant to—

- (a) consult with adjoining landowners;
- (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit; and
- (c) give local public notice of the proposal.

### 3.8 Cats creating a nuisance

(1) The keeper of a cat shall not allow a cat to create a nuisance.

(2) Where, in the opinion of an authorised officer, a cat is creating a nuisance, the local government may give written notice to the keeper of the cat requiring that person to abate the nuisance.

(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the notice is withdrawn by the local government.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

### **3.9 Abandonment of cats**

The keeper of a cat shall not in any instance—

- (a) abandon a cat; or
- (b) leave a cat on premises while the premises are temporarily vacant, without daily arrangements for the care and welfare of the cats.

## **PART 4—PERMITS FOR KEEPING OF CATS**

### **4.1 Conditions applicable to all permits**

(1) Every permit is issued subject to the following conditions—

- (a) each cat kept on the premises to which the permit relates shall be registered under the Act;
- (b) each cat shall be contained on the premises unless under the effective control of a person;
- (c) the permit holder will provide adequate space for the exercise of the cats;
- (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
- (e) such other conditions, as the local government considers appropriate.

(2) In addition to the conditions subject to which a permit is to be issued under subclause (1), a permit may be issued subject to other conditions, as the local government considers appropriate.

### **4.2 Additional conditions for other than cat management facility**

Where an application to keep more than two cats is approved under clause 3.6 for other than a cat management facility, the following conditions apply—

- (a) compliance with clause 4.1;
- (b) In the case of a multiple dwelling, where there is no suitable dividing fence, the written consent to the application for a permit of the occupier of the adjoining multiple dwellings has been obtained; and
- (c) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
  - (i) dies; or
  - (ii) is permanently removed from the premises.

### **4.3 Additional conditions for cat management facility**

(1) The local government may approve an application under clause 3.6 for a cat management facility the following conditions apply—

- (a) compliance with clause 4.1; and
- (b) compliance with Schedule 2.

(2) In respect of a particular application for a permit, the local government may vary any of the conditions contained in Schedule 2.

(3) A cat management facility may be inspected by an authorised officer to ensure compliance with the conditions of the permit.

### **4.4 Additional conditions for approved cat breeders**

(1) Where a permit is approved under clause 3.6 as an approved cat breeder the following conditions apply—

- (a) compliance with clause 4.1;
- (b) compliance with clause 4.2;
- (c) compliance with Schedule 2(4)(c) to (g) both inclusive;

(2) The fee for an approved cat breeder is as specified in Schedule 3 to the *Cat Regulations 2012*.

### **4.5 Duration of permit**

Unless otherwise specified in a condition on a permit, a permit for a cat management facility or as an approved cat breeder granted under clause 3.2(b) or (c), commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

### **4.6 Permit not transferable**

A permit is not transferable either in relation to the permit holder or the premises.



**4.7 Renewal of permit**

- (1) The local government may renew approval for a cat management facility or as an approved cat breeder granted under clause 3.2(b) or (c) upon—
- (a) payment of the set fee; and
  - (b) certification by the occupier that the circumstances of the original application are unchanged.
- (2) Where circumstances of the original application have changed, the application for renewal is to be considered an initial application.

**4.8 Revocation of permits**

- (1) A permit may be revoked by the local government if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law.
- (2) On revocation of a permit the permit holder is to be taken to have forfeited any set fees paid in respect of the permit.

**PART 5—CATS IN PUBLIC PLACES****5.1 Cat prohibited areas**

- (1) A cat shall not be in the places specified in Schedule 4 at any time, whether or not under effective control.
- (2) If a cat is in a Cat Prohibited Area in contravention of subclause (1), then the owner of the cat commits an offence unless the owner of the cat has first obtained written authorisation from the local government.

**PART 6—MISCELLANEOUS****6.1 Fees and charges**

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

**6.2 Giving of a notice**

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

**6.3 Objection and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

**PART 7—ENFORCEMENT****7.1 Offences**

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.

**7.2 General penalty**

Any person who commits an offence 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.

**7.3 Modified penalties**

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount of the modified penalty for a prescribed offence is set out in the fourth column adjacent to the clause in Schedule 3.

**7.4 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice substantially in the form of Form 6 of the Schedule 1 of the *Cat Regulations 2012*.

**7.5 Withdrawal of infringement notice**

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice substantially in the form of Form 7 of the Schedule 1 of the *Cat Regulations 2012*.
- (2) A person authorised to issue an infringement notice under clause 7.4 cannot sign a notice of withdrawal.

**Schedule 1—Application for a licence for cat management facility or cat breeder**  
**[cl. 3.5]**  
**Shire of Kojonup**

I/We (full name/s)—		
Postal Address—		
Telephone Number—		
Mobile Number—		
Fax Number—		
Email address—		
<b>APPLY FOR A LICENCE</b>	Under clause 3.3(c) for cat management facility	
	Under clause 3.3(d) as cat breeder	
Address of proposed premises –		
<b>CAT MANAGEMENT FACILITY</b>		
For number of cats –		
Attached are –	a site plan of the premises showing the location of the cat management facility and all other buildings and structures and fences;	
	plans and specifications of the proposed cat management facility.	
<b>CAT BREEDER</b>		
For number of cats—		
Breed of cats –		
Attached are –	(a) copy of notice of proposed use to appear in newspaper; (if required)	
	(b) copy of notice of proposed use to be given to adjoining premises; (if required)	
Signature of applicant/s		
Date –		
<b>NOTE—a licence will have effect for a period of 12 months if issued</b>		
OFFICE USE ONLY	Application fee paid on— Receipt No –	

**Schedule 2—Conditions of a permit for an approved cat management facility**  
**[cl. 4.3]**  
**Shire of Kojonup**

An application for a permit for an approved cat management facility may be approved subject to the following conditions—

- (1) Compliance with the conditions of clause 4.1.
- (2) Buildings and structures—
  - (a) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
  - (b) There is to be a feed room, wash area, isolation cages and maternity section.
  - (c) Materials used in structures are to be approved by the local government.
  - (d) The internal surfaces of walls are to be smooth, free from cracks, crevices and other defects, where possible.
  - (e) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
  - (f) Washing basins and running hot and cold water are to be available.
  - (g) The walls shall be rigid, impervious and structurally sound;
  - (h) The roof shall be constructed of approved impervious materials;

- (i) All untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity.
  - (j) Each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner of the cat management facility;
  - (k) Each module and each yard and every part thereof shall be behind the house line.
  - (l) Any other matter which in the opinion of the local government is deemed necessary for wellbeing of any person, or adjoining premises or the amenity of the area (or any part thereof).
- (3) Walk-in modules and enclosures—
- (a) Cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens.
  - (b) Walk-in modules must have a minimum floor area of 1.5 square metres and contain at least two levels including raised sleeping quarters.
    - (i) This size is for one cat only and an additional one square metre floor space is required for a second cat.
    - (ii) No more than two cats may be housed together in this type of accommodation.
  - (c) Cats may be multiple housed in colony pens.
    - (i) Each cat shall have a floor area of two square metres plus an individual sleeping area.
    - (ii) Only desexed compatible cats should be housed in this type of accommodation;
  - (d) The lowest internal height shall be at least 1.65 metres from the floor;
  - (e) Each yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
  - (f) All doors shall be provided with proper catches or means of fastening;
  - (g) The upper surface of the floor shall be set at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100.
  - (h) All modules and yards shall be surrounded by a drain which shall be properly laid, ventilated and trapped, and all floor washings shall be disposed of in accordance with the Health requirements of the local government; and
  - (i) The floor of any yard shall be established and maintained to ensure a safe and hygienic environment.
- (4) Management—
- (a) Cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the keeper.
  - (b) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
  - (c) No sick or ailing cat is to be kept on the premises.
  - (d) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
  - (e) An register is to be kept recording in respect of each cat or kitten, the—
    - (i) date of admission or birth if a kitten;
    - (ii) date of departure, sale or transfer;
    - (iii) breed, age, colour and sex;
    - (iv) the cat or kitten's microchip number; and
    - (v) the name and residential address of the keeper;
  - (f) The register is to be made available for inspection on the request of an authorised person.
  - (g) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area.

### Schedule 3—Modified penalties

[cl.7.3]

Item	Clause	Nature of offence	Modified penalty
1	2.1(5)(a)	Unauthorised release or attempted release of a cat	500
2	2.1(5)(b)	Interference with a pound	500
3	2.1(5)(c)	Interference with cage or container for seized cats	500
4	3.1	Keeping a cat in a non-residential zone	200
5	3.3(a)	Keeping more than two cats without a permit	200
6	3.3(c)	Failure to hold permit as a cat management facility	500

Item	Clause	Nature of offence	Modified penalty
7	3.3(d)	Failure to hold permit as approved cat breeder	500
8	3.9(1)	Cat creating a nuisance	200
9	3.9(4)	Failure to comply with notice to abate a nuisance	200
10	2.1(5)(a)	Unauthorised release or attempted release of a cat	500
11	2.1(5)(b)	Interference with a pound	500
12	2.1(5)(c)	Interference with cage or container for seized cats	500
13	3.1	Keeping a cat in a non-residential zone	200
14	3.3(a)	Keeping more than two cats without a permit	200
15	3.3(b)	Failure to hold permit as a cat management facility	500
16	3.3(c)	Failure to hold permit as approved cat breeder	500
17	3.8(1)	Cat creating a nuisance	200
18	3.8(4)	Failure to comply with notice to abate a nuisance	200
19	3.9(a)	Abandonment of a cat	500
20	3.9(b)	Failure to make adequate arrangement while temporarily absent	200
21	4.1	Failure to comply with conditions for all permits	200
22	4.2	Failure to comply with conditions of permit for other than a cat management facility	200
23	4.3	Failure to comply with conditions of permit for cat management facility	500
24	4.4	Failure to comply with conditions of permit for approved cat breeder	500
25	5.2	Cat in a place where prohibited	200
26	7.1	All other offences not specified	200

Schedule 4—Cat prohibited areas  
[Clause 5.1]

Places where cats are prohibited:

Common Name	Physical Boundaries	Description
Myrtle Benn Flora and Fauna Sanctuary	Tunney Road—Solider Road	All bushland within physical boundaries
Farrar Nature Reserve	Boyup Brook—Kojonup Road Kojonup—Frankland Road	All bushland within physical boundaries

Dated 21st of June 2022.

The common Seal of the Shire of Kojonup was affixed by authority of a resolution of the Council in the presence of—

NED RADFORD, Shire President.  
GRANT THOMPSON, Chief Executive Officer.

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## LOCAL GOVERNMENT ACT 1995

## SHIRE OF KOJONUP

## PARKING LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on the 21st day of June 2022 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *Shire of Kojonup Parking Local Law 2022*.

**1.2 Commencement**

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

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

Nil.

**1.5 Definitions**

(1) In this local law unless the context otherwise requires—

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

**Authorised person** means a person authorised by the local government to perform any of the functions of an authorised person under this local law;

**Authorised motor vehicle** means a motor vehicle authorised by the local government, CEO, authorised person or by any written law to stop or park on a thoroughfare or on a parking facility;

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

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

**Built-up area** means the areas under a local planning scheme, including both sides of thoroughfares immediately adjoining, zoned as—

- (a) central business;
- (b) service commercial;
- (c) residential; and
- (d) rural townsite.

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

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

**Caravan** has the meaning given to it by section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

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

**Centre** in relation to a carriageway, has the meaning given to it by the Code;

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

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

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

**Commercial motor vehicle**—

- (a) 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
- (b) 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;

**Continuous dividing line** has the meaning given to it in the Code;

**Disability parking permit** has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*;

**Disabled parking bay** means a part of a parking facility or carriageway which is identified or marked by painted lines, symbols, inscriptions or signs as a bay for the parking of motor vehicles driven by or carrying a disabled person;

**District** means the district of the local government;

**Driver** means any person driving or in control of a motor vehicle;

**Edge line** has the meaning given to it by the Code—

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

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

**GVM** or “gross motor vehicle mass” has the meaning given to it by the *Road Traffic (Motor vehicles) Act 2012*;

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

**Infringement notice** means the notice referred to in clause 7.5;

**Keep clear area** means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the words “KEEP CLEAR” and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the words “KEEP CLEAR” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
  - (i) the end of the carriageway; or
  - (ii) an area in which stopping is prohibited; or
  - (iii) the furthest point of “KEEP CLEAR” markings.

**Keep clear marking** has the meaning given to it by the Code;

**Kerb** means the constructed border or edge of the portion of a road paved for the use of vehicular traffic where any constructed border exists at the edge of the paved road and whether any footpath has been constructed or not;

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

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

**local government** means the Shire of Kojonup;

**local planning scheme** means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

**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 in the *Road Traffic (Administration) Act 2012*, but does not include a motorised scooter; and

**Motorised scooter** has the meaning given to it by the Code, and includes a motorised wheelchair that is designed so as to be not capable of a speed exceeding 10 km/h;

**Nature strip** 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) a sign with the words “no parking” in red letters on a white background, or
- (b) 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—

- (a) the words “no stopping” or “no standing” in red letters on a white background;
- (b) the words “no stopping” or “no standing” in white letters on a red background; or
- (c) the letter “S” within a red annulus and a red diagonal line across it on a white background;

**Notice of withdrawal** means the notice referred to in clause 7.6(1).

**Occupier** has the meaning given to it in section 1.4 of the Act;

**Owner** where used in relation to—

- (a) a motor vehicle licensed under the *Road Traffic (Motor vehicles) Act 2012*, means the person in whose name the motor vehicle has been registered under the *Road Traffic (Motor vehicles) Act 2012*;
- (b) any other motor vehicle, means the person who owns, or is entitled to possession of that motor vehicle; and
- (c) land, has the meaning given to it in section 1.4 of the Act;

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

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

**Parking bay** and **Parking lane** 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 motor vehicle may be parked;

**Parking control sign** has the meaning given to it by the Code;

**Parking facilities** includes—

- (a) land, buildings, shelters, places, parking bays, parking lanes and other facilities open to the public generally for the parking of motor vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of motor vehicles;



**Path** has the meaning given to it in the Code;

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

**Public bus** has the meaning given to it by the Code, and includes a school bus in the performance of its duties;

**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 *Land Administration Act 1997*;

**Right of way** means a thoroughfare separating two portions of land by a public reserve, road, laneway, pedestrian access way, and includes the access leg of a battle-axe lot or the equivalent not more than 6m in width;

**Road** includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the local government, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant there to and includes all of the land lying between the property lines including the road verge and footpath;

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

**School bus** means a motor vehicle that is used solely or principally for the carriage of children to and from school, and is equipped to seat 8 or more persons, including the driver;

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

**Sign** includes a parking control sign or other sign, inscription, road marking, painted line, mark, structure or other device or method 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 facilities or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping and parking of motor vehicles;

**Special purpose motor vehicle** has the meaning given to it by the Code;

**Stop** in relation to a motor vehicle, has the meaning given to it by the Code;

**Symbol** includes any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

**Taxi** 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 in section 1.4 of the Act;

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

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

**Verge** has the same meaning as *nature strip*.

(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 1974*, the *Road Traffic (Administration) Act 2013*, the *Road Traffic (Motor vehicles) Act 2012* or in the Code, then the term shall have the meaning given to it in that Act or the Code.

## PART 2—ADMINISTRATION

### 2.1 Powers of the local government

(1) The local government may, by resolution, prohibit or regulate by signs or otherwise, including but not limited to—

- (a) the stopping or parking of any motor vehicle or any class of motor vehicles;
- (b) parking bays;
- (c) parking facilities;
- (d) permitted time and conditions of parking in parking bays and parking facilities which may vary with the locality;
- (e) permitted classes of motor vehicles which may park in parking bays and parking facilities;
- (f) permitted classes of persons who may park in specified parking bays or parking facilities; and
- (g) the manner of parking in parking bays and parking facilities.

(2) Where the local government makes a resolution under this clause, it shall erect signs to give effect to the determination or resolution

### 2.2 Thoroughfares under control of Commissioner of Main Roads

(1) Subject to subclause 2, this local law does not apply to—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;

- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
  - (c) any road which comes under the control of the Commissioner of Main Roads.
- (2) Upon request of the local government, the control of parking and parking facilities on a thoroughfare under the control of the Commissioner of Main Roads may be delegated by the Commissioner of Main Roads to the local government

### **2.3 Parking not under the control of the local government**

- (1) This local law does not apply to a parking bay, parking lane or parking facility that is not occupied, managed or controlled by the local government, unless the local government and the owner or occupier of that land or facility have agreed in writing that this local law will apply to that land or facility.
- (2) The agreement referred to in subclause (1) may be made on such terms and conditions as the parties may agree.

### **2.4 Classes of motor vehicles**

For the purpose of this local law, motor vehicles are divided into the following classes—

- (a) public buses and school buses;
- (b) commercial motor vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other motor vehicles.

## **PART 3—PARKING THROUGHOUT THE DISTRICT**

### **DIVISION 1—DISTRICT GENERALLY**

#### **3.1 Application of Part 3**

- (1) This Part applies to the whole of the district.
- (2) This Part is subject to the provisions of Part 4 which may override those of this Part.
- (3) This Part is further subject to the provisions of Part 5 which may override those of Part 4 or this Part.

#### **3.2 Parking for people with disabilities**

For avoidance of doubt, and notwithstanding clause 2.3(1), the provisions of the *Local Government (Parking for People with Disabilities) Regulations 2014*, apply throughout the district to all parking bays, parking lanes or parking facilities, whether under the control of the local government or not, which are a public place.

#### **3.3 Parking motor vehicle on a carriageway**

- (1) A person parking a motor vehicle on a carriageway other than in a parking bay 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 motor 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 motor vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between—
    - (i) the motor vehicle and the farther boundary of the carriageway, any continuous dividing line or median strip, or
    - (ii) between the motor vehicle and a motor vehicle parked on the farther side of the carriageway;
  - (d) so that the front and the rear of the motor vehicle respectively is not less than 1 metre from any other motor vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
  - (e) so that it does not obstruct any motor vehicle on the carriageway.

#### **3.4 Parking near a railway level crossing**

A person shall not park a motor vehicle so that any portion of the motor vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### **3.5 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 motor vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

#### **3.6 General prohibitions on parking**

- (1) This clause does not apply to a motor vehicle parked in a parking bay nor to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a public bus which parks in a bus zone.

(3) Subject to any law relating to intersections with traffic control signals a person shall not park a motor vehicle so that any portion of the motor vehicle is—

- (a) between any other stationary motor 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 motor 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 motor 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, children's crossing or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous dividing lines or between a double longitudinal line consisting of a continuous dividing line and a broken or dotted line and the boundary of a carriageway nearer to the continuous dividing line, unless there is a distance of at least 3 metres clear between the motor 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 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the motor vehicle is parked, unless a sign or markings on the carriageway indicate otherwise.

(4) A person shall not park a motor vehicle so that any portion of the motor vehicle is within 20 metres of the approach side or 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 motor vehicle is a public bus stopped to take up or set down passengers;
- or
- (b) a children's crossing or pedestrian crossing.

### **3.7 Restrictions on parking in particular areas**

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

- (a) if by a sign it is set apart for the parking of motor vehicles of a different class;
- (b) if by a sign it is set apart for the parking of motor vehicles by persons of a different class; or
- (c) during any period when the parking of motor vehicles is prohibited by a sign.

(2) The driver may park a motor vehicle in a thoroughfare or a part of a thoroughfare or part of a parking facility, except in a thoroughfare or a part of a thoroughfare or part of a parking facility to which a disabled parking sign relates for twice the period indicated on the sign, if—

- (a) the driver's motor vehicle displays a valid disability parking permit sticker; and
- (b) a disabled person to which the valid disability parking permit relates is either the driver of motor vehicle

(3) A person shall not park a motor vehicle in a bay marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a motor vehicle in an area designated by a sign stating "Authorised Motor vehicles Only".

### **3.8 Motor vehicles not to obstruct a thoroughfare or public place**

A person shall not leave a motor vehicle, or any part of a motor vehicle, in a thoroughfare or public place including a right of way, so that it obstructs the use of any part of that thoroughfare or public place without the permission of the local government or unless authorised under any written law.

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

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

### **3.10 Suspension of parking limitations for urgent, essential or official duties**

(1) Where by a sign the parking of motor 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 motor 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 motor vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

**3.11 No parking**

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) is dropping off, or picking up, passengers or goods;
- (b) remains within three metres of the motor vehicle at all times; and
- (c) completes the dropping off, or picking up, of the passengers or goods within two minutes of stopping and drives on.

**3.12 No stopping**

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

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

**3.13 Application of particular definitions**

For the purposes of the application of clause 3.11 and clause 3.12 an arrow inscribed on a sign erected at an angle to 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 carriageway.

## DIVISION 3—STOPPING IN PARTICULAR CIRCUMSTANCES

**3.14 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.

**3.15 Stopping on a bridge, etc.**

A driver shall not stop a motor 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 parking control 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.

**3.16 Stopping on crests, curves, etc.**

A driver shall not stop a motor vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking motor vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

**3.17 Stopping near a fire hydrant etc**

A driver shall not stop a motor vehicle so that any portion of the motor vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and remains within three metres of the motor vehicle at all times; or
- (b) the driver is driving a taxi, and the driver stops in a taxi zone and remains within three metres of the motor vehicle at all times.

**3.18 Obstructing access to and from a path, driveway, etc.**

A driver shall not stop a motor vehicle so that any portion of the motor vehicle is in front—

- (a) of a path, in a position that obstructs access by motor vehicles or pedestrians to or from that path;
- (b) on or across a driveway or other way of access for motor vehicles travelling to or from adjacent land; unless—
- (c) the driver is dropping off, or picking up, passengers; or
- (d) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

## DIVISION 4—SIGNS

**3.19 Part of thoroughfare to which sign applies**

Where under this local law the parking of motor 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.

**3.20 Pre-existing signs**

(1) A sign is deemed for the purposes of this local law to have been erected by the local government under the authority of this local law that where that sign—

- (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 motor vehicles within the district,

(2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor, and where the inscription, word, number, expression or symbol relates to the stopping of motor vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to the parking of motor vehicles.

### 3.21 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.

### 3.22 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.

### 3.23 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.

## DIVISION 5—ZONES FOR PARTICULAR MOTOR VEHICLES

### 3.24 Stopping in a loading zone

A person shall not stop a motor 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 that completes the dropping off or picking up of passengers within two minutes of stopping and then drives on,

however, 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.

### 3.25 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 school bus.

### 3.26 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (1) 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) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

### 3.27 Other limitations in zones

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

## PART 4—PARKING IN BUILT-UP AREAS

### DIVISION 1—BUILT-UP AREAS GENERALLY

#### 4.1 Application of Part 4

- (1) This Part applies to the built up areas of a built-up area.
- (2) This Part overrides any inconsistent provisions of Part 3.
- (3) This Part is subject to the provisions of Part 5 which may override those of this Part.

#### 4.2 No parking of motor vehicles exposed for sale and other circumstances

A person shall not park a motor vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that motor vehicle is not licensed under the *Road Traffic (Motor vehicles) Act 2012*;
- (c) if that motor 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 motor vehicle to be moved to a place other than a thoroughfare.

#### **4.3 Parking on a carriageway with heavy and long motor vehicles**

(1) Unless engaged in the picking up or setting down of goods, a person shall not park on any part of a carriageway for any period exceeding one hour, a motor vehicle or any combination of motor vehicles, that together with any projection on, or load carried by, the motor vehicle or combination of motor vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes.

(2) Nothing in this clause affects the operation of any other clause in this local law or any other written law relating to the parking or stopping of motor vehicles.

#### **4.4 Double parking**

(1) A driver shall not stop a motor vehicle so that any portion of the motor vehicle is between any other stopped motor 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.

#### **4.5 Event Parking**

(1) Subject to clause 2.1, a temporary sign may indicate that all or part of a parking facility, thoroughfare or public place is set aside, during the period indicated in the sign, for the parking of motor vehicles by persons attending a particular event.

(2) The local government may issue to a person a permit in respect of all or part of a parking facility, thoroughfare or public place for an event referred to in subclause (1).

(3) A person must not park or stop a motor vehicle, or permit a motor vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the motor vehicle so that it is clearly visible to an authorised person examining the ticket from outside the motor vehicle.

### **DIVISION 2—PARKING BAYS, PARKING LANES, AND PARKING FACILITIES**

#### **4.6 Motor vehicles to be within parking bays or parking lanes on thoroughfare**

(1) Subject to subclause (2) and (3), a person shall not park a motor vehicle in a parking bay in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the parking bay or parking lane; and

(2) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.

(3) If a motor vehicle is too long or too wide to fit completely within a single parking bay then the person parking the motor vehicle shall do so within the minimum number of parking bays needed to park that motor vehicle.

(4) A person shall not park a motor vehicle partly within and partly outside a parking area.

#### **4.7 Parking prohibitions and restrictions**

(1) A person shall not—

- (a) park a motor vehicle so as to obstruct an entrance to, or an exit from parking facilities, or an access way within parking facilities;
- (b) except with the permission of the local government or an authorised person, park a motor vehicle on any part of a parking facility contrary to a sign referring to that part;
- (c) permit a motor vehicle to park in any part of parking facilities, if an authorised person directs the driver of such motor vehicle to move the motor vehicle; or
- (d) park or attempt to park a motor vehicle in a parking bay in which another motor vehicle is parked, unless—
  - (i) parking of a motorcycle and a bicycle together in a bay marked “M/C”, and
  - (ii) the bicycle is parked in accordance with subclause (2).

(2) A person must not park a bicycle—

- (a) in a parking bay other than in a bay marked for motorcycles only; and
- (b) other than against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a motor vehicle in a bay or facility (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the driver’s motor vehicle displays a current disability parking permit; and
- (b) a person with disabilities to which that disability parking permit relates is either the driver of or a passenger in the motor vehicle.

#### **4.8 Angle parking**

(1) This clause does not apply to—

- (a) a motor vehicle with a mass including any load, of over 4.5 tonnes; or

- (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words “angle parking”, or with an equivalent symbol depicting this purpose, a person stopping or parking a motor vehicle stop or shall park the motor vehicle at an angle and in the position indicated by the inscription on the parking sign or by marks on the carriageway.

#### DIVISION 3—STOPPING IN PARTICULAR CIRCUMSTANCES

##### 4.9 Stopping at or near a bus stop

A driver shall not stop a motor vehicle so that any portion of the motor vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, measured in the direction of traffic movement on that portion of the thoroughfare, unless—

- (a) the motor 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 permitted by a parking control sign.

##### 4.10 Stopping on a path, median strip, or traffic island

The driver of a motor vehicle (other than a bicycle or an animal) shall not stop so that any portion of the motor vehicle is on a path, traffic island or median strip, unless permitted by a parking control sign.

##### 4.11 Stopping on verge

- (1) A person shall not stop so that any portion of the following is on or projects over a verge—
- (a) stop a motor vehicle (other than a bicycle);
- (b) stop a commercial motor vehicle or any combination of motor vehicles that exceeds 4.5 tonnes GVM, a public bus, a trailer or caravan unattached to a motor vehicle; or
- (c) stop any motor vehicle (other than a bicycle) during any period when the stopping of motor vehicles on that verge is prohibited by a sign adjacent and referable to that verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the land adjacent to that verge, or is a person authorised by the occupier of that land to stop the motor vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial motor vehicle or any motor vehicle with a GVM that exceeds 4.5 tonnes when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the land adjacent to the portion of the verge on which the motor vehicle is parked, provided no obstruction is caused to the passage of any motor vehicle or person using a carriageway or a path.

##### 4.12 Stopping on a carriageway with motor cycle parking sign

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

- (a) the motor vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

##### 4.13 Stopping on a carriageway with a bicycle sign

Unless dropping off or picking up passengers, the driver of a motor vehicle (other than a bicycle) must not stop on a length of carriageway to which any of the following apply—

- (a) a “bicycle path” sign;
- (b) a “bicycle parking” sign; or
- (c) a “dual use path” or other sign indicating bicycles are permitted to use the path.

#### PART 5—PARKING IN TIMED ZONES

##### 5.1 Application of Part 5

- (1) This Part applies to timed parking zones.
- (2) This Part overrides any inconsistent provisions of Part 3.

##### 5.2 Timed Parking

- (1) The local government, by resolution, may constitute any land, structure, section or part of a thoroughfare or public reserve as a timed parking zone.
- (2) In respect of timed parking zones the local government under subclause (1), may determine—
- (a) the location of parking spaces within a parking zone;
- (b) the permitted times and conditions of parking or stopping of a vehicle;
- (c) the classes of vehicles permitted to park or stop;
- (d) the classes of persons permitted to park or stop a vehicle; and
- (e) the manner of parking or stopping a vehicle.
- (3) A parking zone constituted under subclause (1) may be varied as to the land, structure, section or part of a thoroughfare or public reserve which it comprises by the local government.
- (4) Where the local government makes a determination under this clause, it shall erect signs to give effect to this determination

**5.3 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.

**5.4 No movement of motor vehicles to avoid time limitation**

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 permitted, unless the vehicle has first been removed for at least 1 hour.

**PART 6—MISCELLANEOUS****6.1 Removal of notices on motor vehicle**

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

**6.2 Emergency and special purpose motor vehicles**

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

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

**6.3 Removal and impounding of motor vehicles**

- (1) The impounding of motor vehicles and other goods shall be carried out in accordance with Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (2) An employee authorised specifically for the purposes of section 3.39 of the Act and this clause may remove and impound any motor vehicle that is involved in a contravention that can lead to impounding.
- (3) A person authorised to impound a motor vehicle in accordance with subclause (2) may use reasonable force to exercise the power given by that clause.
- (4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 1.

**6.4 Notice to owner of motor vehicle involved in offence**

The owner of a motor vehicle may be required to identify the driver or person in charge of a motor vehicle at the time when an offence is alleged to have been committed by sending a notice substantially in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**PART 7—ENFORCEMENT****7.1 Legal proceedings**

Evidentiary provisions relating to offences involving motor vehicles are contained in Division 3 of Part 9 of the Act.

**7.2 Offences**

A person who breaches a provision of this local law commits an offence.

**7.3 General penalty**

A person who commits an offence under this local law is liable, on 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 the day during which the offence has continued.

**7.4 Modified penalties**

- (1) The offences contained in the Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the final column of Schedule 3 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

**7.5 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice substantially in the form of either—

- (a) Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; or
- (b) Schedule 2 of this local law, in accordance with section 9.18 of the Act.



**7.6 Withdrawal of infringement notice**

- (a) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice substantially in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (b) A person authorised to issue an infringement notice under clause 7.5 cannot sign or send a notice of withdrawal

**Schedule 1—Notification of Impoundment of Motor vehicle**  
**[cl. 6.3]**  
**Shire of Kojonup**

To (full name/s) –	
Of (address) –	
	Department of Transport records indicate that you are the registered owner of the motor vehicle detailed below and notice is hereby given that the motor vehicle has been impounded in accordance with the provisions of the <i>Local Government Act 1995</i> .
Make –	
Model –	
Registration –	
Impounded from –	
Positioned at/near –	
Date impounded –	
Time impounded –	
	The motor vehicle has been taken to a secure facility.
Facility address –	
	<b>IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO THE RELEASE OF THE MOTOR VEHICLE.</b>
Documentation required –	The following must be produced before payment can be accepted and release of the motor vehicle is permitted— <ul style="list-style-type: none"> <li>• Current Motor vehicle Registration Document.</li> <li>• Drivers licence or other legal form of identification.</li> <li>• Payment receipt (required for motor vehicle release at secure facility).</li> </ul>
Payment in person only –	Chief Executive Officer Shire of Kojonup, 93 Albany Highway KOJONUP Between—8.30am and 4.30pm Monday to Friday (except public holidays) Payments by cash, cheque or EFTPOS.
	The motor vehicle will then be available for release, by contacting the Shire to make the necessary arrangements
Motor vehicle impound fee –	
Additional days storage fee or part thereof	
<p>(1) Subject to clause 2 below, if your motor vehicle is not collected within 2 months after the date of this notice the Shire may either—</p> <p>(a) under section 3.46 of the <i>Local Government Act 1995</i> refuse to allow the motor vehicle to be collected until the Shire's costs of removing and keeping the motor vehicle have been paid to the Shire; or</p> <p>(b) under section 3.47 of the <i>Local Government Act 1995</i> sell or otherwise dispose of the motor vehicle and credit the money received from that sale or disposal to the Shire's Trust Fund except to the extent required to meet the cost and expenses incurred by the Shire in removing, impounding and selling of the motor vehicle.</p>	
<p>(2) If the Local Government has made a declaration that in accordance with 3.40A(4) of the <i>Local Government Act 1995</i> the motor vehicle is an abandoned wreck then the motor vehicle may be disposed of within 7 days of that declaration being made.</p>	
<p>If you are convicted of an offence against this Local Law, section 3.48 of the <i>Local Government Act 1995</i> allows the Shire to recover from you its outstanding expenses incurred in the removing, impounding and selling of the motor vehicle.</p>	
Take note –	Unless all fees are paid for and the motor vehicle collected within 2 months from the date of impounding, the Shire may sell the subject motor vehicle.

Authorised person— Name	
Signature	
Title	
Date issued –	

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**Schedule 2—Infringement notice and notice requiring owner of motor vehicle to identify motor vehicle**

**[cl. 7.5(b)]**

**Shire of Kojonup**

INFRINGEMENT NUMBER	
To (full name/s) –	
Of (address) –	
	It is alleged that –
On (day) –	
At (time) –	
	Your motor vehicle –
Make –	
Model –	
Registration –	
As from	
	Was involved in the commission of the following offence –
Details of offence –	
	Contrary to –
Local Government (Parking for People with Disabilities) Regulations 2014 –	
Shire of Kojonup Parking Local Law 2022, clause –	
The modified penalty item number is –	
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 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 person at the Shire of Kojonup as to the identity and address of the person who was the driver or person in charge of the above motor vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above motor 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.

**IMPORTANT**—if you do not pay the Modified penalty within 28 days, you may be prosecuted in a court or enforcement action may be taken under the *Fines, Penalties and Infringements Notices Enforcement Act 1994*. Under this Act, some or all of the following actions may be taken—your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a drivers licence or vehicle licence, your vehicle may be immobilized or have its number plates removed, your details may be published on a website, your earnings or your bank accounts may be garnished; and your property may be seized and sold. If the matter is registered with the Registry, additional costs will also be payable. 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. If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the authorised person at the below address:

In person or by mail to –	Chief Executive Officer Shire of Kojonup, 93 Albany Highway KOJONUP Between—8.30am and 4.30pm Monday to Friday (except public holidays) Payments by cash, cheque or EFTPOS.
Electronic payment or correspondence –	Refer website at <a href="http://www.Kojonup.wa.gov.au">www.Kojonup.wa.gov.au</a> Quoting infringement number <a href="mailto:enquiries@Kojonup.wa.gov.au">enquiries@Kojonup.wa.gov.au</a>
Authorised person—	
Name	
Signature	
Title	
Date issued –	

## Schedule 3—Prescribed offences

[cl. 7.4]

Item	Clause	Nature of offence	Modified penalty \$
1	3.2	Unauthorised parking in a disabled parking space or unauthorised display of a disability parking permit are dealt with by the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i>	As per the Regulations
2	3.3	Failure to park correctly on a carriageway without markings	50
3	3.4	Parking too close to a railway level crossing	100
4	3.5	Unauthorised parking on a reserve	50
5	3.6	Failure to comply with general prohibitions on parking	50
6	3.7	Failure to comply with restrictions on parking in particular areas	50
7	3.8	Motor vehicle obstructing a thoroughfare or public place	100
8	3.9	Failure to comply with instruction of authorised person	100
9	3.10(1)	Failure to obtain permission to park a motor vehicle other than as provided by this local law	50
10	3.10(2)	Failure to comply with conditions of suspension of parking requirements	100
11	3.11	Failure to comply with “no parking” sign	50
12	3.12	Failure to comply with “no stopping” sign	50
13	3.14	Stopping near an obstruction	50
14	3.15	Stopping on a bridge etc	100
15	3.16	Stopping on crests/curves	100
16	3.17	Stopping near fire hydrant	50
17	3.18	Obstructing path, a driveway etc	50
18	3.21	Failure to comply with sign	50
19	3.22	Unauthorised placement, misuse or obstruction of a sign	100
20	3.24	Stopping unlawfully in a loading zone	50
21	3.25	Stopping unlawfully in a taxi or bus zone	50
22	3.26	Stopping in a shared zone	50
23	3.27	Stopping in a zone contrary to a sign	50
24	4.2	Parking of a motor vehicle on a verge for sale or repair, of if unlicensed motor vehicle, unattached trailer or caravan.	50
25	4.3	Failure to comply with limitations on heavy and long motor vehicles	100
26	4.4	Double parking	50
27	4.5(1)	Failure to comply with event parking sign	50
28	4.5(3)	Failure to display required event permit information	50
29	4.6	Failure to park with marked bay or lane	50
30	4.7(1)	Creating an obstruction or incorrectly parked in a parking facility	50
31	4.7(2)	Incorrect parking of a bicycle in a parking facility	50
32	4.7(3)	Unauthorised extended parking in a facility	50
33	4.8	Failure to comply with angle parking	50
34	4.9	Stopping at or near bus stop	50
35	4.10	Stopping on path, median strip or traffic island	50
36	4.11	Stopping on verge	50
37	4.12	Stopping in a motorcycle parking area	50
38	4.13	Stopping in a bicycle area	50
39	5.2	Failure to comply with timed parking sign	50
40	5.3(2)	Unauthorised making or removal of mark	100
41	5.4	Moving motor vehicle to avoid time limitations	50

<b>Item</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>
42	6.1	Removing notice from motor vehicle	100
43	6.2(b)	Unauthorised parking of special purpose motor vehicle	50
44		All other offences not specified	50

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Dated 21st of June 2022.

The common Seal of the Shire of Kojonup was affixed by authority of a resolution of the Council in the presence of—

NED RADFORD, Shire President.  
GRANT THOMPSON, Chief Executive Officer.

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