

# LAUNCESTON CITY COUNCIL

## PARKING BY-LAW

### BY-LAW NO. 2 of 2013

A By-Law made under Section 145 and Section 170 of the *Local Government Act 1993*, in respect of the parking of vehicles and other activities on land owned by or under the control of the Launceston City Council and designated a parking area within the municipal area of the Launceston City Council and for the purpose of prescribing infringement notice penalties pursuant to Section 100 of the *Local Government (Highways) Act 1982*.

### PART 1 – PRELIMINARY

#### 1. Short title

This by-law may be cited as the Parking By-Law Number 2/2013.

#### 2. Repeal

By-law Number 24 of 2003, Parking By-law notified in the Tasmanian Government Gazette on the 4<sup>th</sup> day of June 2003 and By-law Number 7 of 2009 Parking (Amendment) By-law notified in the Tasmanian Government Gazette on the 12<sup>th</sup> day of August 2009 are repealed.

#### 3. Interpretation

In this by-law, unless the contrary intention appears:

"authorised officer" means a person employed by the Council as a Parking Officer, a person appointed by the Council to control a parking area, any person authorised in writing by the General Manager and a police officer of Tasmania Police;

"Council" means the Launceston City Council;

"drive" has the same meaning as under the Dictionary in the *Road Rules 2009*;

"General Manager" means the general manager of the Council;

"highway" means a highway maintainable by the Council pursuant to the *Local Government (Highways) Act 1982*;

"liquor" has the same meaning as under the *Liquor Licensing Act 1990*;

"registered operator" has the same meaning as under the *Vehicle and Traffic Act 1999*;

"park" means to leave a vehicle in a stationary position whether attended or not;

"parking area" includes any area owned by or under the control of the Council and designated by public notice for the parking of vehicles, but does not include a highway;

"Manager Parking" means the person holding the position of Manager Parking with the Council, or a person acting in that position;

"parking meter" means a device installed by or for the Council for measuring time on the insertion of coin, note or other accepted payment method, of the name or value shown on the device;

"parking space" means a space within a parking area or a space controlled by a parking meter, indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

"parking voucher" means a document issued by a voucher machine;

"penalty unit" means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

"motor vehicle" has the same meaning as in the *Vehicle and Traffic Act 1999*;

"voucher machine" means a device that is installed by or for Council that issues a parking voucher after the correct coin, note or other accepted payment method, has been inserted and: -

- (a) indicates that the holder may park a vehicle in a space in the parking area where the voucher was purchased; and
- (b) bears the date and time of issue.

## **PART 2 - DRIVING OF VEHICLES**

### **4. Entry and exit of parking areas**

(1) A person driving a motor vehicle must not enter or leave a parking area except by an access point designated by Council signs.

Penalty: a fine not exceeding 1.5 penalty units.

## **5. Driving of motor vehicles**

(1) A person must not drive a motor vehicle in a parking area at more than twenty kilometres an hour.

Penalty: a fine not exceeding 2 penalty units.

## **PART 3 - PARKING**

## **6. Parking of motor vehicles**

(1) A person must not park a motor vehicle which is: -

- (a) not wholly within one parking space or parked otherwise than as directed by an authorised officer; or
- (b) in a position where it obstructs the entry or exit of a vehicle to another parking space.

Penalty: a fine not exceeding 1.5 penalty units.

(2) An authorised officer may remove, or permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

## **7. Payment of fee**

(1) A person must not park a motor vehicle in a parking area without payment of the fee required by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

## **8. Parking vouchers**

(1) A person must not park a motor vehicle in a parking area controlled by a voucher machine unless that person has displayed on the driver's side of the motor vehicle's dashboard an unexpired voucher.

Penalty: a fine not exceeding 1.5 penalty units.

(2) A voucher must be displayed so that the date and time of issue are clearly visible from outside the motor vehicle.

Penalty: a fine not exceeding 1.5 penalty units.

## **9. Parking longer than maximum period**

(1) A person must not allow a motor vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, as are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 1.5 penalty units.

#### **10. Reserved spaces**

(1) The Manager Parking is to decide on the location of, and the conditions applicable to, reserved parking areas and spaces.

(2) A person must not park or leave a motor vehicle in a parking space or parking area which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 1.5 penalty units.

(3) An authorised officer may remove or, permit an agent of the Council to remove, a motor vehicle if it is parked in contravention of this clause.

### **PART 4 - PROHIBITED ACTIVITIES**

#### **11. Damage to Equipment**

(1) A person must not in any way damage equipment used or connected in any way with a parking area or parking space nor use anything other than the type of notes or coins or payment method indicated on the outside of the equipment as acceptable for that purpose.

Penalty: a fine not exceeding 2 penalty units.

#### **12. Unauthorised Removal of Infringement Notice**

(1) A person other than the registered operator or person in charge of the motor vehicle must not remove or cause to be removed an infringement notice affixed to a motor vehicle.

Penalty: a fine not exceeding 2 penalty units.

#### **13. Washing, dismantling and repair of motor vehicles**

(1) A person must not dismantle or repair any motor vehicle in a parking area without the consent of the Council unless it is necessary to enable the motor vehicle to be moved from the parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) A person must not paint or wash any motor vehicle in a parking area without the consent of the Manager Parking.

Penalty: a fine not exceeding 1 penalty unit.

#### **14. Skidding of motor vehicles**

(1) A person must not intentionally drive a motor vehicle so : -

- (a) it skids; or
- (b) it leaves rubber marks from its tyres on the surface of a parking area.

Penalty: a fine not exceeding 2 penalty units.

#### **15. Distribution of advertisements**

(1) A person must not distribute, or cause to be distributed, any advertisement, book, card, handbill, notice, pamphlet, print, paper or placard within a parking area without the consent of the Manager Parking.

Penalty: a fine not exceeding 2 penalty units.

#### **16. Damage to Council property**

(1) A person must not remove or damage Council property in any parking area.

Penalty: a fine not exceeding 5 penalty units.

#### **17. Graffiti**

(1) Except as provided for in subclause (2) a person must not mark, write on or in any other way deface Council property.

Penalty: a fine not exceeding 2 penalty units.

(2) The Manager Parking may give written approval for painting or a similar activity to occur in a parking area.

#### **18. Liquor**

(1) A person must not:

- (a) possess an open container of liquor within a parking area; or
- (b) sell liquor within a parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) It is a defence to a prosecution pursuant to this clause for the person charged with the offence to establish that they did not have an open container of liquor in their possession for the purpose of drinking it in the parking area.

(3) A police officer may remove a person from the parking area if they believe the person is offending under this clause.

(4) A police officer may remove and retain an open or unsealed container of liquor from a person they believe is offending under this clause.

### **19. Prohibited conduct**

(1) A person must not in a parking area :-

- (a) spit; or
- (b) use threatening or offensive language; or
- (c) act in a disorderly or indecent manner.

Penalty: a fine not exceeding 2 penalty units.

### **20. Obstruction**

(1) A person must not cause any obstruction to motor vehicle or foot traffic in a parking area.

Penalty: a fine not exceeding 2 penalty units.

### **21. Use of skates and cycles**

(1) Except as otherwise provided in subclause (2), a person must not to ride a vehicle or machine propelled by human power which includes a skateboard, scooter, bicycle, in-line skates and roller skates, in a parking area.

Penalty: a fine not exceeding 2 penalty units.

(2) A person may ride a bicycle in a parking area for the purpose of parking it in an area designated for parking or storing bicycles.

## **PART 5 - MISCELLANEOUS**

### **22. Supply of name and address**

(1) An authorised officer or a police officer who reasonably believes that a person has committed or is committing an offence against this by-law may request that person to supply their full name and permanent or present temporary address;

(2) A person must not refuse to supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or police officer;

Penalty: a fine not exceeding 2 penalty units

(3) A police officer may arrest a person if the police officer or an authorised officer finds the person refuses to provide their full name and present address or reasonably believes the details provided are false.

### **23. Request to leave an area**

(1) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a parking area.

(2) A person who does not obey the directions of an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 2 penalty units.

(3) A police officer may remove any person from the parking area who is offending under this clause.

(4) A police officer may arrest a person found offending under this clause.

### **24. Closure of parking areas**

The Manager Parking may close any parking area or portion of a parking area.

### **25. Use of parking areas for other purposes**

The Manager Parking may give written approval for a parking area to be used for any purpose and impose conditions for its use.

### **26. Recovery of Expenses**

In addition to a penalty imposed in relation to a failure to comply with or a contravention of clauses 6, 10, 11, 13, 14, 16 and 17 of this by-law, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or in contravention.

## **PART 6 - INFRINGEMENT NOTICES**

### **27. Infringement notices**

(1) In this clause –

"specified offence" means an offence against the clause specified in column 1 of Schedule 1 and generally described in column 2 of Schedule 1.

(2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3, 4 or 5 (as applicable) of Schedule 1 is the penalty payable under the infringement notice for that offence.

(3) Payment of an infringement notice issued under this by-law must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.

(4) An authorised officer may—

(a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and

(b) issue one infringement notice in respect of more than one specified offence.

(5) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.

(6) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

## PART 7

### SECTION 100 OF THE LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

#### 28. Prescribed penalties for parking offences under the Local Government (Highways) Act 1982

For the purposes of section 100(4) of the *Local Government (Highways) Act 1982*, the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of that Act is the applicable sum specified adjacent to the offence in the following table:

Column 1 Section	Column 2 Offence	Column 3 Penalty (\$)	Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice
Section 97(1)(a)(i)	Remaining parked whilst meter not running	\$65	\$25	\$40
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	\$65	\$35	\$50
Section 97(1)(b)(i)	Parking without parking voucher displayed	\$65	\$25	\$40
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	\$65	\$35	\$50



Section 97(1)(c)	Parking more than one motor vehicle in a space	\$65	\$35	\$50
Section 97(1)(d)	Parking a motor vehicle partly inside and outside a space	\$65	\$25	\$40
Section 98	Obstructing use of parking space	\$65	-	-
Section 99	Parking whilst space closed	\$65	-	-

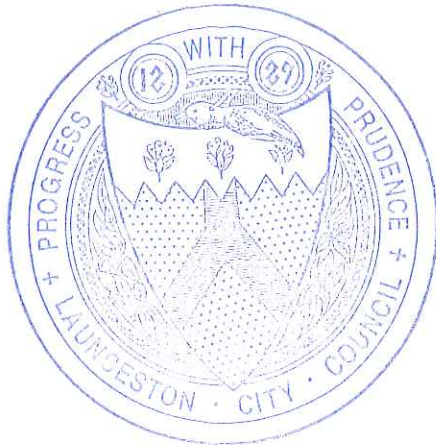
**Schedule 1 - Infringement Notice Offences**

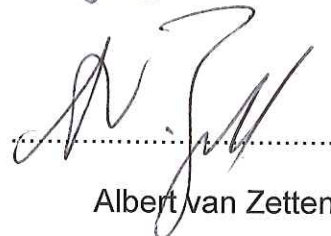
<b>Column 1 Clause</b>	<b>Column 2 General Description of Offence</b>	<b>Column 3 Penalty (\$)</b>	<b>Column 4 Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice</b>	<b>Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice</b>
4	Failure to use designated access point to parking area	\$65	\$25	\$40
5	Exceeding speed limit in parking area	\$65	-	-
6	Not parking within designated area	\$65	\$25	\$40
7	Failure to pay parking fee	\$65	\$35	\$50
8	Failure to display current parking voucher	\$65	\$25	\$40
9	Parking longer than the maximum period	\$65	\$35	\$50
10	Parking in a reserved space without authorisation	\$65	-	-
11	Damaging equipment in a parking area	\$65	-	-
12	Unauthorised removal of infringement notice	\$65		
13	Washing, dismantling, repairing motor vehicle without consent	\$65	-	-

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Clause</b>	<b>General Description of Offence</b>	<b>Penalty (\$)</b>	<b>Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice</b>	<b>Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice</b>
14	Skidding of motor vehicles	\$65	-	-
15	Distributing advertising material without consent	\$65	-	-
17	Defacing Council property	\$65	-	-
20	Obstructing vehicle or foot traffic	\$65	-	-
21	Using skates and cycles in a parking area	\$65	-	-

The Common Seal of the Launceston City Council was placed on this document  
this 27 day of July 2013.  
Jine

The Common Seal of the Launceston City Council has been placed on this  
document pursuant to a resolution of Council on the 24<sup>th</sup> of July 2013 in the  
presence of us:  
Jine



  
.....

Albert van Zetten  
MAYOR

  
.....

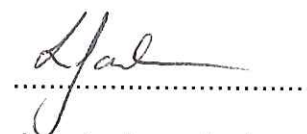
ALDERMAN

Certified as being made in accordance with *Local Government Act 1993*

  
.....

Robert Dobrzynski  
GENERAL MANAGER

Certified as being in accordance with the law.

  
.....

Lynda-Jane Jackson

REGISTERED LEGAL PRACTITIONER