

**IPSWICH CITY COUNCIL
LOCAL LAW NO. 27 (REGULATED PARKING)**

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 27 (Regulated Parking).

Objects

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

Definitions

3. In this local law:

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

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

'disabled person parking permit' means:

- (a) a disabled person parking permit under section 111 of the *Transport Operations (Road Use Management) Act 1995*²; or

¹ The parking permits issued by the local government under this local law are to be distinguished from disabled person parking permits (which are issued by Queensland Transport under section 111 of the *Transport Operations (Road Use Management) Act 1995*).

² Under section 111 of the *Transport Operations (Road Use Management) Act 1995* Queensland Transport may issue a permit to a disabled person or to an organisation that transports disabled persons. The permit is subject to the conditions stated on it.

- (b) a parking permit under a corresponding provision of the law of another State or a Territory.

‘emergency vehicle’ means:

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

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

‘minor traffic offence’ means—

- (a) an offence against Chapter 5 Part 6 – Regulated Parking of the *Transport Operations (Road Use Management) Act 1995*; or
- (b) an offence, prescribed under a regulation of the *Transport Operations (Road Use Management) Act 1995*, that relates to the parking or stopping of a vehicle.

‘official traffic sign’ means a sign, signal, marking, light or device, for regulating, warning or guiding traffic that is an official traffic sign under the Manual of Uniform Traffic Control Devices or section 166 of the *Transport Operations (Road Use Management) Act 1995*.³

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

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

‘parking infringement notice’ means an infringement notice under the *State Penalties Enforcement Act 1999*.

‘regulated parking area’ means:

- (a) a traffic area; or

³ The design of the sign and the methods, standards and procedures relating to the sign must conform with the Manual of Uniform Traffic Control Devices issued by Queensland Transport or be approved by Queensland Transport (See the definition of **‘official traffic sign’** in section 166 of the *Transport Operations (Road Use Management) Act 1995*).

- (b) a road or part of a road where parking is regulated by official traffic signs installed at or near the place the regulated parking applies to;⁴ or
- (c) land (including structures on the land) defined, under a subordinate local law, as an off-street area where parking is regulated.⁵

‘**road**’ includes a State-controlled road.

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

‘**traffic area**’ means a part of the local government’s area that is declared to be a traffic area under section 4.

PART 2 - REGULATION OF PARKING

Division 1 - Traffic areas⁶

Declaration of traffic area

- 4.(1) The local government may, by subordinate local law:
 - (a) declare the whole or a part of its area to be a traffic area; or
 - (b) change the boundaries of a traffic area; or
 - (c) revoke the declaration of a traffic area.
- (2) The boundaries of the traffic area must be defined in the subordinate local law.
- (3) However, the local government cannot regulate parking on a State-controlled road under this section unless the chief executive of the department which administers Chapter 5 of the Transport Infrastructure Act 1994 has given his or her written agreement for the local government to regulate parking on a State-controlled road in its area.

⁴ See section 9.

⁵ For power to define land under the control of the local government as an off-street parking area, see section 104 of the *Transport Operations (Road Use Management) Act 1995*.

⁶ See section 102 of the *Transport Operations (Road Use Management) Act 1995*.

Regulation of parking in declared traffic areas

- 5.(1) The local government may, by subordinate local law:
- (a) restrict the time for which a person may park in a traffic area to a maximum time specified in the subordinate local law; and
 - (b) specify the times when the restriction applies, or does not apply, to parking in the traffic area.
- (2) The local government may, by subordinate local law:
- (a) restrict parking in the traffic area to paid parking at a place where the local government has provided for paid parking; and
 - (b) specify the times when the restriction applies, or does not apply, to parking in the traffic area.
- (3) The local government may, by subordinate local law:
- (a) prohibit parking in a traffic area; and
 - (b) specify the times when the prohibition applies, or does not apply, in the traffic area.

Official traffic signs applying to parking throughout a traffic area

6. At every road entry to a traffic area, the local government must install on the road an official traffic sign indicating the nature of the restriction applying to parking in the traffic area and the times when the restriction applies.⁷

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

- 7.(1) Although an official traffic sign applying to parking throughout a traffic area (a '**general parking sign**') is installed, another official traffic sign (a '**special parking sign**') may be installed inside the traffic area applying to parking in a particular part of the traffic area.⁸
- (2) A general parking sign applies subject to a special parking sign to parking in a part of a traffic area to which the special parking sign applies.⁹

⁷ Under section 102(6) of the *Transport Operations (Road Use Management) Act 1995* a person parking anywhere within a traffic area is taken to have notice of the contents of the official traffic sign installed at the road entries to the traffic area.

⁸ The special parking sign could be installed under Division 2, 3 or 4 or under some other law authorising regulation of parking.

⁹ See section 102(4)(b) of the *Transport Operations (Road Use Management) Act 1995*.

Parking offences in a traffic area

- 8.(1) A person must not park contrary to:
- (a) an official traffic sign in a traffic area; or
 - (b) section 106 – Paid parking offences, of the *Traffic Operations (Road Use Management) Act 1995*.
- (2) The infringement notice penalties set out in the schedule are prescribed for the minor traffic offences mentioned in the schedule.¹⁰

Division 2 - Regulated parking areas

Regulated parking areas on roads

- 9.(1) The local government may regulate parking on a road by installing official traffic signs at or near the place the regulated parking applies.
- (2) However, the local government cannot install official traffic signs on a State-controlled road under this section unless the chief executive of the department which administers Chapter 8 of the *Transport Infrastructure Act 1994* has given his or her written agreement.

Off-street regulated parking areas

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

Example:

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

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

¹⁰ See section 108 of the *Transport Operations (Road Use Management) Act 1995*.

¹¹ Land controlled by a local government includes land over which the local government may exercise control under an arrangement with a person who owns or has an interest in the land (See *Transport Operations (Road Use Management) Act 1995* section 104).

Regulation of parking in regulated parking areas

- 11.(1) The local government may, by subordinate local law, regulate parking in a regulated parking area in one or more of the following ways:
- (a) by imposing parking fees for parking in the regulated parking area, specifying the days and hours when paid parking applies and providing for payment of parking fees by parking meter or parkatarea or a particular system (the ‘**authorised system**’) for the payment of parking fees;
 - (b) by restricting parking in the regulated parking area to a specified maximum time (whether or not paid parking also applies in the regulated parking area) and specifying the days and hours when the restriction applies;
 - (c) by prohibiting parking in a specified part of the regulated parking area;
 - (d) by restricting parking in the regulated parking area in another way and specifying the days and hours when the restriction applies.

Example of a restriction under paragraph (d):

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

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

Installation of official traffic signs for regulated parking areas

- 12.(1) The local government may install official traffic signs for regulated parking areas indicating:
- (a) designated parking spaces; and
 - (b) the nature of the restrictions applying in designated parking spaces and when the restrictions apply; and
 - (c) where paid parking applies; and
 - (d) other indications of how parking is regulated.

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

Parking offences in a regulated parking area

- 13.(1) A person must not park contrary to:
- (a) an official traffic sign in a regulated parking area; or
 - (b) section 106 – Paid parking offences, of the *Transport Operations (Road Use Management) Act 1995*.
- (2) The infringement notice penalties set out in the schedule are prescribed for the minor traffic offences mentioned in the schedule.¹³

Division 3 – Other parking restrictions

Offences for other parking restrictions

- 14.(1) A person must not park a vehicle contrary to a restriction in Part 12 – Restrictions on Stopping and Parking of the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.
- (2) Subsection (1) also applies to a traffic area and regulated parking area made under this Part of this local law.
- (3) The infringement notice penalties set out in the schedule are prescribed for the minor traffic offences mentioned in the schedule.¹⁴

Division 4 - Temporary parking restrictions

Temporary parking restrictions

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

¹² The regulation of parking is ultimately enforceable under section 74(1) of the *Transport Operations (Road Use Management) Act 1995* as a contravention of an indication on an official traffic sign.

¹³ See section 108 of the *Transport Operations (Road Use Management) Act 1995*.

¹⁴ See section 108 of the *Transport Operations (Road Use Management) Act 1995*.

Examples:

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

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

- (2) A temporary prohibition of, or restriction on, parking may be imposed under this section by resolution of the local government, or by decision of the chief executive officer of the local government or another officer of the local government to whom the power of the local government to impose the temporary prohibition or restriction has been delegated.
- (3) However, the local government cannot regulate parking on a State-controlled road under this section unless the chief executive of the department which administers Chapter 5 of the Transport Infrastructure Act 1994 has given his or her written agreement for the local government to regulate parking on a State-controlled road in its area.

Duration of temporary prohibition or restriction

- 16.(1) A temporary prohibition of, or restriction on, parking under this Division takes effect when the local government installs the appropriate official traffic sign indicating the prohibition or restriction.¹⁵
- (2) A temporary prohibition of, or restriction on, parking under this Division cannot remain in force for more than fourteen (14) days.

PART 3 - LOADING ZONES

Loading zones

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

¹⁵ The prohibition or restriction is enforceable under section 74(1) of the *Transport Operations (Road Use Management) Act 1995*. (This section makes it an offence for a person to contravene an indication on an official traffic sign.)

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

Installation of official traffic signs indicating loading zones

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

Issue of commercial vehicle identification labels

- 19.(1) The local government may issue a commercial vehicle identification label for a vehicle classified as a commercial vehicle under subordinate local laws.
- (2) A commercial vehicle identification label remains in force until a date fixed by the local government and stated on the label.
- (3) A fee fixed under the subordinate local laws is payable for a commercial vehicle identification label issued under this local law.

Parking in loading zones

- 20.(1) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.
- (2) A vehicle may be lawfully parked in a loading zone for as long as necessary to set down passengers or to pick up passengers who are waiting at the loading zone to be picked up.
- (3) However, a vehicle will not be regarded as lawfully parked in a loading zone under subsection (1) or (2) if the vehicle is parked in contravention of an indication given by an official traffic sign or, in the case of a vehicle displaying a commercial vehicle identification label, if the vehicle is parked in contravention of conditions laid down under the subordinate local laws.
- (4) An emergency vehicle may be lawfully parked in a loading zone if it is reasonably necessary to park the vehicle in the loading zone to deal with an emergency.

PART 4 - PARKING FOR DISABLED PERSONS

Local government's responsibility to disabled persons

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

Parking under disabled person parking permit

22. A vehicle displaying a disabled person parking permit may, subject to the conditions of the permit, be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.¹⁶

PART 5 - LOCAL GOVERNMENT PARKING PERMITS

Issue of parking permits

23. The local government may grant a parking permit authorising a person to park:
- (a) in a designated parking space where parking is restricted to permit parking; or
 - (b) in a regulated parking area contrary to an indication given by an official traffic sign.

Classes of persons to whom permits may be issued

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

Term of parking permit

- 25.(1) A parking permit may be granted for a specified occasion or for a specified term.
- (2) If a parking permit is granted for a specified term, the local government may, on application by the holder of the permit, renew the permit.
 - (3) A term for which a parking permit is granted or renewed must be fixed as required by a relevant subordinate local law, or as decided by the local government when it grants the permit or renewal.

Conditions of permit

- 26.(1) A parking permit may be granted on conditions the local government considers appropriate.
- (2) The conditions of a permit may, for example:
 - (a) restrict the use of the permit;

¹⁶ See section 206 of the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.

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

Compliance with conditions of parking permit

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

Maximum penalty - 10 penalty units.

Cancellation of a parking permit

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

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

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

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

PART 6 - MISCELLANEOUS

Defences

29. It is a defence to any breach or non-compliance of any provision contained in this local law if a person has a reasonable excuse.

Subordinate local laws

30. The local government may make subordinate local laws about:

- (a) traffic areas;¹⁷ or

¹⁷ See section 4.

- (b) regulating parking in declared traffic areas;¹⁸ or
- (c) regulated parking areas (including off-street regulated parking areas) and the regulating parking in regulated parking areas;¹⁹
- (d) loading zones;²⁰
- (e) classifying vehicles as commercial vehicles for which commercial vehicle identification labels may be issued;²¹
- (f) parking permits;²²
- (g) other matters about which this local law specifically allows for the making of subordinate local laws.

¹⁸ See section 5.

¹⁹ See sections 9, 10 and 11.

²⁰ See section 17.

²¹ See section 19.

²² See Part 5.

SCHEDULE

Parking Infringement Notice Penalties

<i>Transport Operations (Road Use Management – Road Rules) Regulation 1999</i>	
Part 12	
S 167 – No Stopping signs	\$50
S 168 – No Parking signs	\$50
S 169 – No Stopping on a road with a yellow edge line	\$50
S 170 – Stopping in or near an intersection	\$50
S 171 – Stopping on or near a children’s crossing	\$75
S 172 – Stopping on or near a pedestrian crossing	\$75
S 173 – Stopping on or near a marked foot crossing	\$75
S 174 – Stopping at or near bicycle crossing lights	\$50
S 175 – Stopping on or near a level crossing	\$50
S 176 – Stopping on a clearway	\$75
S 177 – Stopping on a freeway	\$75
S 178 – Stopping in an emergency stopping lane	\$75
S 179 – Stopping in a loading zone	\$50
S 180 – Stopping in a truck zone	\$50
S 181 – Stopping in a works zone	\$50
S 182 – Stopping in a taxi zone	\$50
S 183 – Stopping in a bus zone	\$50
S 185 – Stopping in a permit zone	\$50
S 186 – Stopping in a mail zone	\$50
S 187 – Stopping in a bus lane, tram lane, transit lane, truck lane	\$75
S 188 – Stopping in a shared zone	\$50
S 189 – Double parking	\$50
S 190 – Stopping in or near a safety zone	\$50
S 191 – Stopping near an obstruction	\$50
S 192 – Stopping on a bridge or in a tunnel	\$50
S 193 – Stopping on a crest or curve outside a built-up area	\$50
S 194 – Stopping near a fire hydrant	\$50
S 195 – Stopping at or near a bus stop	\$50
S 196 – Stopping at or near a tram stop	\$50
S 197 – Stopping on a path, dividing strip or nature strip	\$50
S 198 – Obstructing access to and from a footpath, driveway	\$50
S 199 – Stopping near a post box	\$50
S 200 – Stopping on road – heavy and long vehicles	\$100
S 201 – Stopping on a road with bicycle parking sign	\$50
S 202 – Stopping on a road with motor bike parking sign	\$50
S 203 – Stopping in a parking area for people with disabilities	\$100
S 205 – Parking for longer than indicated on a permissive parking sign	\$50
S 206 – Time extension for people with disabilities	\$50
S 208 – Parallel parking on a road	\$50

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S 209 – Parallel parking in a median strip parking area	\$50
S 210 – Angle parking	\$50
S 211 – Parking in parking bays	\$50
S 212 – Entering and leaving a median strip parking area	\$50
S 213 – Making a vehicle secure	\$50
<i>Transport Operations (Road Use Management) Act 1995</i>	
S 74 – Stopping in a “No Stopping Ambulances Excepted” area	\$100
S 74 – Stopping in a “Loading Zone Ambulances Excepted” area	\$100
S 74 – Other offences under S 74 TORUM	\$50
S 106 – Paid Parking offence	\$35
S 106 – Offences other than paid parking	\$50