

HOBART CITY COUNCIL

**CAR PARKS & PARKING BY-LAW**

BY-LAW 2 of 2008

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF

MANAGING AND CONTROLLING PARKING IN THE MUNICIPAL AREA

**PART 1- PRELIMINARY**

**Short Title**

1. This by-law may be cited as the Car Parks & Parking By-law.

**Interpretation**

2. In this by-law: -

"**authorised officer**" means an employee of the Council authorised by the General Manager for the purposes of this by-law;

"**car park**" means any off street area set aside by the Council to park vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park;

"**Council**" means Hobart City Council;

"**gantry point**" mean a physical device installed at the entrance of the car park that indicates the maximum allowable height for any vehicle to enter and access the car park with adequate height clearance throughout the car park;

"**fuel**" includes petrol, diesel and LP Gas;

"**General Manager**" means the General Manager of the Council appointed pursuant to section 61 of the Act;

"**loiter**" means to idle about the car park other than in a waiting lounge or lawfully seated in a car;

"**missile**" includes any object or substance that is capable of being thrown;

"**offensive act**" includes expectorating;

"**owner**" includes: -

- a) in the case of a motor vehicle within the meaning of the *Vehicle and Traffic Act 1999* –
  - (i) a joint owner or part owner of the vehicle;
  - (ii) a person who has use of the vehicle under a hiring or a hire-purchase agreement;
  - (iii) a person who is registered as the owner of the vehicle under that Act or any corresponding enactment or ordinance of a State or Territory of the Commonwealth;
  - (iii) a person in charge of the vehicle;and
- b) in the case of any other vehicle -

- (i) a joint owner or part owner of the vehicle;
- (ii) a person who has the use of the vehicle under a hiring or hire-purchase agreement; and
- (iii) a person in charge of the vehicle,

at the time at which there was a contravention of this by-law with that vehicle;

"**park**" means for the driver of a vehicle to stop that vehicle for more than 10 seconds except: -

- (a) because the stopping traffic prevents movement; or
- (b) to, and not for any longer than is necessary to, set down or pick up passengers or goods without waiting;

"**parking space**" means any space marked out by the Council as a parking space;

"**trailer**" means a contrivance as defined in clause (a) and (b) of section 3 of the *Vehicle and Traffic Act 1999* but does not include a side-car or side-box attached to a motor-cycle;

"**ticket**" means a ticket the property of the Council issued by a ticket dispensing machine or an authorised officer;

"**ticket dispensing machine**" means a mechanical appliance for automatically ejecting tickets with or without the necessity for a button to be pushed;

"**use**" in relation to a skateboard, means use or ride a skateboard;

"**vehicle**" means a motor vehicle as defined in section 3 of the *Vehicle and Traffic Act 1999*, other than a traction engine, tractor, lorry or vehicle exceeding six metres in length and two metres in height: -

- a) the length of any vehicle is measured from one extreme end of the vehicle to the other including any trailer or other attachment or fitting on the vehicle;
- b) the height of any vehicle is measured from the ground to the highest point of any vehicle including any trailer or other attachments or fittings on the vehicle or any thing carried on the vehicle or on any trailer attached to the vehicle;

## **PART 2 - GENERAL PROVISIONS**

### **Application**

3. This by-law applies to all off street car parks operated by the Council.

### **Parking subject to by-law and terms and conditions**

4. A person may only park a vehicle in a car park subject to the provisions of this by-law and in accordance with any notices displayed in the car park and the terms and conditions on any ticket issued or on a form issued with a ticket.

### **Days of operation of the car park**

5. The days and times on which the car parks are to operate are those displayed on signs at the car parks.

## **PART 3 - PARKING IN THE CAR PARK**

### **Parking in car park without marked spaces**

6. A person parking a vehicle in a car park where the spaces are not marked or indicated must park the vehicle only as directed by an authorised officer and if there is no authorised officer present must park the vehicle:-
  - a) only in the parking space specified in the current parking permit issued by the Council to the owner; or

- b) if there is not a current permit, and space is available, as directed by a notice erected by the Council at or near the entrance to the car park; and
- c) so as not to hinder the entrance and exit of any other vehicle to or from a parking space or the car park.

Penalty: 2 penalty units

**Parking in a car park with marked spaces**

- 7. A person parking a vehicle in a car park in which the parking spaces are marked or indicated must park the vehicle entirely within the marked spaces of a single empty parking space and unless an authorised officer directs otherwise, must only park the vehicle in a particular parking space.

Penalty: 2 penalty units

**Parking one car per marked space**

- 8. A person must not cause more than one vehicle to be parked within a single parking space as indicated or marked.

Penalty: 2 penalty units.

**Use of ticket dispensing machines**

- 9. A person parking a vehicle in a car park if a ticket dispensing machine is installed and operating, must not operate the ticket vending machine except in accordance with any notice or sign displayed or erected on or near the machine.

Penalty: 2 penalty units

**Interference with ticket dispensing machines**

- 10. A person must not interfere with any ticket dispensing machine other than to take a ticket from a machine or to insert a coin of the kind notified on the machine and take a ticket from the machine.

Penalty: 2 penalty units

**Production or display of tickets**

- 11. 1) A person must produce or display any ticket in a car park if the person is instructed to do so by an authorised officer, or if there is an instruction or direction to do so printed on the ticket or on a sign or notice posted in the car park.

Penalty: 1 penalty unit

- 2) A person who is required to display a ticket must not place it except on the dashboard of the car or against the inside of the windscreen of the vehicle so that the time on it is able to be read from the outside of the vehicle through the windscreen.

Penalty: 1 penalty unit

**Parking**

12. A person must not park a vehicle in a car park for any period longer than the person has paid for.

Penalty: 2 penalty units

**Parking exceeding maximum time**

13. A person must not park a vehicle in the car park, if the period of parking is fixed for any duration exceeding that period or, if the period of parking is not fixed, then for more than 24 hours.

Penalty: 2 penalty units

**Parking in areas set aside for certain vehicles**

14. A person must not park a vehicle in any area of the car park which is set aside for a certain class or kind of vehicle to be parked in that area, and there are signs, notice or other directions indicating that the area is set aside for that purpose, unless the vehicle is of the class or kind authorised by the sign, notice or other direction.

Penalty: 2 penalty units

**Parking in areas set aside for certain people**

15. A person must not park a vehicle in any area of the car park which is set aside or reserved for use by a certain class of people, and there are signs, notices or other directions indicating that the area is set aside or reserved for that purpose, unless the person is of the class authorised by the sign, notice or direction.

Penalty: 2 penalty units

**Parking only in parking spaces**

16. A person must not park in any part of the car park other than a parking space.

Penalty: 1 penalty unit

**PART 4 - PROHIBITIONS IN CAR PARKS**

**Instructions by authorised officer**

17. A person in a car park must not fail to comply with any signal or reasonable direction or instruction by an authorised officer.

Penalty: 2 penalty units

**Entry to and exit from the car park**

18. A person must not drive or attempt to drive a vehicle into a car park except through a designated entrance or out of a car park except through a designated exit.

Penalty: 2 penalty units

**Driving in the car park**

19. A person must not drive or attempt to drive a vehicle in the car park contrary to any direction,

sign or indication of a route of travel no matter how the direction of travel is indicated.

Penalty: 2 penalty units

**Removal of Council property from the car park**

20. A person must not remove or attempt to remove any property, article, or thing which is the property of the Council either from the car park or from one part of the car park to another.

Penalty: 2 penalty units

**Entry to unauthorised areas**

21. A person must not enter or remain in any part of the car park which is not set aside or available for that person's use.

Penalty: 2 penalty units

**Trespass and loitering**

22. A person must not commit any trespass on or loiter within any car park.

Penalty: 2 penalty units

**Speed limit**

23. A person must not drive a vehicle in the car park at a speed exceeding the speed posted on any sign in the car park or if there is no sign 15 kilometres an hour.

Penalty: 2 penalty units

**Washing, sweeping and repairing of vehicles**

24. With the exception of the Council, a person must not wash, sweep out, scrape, paint, dismantle or repair any vehicle in the car park except where the repair is necessary to enable the vehicle to be removed from the car park.

Penalty: 2 penalty units

**Damaging fixtures**

25. A person must not damage, destroy, disfigure, draw upon, tamper with, affix anything to, or in any way interfere or meddle with anything forming part of the car park or anything connected or used with the car park including decorations.

Penalty: 2 penalty units

**Hindering or resisting authorised officers**

26. A person must not obstruct, hinder, abuse, or resist any authorised officer in the car park in the discharge of the authorised officer's duty.

Penalty: 2 penalty units.

**Acting contrary to signs or directions**

27. A person must not do anything in the car park contrary to any direction or instruction on any notice or sign erected, displayed, or shown or contrary to any sign or instruction given by any authorised officer.

Penalty: 2 penalty units

**Maximum clearance height of vehicles**

28. A person must not continue driving a vehicle beyond the gantry point in the car-park once the over-height clearance alarm has sounded.

Penalty: 5 penalty units.

**Annoying or disturbing other users**

29. A person must not annoy, disturb, interrupt, obstruct, or abuse any other person lawfully using the car park.

Penalty: 2 penalty units

**Sleeping in cars**

30. A person must not sleep in any vehicle in the car park after the car park has been closed.

Penalty: 2 penalty units

**Hawking or selling**

31. A person must not hawk, sell, offer or expose for sale any article or thing whatsoever in the car park unless the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty unit

**Building or assembling in the car park**

32. A person must not build any structure or assemble any thing in the car park unless the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

**Display of items in the car park**

33. A person must not display, exhibit, or distribute any advertisement, book, card, handbill, notice, pamphlet, paper, picture, placard, or other thing whatsoever in the c, park, except in the case of the sale of newspapers, periodicals, and printed matter where the vendor or distributor has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

**Begging or soliciting**

34. A person must not beg, solicit, induce, or collect gifts, whether of money or otherwise, for any purpose, or sell tickets for a lottery, or badges or buttons or favour or the like in the car park without first obtaining the General Manager's consent in writing.

Penalty: 2 penalty unit

**Nuisances or indecent acts**

35. A person must not commit any nuisance or any indecent or offensive act in the car park.

Penalty: 2 penalty units

**Fires and dangerous things**

36. A person must not light any fire or firework in the car park or bring any dangerous, explosive or lethal thing into the car park.

Penalty: 2 penalty units

**Throwing of missiles**

37. A person must not throw any missile or break any bottle in the car park.

Penalty: 5 penalty units

**Making noise in the car park**

38. A person must not deliver any address, preach, speak to an assembly of people, play any musical instrument, sing, or play any radio, cassette player, compact disc player or other means of reproducing sound or speech noisily so it is able to be heard outside the person's vehicle in the car park, except if the person has first obtaining the General Manager's consent in writing.

Penalty: 2 penalty units

**Playing of games**

39. A person must not play any game in the car park except if the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

**Interference with other vehicles**

40. A person must not drive, move or interfere with any vehicle in the car park which the person does not own unless the person has the permission of the owner of the vehicle to do so.

Penalty: 5 penalty units

**Failure to report damage**

41. A person must not fail to immediately report any damage occasioned by the person to the car park or to any vehicle in the car park, other than the one the person was driving or moving, to an authorised officer, or if there is not an authorised officer in attendance at the car park then to a police officer.

Penalty: 5 penalty units

**Removal of infringement notices**

42. A person must not move or remove any infringement notice which has been placed on any vehicle in the car park by an authorised officer so that the contents of the notice do not come to the attention of the driver or person in charge of the vehicle,

Penalty: 2 penalty units

**Transfer of tickets**

43. A person must not transfer any ticket from a ticket dispensing machine to any other person or any other vehicle.

Penalty: 2 penalty units

**Leaking or depositing oil and/or fuel**

44. A person must not park a vehicle in the car park that is leaking or depositing oil and/or fuel.

Penalty: 2 penalty units

**Removal of vehicle depositing oil and/or fuel**

45. An authorised officer may have removed from the car park any vehicle that is depositing or leaking an amount of oil and/or fuel which, in the opinion of an authorised officer, presents a danger to other car park users or is otherwise a public liability risk.

**Threats inside or at a car park**

46. A person must not make a wilful threat or commit a dangerous act in or directed at the car park.

Penalty: 20 penalty units

**Skateboards and Bicycles**

47. A person must not use a skateboard in a car park.

Penalty: 2 penalty units.

**PART 5 – RECOVERY OF COSTS**

**Expenses incurred**

48. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, including expense or damages incurred by the forced closure or evacuation of the car park, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

**PART 6 - INFRINGEMENT NOTICES**

49. (1) In this clause –

“**specified offence**” means an offence against the clause specified in Column 1 of Schedule 1.



(2) An infringement notice may be issued in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum specified adjacent to the offence in Schedule 1.

(3) Different sums may be specified in an infringement notice according to the nature of the offence and whether payment is made within a specified time.

(4) An authorized officer may:

a) issue an infringement notice to a person who the authorized 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.

(7) A person who is served with an infringement notice must, within 28 Days, do one or more of the following:

a) pay the monetary penalty in full to the Council;

b) apply to the Council for withdrawal of the infringement notice;

c) apply to the Council for a variation of payment conditions;

d) lodge with the Council a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

(8) If an alleged offender fails to take one or more of the actions required by clause 49(7) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

## **PART 7 - SEIZURE AND ARREST**

50. (1) Any authorised officer may:

a) remove any person from a car park whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and

b) remove anything which is in a car park without the approval of the Council.

(2) A police officer is authorised to:

a) assist an authorised officer to carry out any action under clause (1) above; and

b) arrest any person who is in a car park whom the police officer reasonably believes has committed or who is committing an offence.

## PART 8 – LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

### Amounts payable

51. 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:

Section	Description of Offence	Penalty (Penalty Units)	Reduced penalty if paid to Council within 14 days from date of service of the Infringement Notice (Penalty Units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of the Infringement Notice (Penalty Units)
Section 97(1)(a)(i)	Remaining parked whilst meter not running	.7	.25	.35
Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	.8	.35	.45
Section 97(1)(b)(i)	Parking without parking voucher displayed	.7	.25	.35
Section 97(1)(b)(ii)	Parking longer than authorized by a parking voucher	.8	.35	.45
Section 97(1)(c)	Parking more than one motor vehicle in a space	.7	.25	.35
Section 97(1)(d)	Parking a motor vehicle partly inside and partly outside a space	.7	.25	.35
Section 98	Obstructing use of parking space	.7	.25	.35
Section 99	Parking whilst space closed	.7	.25	.35

## SCHEDULE

### 1. INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3	Column 4	Column 5
CLAUSE	GENERAL	PENALTY	Reduced penalty	Reduced penalty if paid to Council

	DESCRIPTION OF OFFENCE	(Penalty units)	if paid to Council within 14 days from date of service of the Infringement Notice	after 14 days but within 28 days from date of service of the Infringement Notice
6	Parking in car park without marked spaces	.7	.25	.35
7	Parking in car park with marked spaces	.7	.25	.35
8	Parking one car per marked space	.7	.25	.35
9	Use of ticket dispensing machine not in accordance with notice	.7	.25	.35
10	Interference with ticket dispensing machine	.7	.25	.35
11(1)	Failure to produce or display ticket	.7	.25	.35
11(2)	Failure to display ticket on dashboard	.7	.25	.35
12	Parking for longer than period paid for	.7	.25	.35
13	Parking exceeding maximum time	.8	.35	.45
14	Parking in areas set aside for certain vehicles	.7	.25	.35
15	Parking in areas set aside for certain people	.7	.25	.35
16	Parking outside of parking space	.7	.25	.35
17	Failure to comply with directions of authorized officer	.7	.25	.35

18	Entering or exiting car park outside designated entrance or exit	.7	.25	.35
19	Driving contrary to direction, sign or indication	.7	.25	.35
20	Removal of Council property from the car park	.7	.25	.35
21	Entry to unauthorized areas	.7	.25	.35
22	Trespassing or loitering in car park	.7	.25	.35
23	Exceeding speed limit in car park	.7	.25	.35
24	Washing, sweeping and repairing of vehicles in car park	.7	.25	.35
25	Damaging fixtures in car park	.7	.25	.35
26	Hindering or resisting authorized officers	.7	.25	.35
27	Acting contrary to signs or directions	.7	.25	.35
28	Exceeding maximum clearance height of vehicles	1.25	No Reduction	No Reduction
29	Annoying or disturbing other users	.7	.25	.35
30	Sleeping in vehicle in car park	.7	.25	.35
31	Hawking or selling in car park without consent	.7	.25	.35

32	Building or assembling in car park without consent	.7	.25	.35
33	Display of items in car park without consent	.7	.25	.35
34	Begging or soliciting in car park without consent	.7	.25	.35
35	Nuisances or indecent act in car park	.7	.25	.35
36	Fires and dangerous things in car park	.7	.25	.35
37	Throwing of missiles in car park	1.25	No Reduction	No Reduction
38	Making noise in car park without consent	.7	.25	.35
39	Playing of games in car park without consent	.7	.25	.35
40	Interference with other vehicles in car park	1.25	No Reduction	No Reduction
41	Failure to report damage	1.25	No Reduction	No Reduction
42	Removal of infringement notices	.7	.25	.35
43	Transfer of tickets	.7	.25	.35
44	Leaking or depositing oil and/or fuel	.7	.25	.35
46	Threats inside or at a car park	5	No Reduction	No Reduction
47	Use of skateboard or bicycle	.7	.25	.35

Certified that the provisions of the By-law are in accordance with the law by

N.D. HEATH  
City Solicitor

Dated this            day of            2008  
At

Certified that the By-law is made in accordance with the *Local Government Act 1993* by

V.B. ARMSTRONG  
General Manager

Dated this            day of            2008  
At

The Common Seal of the HOBART  
CITY COUNCIL was hereunto affixed  
in the presence of :

R.H.F. VALENTINE  
Lord Mayor

V.B. ARMSTRONG  
General Manager