

DEVONPORT CITY COUNCIL

PARKING BY-LAW NO 1 OF 2026

This by-law is made pursuant to:

- (a) sections 145 and 170 of the *Local Government Act 1993* (Tas) for the purpose of regulating and controlling the use of car parks belonging to or controlled by the Devonport City Council and to regulate and control abandoned vehicles on roads and public places;
- (b) section 100 of the *Local Government (Highways) Act 1982* (Tas) for the purpose of prescribing penalties under that section.

PART I – PRELIMINARY

1. SHORT TITLE

- (1) This by-law may be cited as the 'Parking By-Law No.1 of 2026'.

2. REPEAL

- (1) The Parking By-Law No.1 of 2023 is repealed.

3. APPLICATION

- (1) Part II of this by-law applies to all car parks in the municipal area of Devonport operated by the Council.
- (2) Part III of this by-law relates to infringement notice penalties issued by Council pursuant to section 100 of the *Local Government (Highways) Act 1982* (Tas).
- (3) Part IV of this by-law applies to all vehicle parking on roads and public places in the municipal area of Devonport.

4. INTERPRETATION

- (1) In this by-law:

abandoned means a vehicle which:

- (a) has remained parked and unmoved in the same location for a continuous period exceeding 28 days; or
- (b) is unregistered, unroadworthy, damaged, or in such condition (including missing essential components, flat tyres, or significant damage) that a reasonable person would conclude it has been abandoned.

Act means the *Local Government Act 1993* (Tas);

automatic number plate recognition (ANPR) system means a system installed at a car park which, using cameras and software, reads and records the registration number of a vehicle on the entry and exit of the vehicle to a car park;

authorised officer means the Chief Executive Officer, a person employed by the Council as a Parking and Information Officer, and any employee of the Council authorised and appointed by the Chief Executive Officer in writing for the purposes of this by-law;

car park means any area owned by or under the control of the Council and designated for the parking of vehicles and all buildings equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park and includes a flat car park and a multi-storey car park, but does not include a highway;

Chief Executive Officer, or CEO, means the General Manager of the Devonport City Council appointed pursuant to section 61 of the Act;

conditions of entry means any conditions or directions displayed on signage at a car park or communicated via a parking machine or virtual machine.

Council means the Devonport City Council;

infringement notice means a notice complying with sections 149 and 170 of the Act;

number plate means a plate issued by the Registrar of Motor Vehicles bearing the registration number assigned to a vehicle.

park means to stop the vehicle or allow it to remain in a place where the driver or person in charge of the vehicle intends it to remain stationary (attended or not), otherwise than

- (a) because the stopping of traffic prevents movement; or
- (b) for so long as is required to set down or take up passengers or goods without waiting;

parking machine means a device which by reference to a particular registration number, records the length of time for which a vehicle has, or is permitted to have been, parked in a car park and allows for payment of money to be made for parking in a car park;

parking space means a place within a car park which has been marked by lines or other marks on the ground or as indicated by any other method;

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

public place includes:

- (a) all public land as defined by section 177A(1) of the Act and as recorded by the Council in accordance with section 177A(2) of the Act;
- (b) all other land owned by Council;
- (c) any land in which the Council has an interest including by way of lease or licence;
- (d) all marinas, jetties, bridges, wharves, and any other similar structure owned or under the control of the Council;

registration number means the distinguishing registration number of a vehicle assigned by the Registrar of Motor Vehicles;

registered operator means:

- (a) in relation to a motor vehicle or trailer, has the same meaning as in the *Vehicle and Traffic Act 1999*; and
- (b) in relation to a bicycle, means the owner of the bicycle.

reserved parking space means a parking space designated by Council and marked 'reserved';

road means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982* (Tas);
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* (Tas) for which the Council is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;

- (c) any highway or road which is wholly or partly maintained or maintainable by the Council and shown on the map maintained by Council pursuant to section 208 of the Act;
- (d) any other street, cul-de-sac, parking area or way in the municipal area which is wholly or partly maintained or maintainable by Council or under the control of the Council; and
- (e) includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement and earth surface drain;

shopping trolley includes any wheeled apparatus used for conveying items from one place to another;

trolley bay means a place in a car park designated for the temporary storage of shopping trolleys;

vehicle means a vehicle as defined in section 3(1) of the *Vehicle and Traffic Act 1999*;

virtual machine means a piece of software which can be run on a computer, mobile phone or other electronic device and which allows for:

- (a) the recording of time against a registration number; and
- (b) allows for payment of money to be made; for parking in a parking space.

PART II – CONTROL OF CAR PARKING

5. OFFENCES UNDER THIS BY-LAW

- (1) For the purpose of enforcing this by-law, the provisions in section 170 of the Act are applicable.

6. PAYMENT FOR PARKING

- (1) A vehicle must not park in a car park unless there is time registered against the registration number on the number plate of that vehicle, and the appropriate fee is paid, either:

- (a) at the commencement of parking; or
- (b) at the conclusion of parking and prior to exiting the car park;

in accordance with the conditions of entry of that car park.

Penalty: a fine not exceeding 5 penalty units

- (2) For the purposes of this clause, the **appropriate fee** means the payment of money that must be paid as follows:
 - (a) in a car park for which there is an ANPR system, at the conclusion of parking by way of a virtual machine or parking machine; or;
 - (b) in a car park for which there is no ANPR system, at the commencement of parking via a parking machine or virtual machine.
- (3) Subject to the provisions of this Part, the payment of the appropriate fee under this clause entitles a person to park a vehicle in a car park but does not authorise the stopping or parking of a vehicle during any time when stopping or parking in that space or zone is prohibited under this by-law.

7. PARKING EXCEEDING MAXIMUM PERIOD

- (1) A vehicle must not park in a parking space for a period longer than the maximum period notified on a sign relating to that parking space. If the maximum period is not fixed, then the period must not exceed 24 hours unless approved by Council.

Penalty: a fine not exceeding 5 penalty units

8. PARKING WITHIN DESIGNATED PARKING SPACE

- (1) A vehicle must not park in a way which is:
- (a) not wholly within one parking space or which is not parked as directed by an authorised officer; or
 - (b) in a position where it obstructs the entry or exit of a vehicle to or from another parking space.

Penalty: a fine not exceeding 5 penalty units

- (2) An authorised officer or a police officer may remove a vehicle if it contravenes this clause.

9. RESERVED PARKING SPACES

- (1) The Chief Executive Officer may create reserved parking spaces in a car park and on land owned or under the control of the Council.
- (2) A vehicle must not park in a reserved parking space where signs, notices or other directions indicate the parking space is a reserved parking space.

Penalty: a fine not exceeding 5 penalty units

- (3) An authorised officer or a police officer may remove a vehicle if it contravenes this clause.

10. PARKING IN PARKING SPACES SET ASIDE FOR CERTAIN VEHICLES

- (1) A vehicle must not park in a parking space which is set aside for a certain class or kind of vehicle to be parked in that parking space, and there are signs, notices or other directions indicating the parking space is set aside for that purpose, unless the vehicle is of the class or kind authorised by the sign, notice or other direction.

Penalty: a fine not exceeding 5 penalty units

11. PARKING IN PARKING SPACES SET ASIDE FOR CERTAIN PEOPLE

- (1) A vehicle must not park in a parking space which is set aside or reserved for use by a certain class of people, and there are signs, notices or other directions indicating the parking space is set aside for that purpose, unless the person is of the class or kind authorised by the sign, notice or other direction.

Penalty: a fine not exceeding 5 penalty units

12. REMOVAL OF VEHICLE

- (1) If a vehicle is parked in a car park in contravention of any provision of this by-law, an authorised officer may remove the vehicle to a place of safety and keep it there until any fine, forfeiture or compensation has been made in accordance with this by-law for the contravention.
- (2) The Council is entitled to recover all expenses incurred by the Council in removing a vehicle from a car park and holding the vehicle, including towing costs.

13. INSTRUCTIONS BY AUTHORISED OFFICER

- (1) A person in a car park must comply with any signal, sign, reasonable direction or instruction by an authorised officer.
Penalty: a fine not exceeding 5 penalty units

14. ACTING CONTRARY TO SIGNS OR DIRECTIONS

- (1) A person in a car park must comply with any direction or instruction on any notice or sign erected, displayed, or shown in the car park.
Penalty: a fine not exceeding 5 penalty units

15. USE OF MACHINES

- (1) A person must not operate a parking machine except in accordance with any notice or sign displayed or erected on or near the machine.
Penalty: a fine not exceeding 5 penalty units

16. INTERFERENCE WITH MACHINES

- (1) A person must not interfere with any parking machine other than to:
 - (a) make payment at the machine; or
 - (b) enter the vehicles registration number and make payment for parking.
Penalty: a fine not exceeding 5 penalty units

17. REMOVAL OR DAMAGE TO COUNCIL PROPERTY

- (1) A person must not remove or damage Council property, including a parking machine or boom gate, at a car park.
Penalty: a fine not exceeding 10 penalty units
- (2) A police officer may arrest a person found offending under this clause.

18. GRAFFITI

- (1) Unless otherwise approved by the CEO, a person must not mark, write on or in any other way deface Council property within a car park.

Penalty: a fine not exceeding 5 penalty units

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

19. ENTRY AND EXIT TO CAR PARKS

- (1) A person driving a vehicle must not enter or leave a car park except by the designated access point displayed by a Council sign.

Penalty: a fine not exceeding 5 penalty units

20. SPEED LIMIT

- (1) A person must not drive a vehicle in a car park at more than 15 kilometres per hour.

Penalty: a fine not exceeding 5 penalty units

21. SKIDDING OF VEHICLES

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

- (a) it skids; or
- (b) it leaves rubber from its tyres on the surface of the car park.

Penalty: a fine not exceeding 5 penalty units

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

22. UNAUTHORISED REMOVAL OF INFRINGEMENT NOTICE

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

Penalty: a fine not exceeding 5 penalty units

23. 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 car park without the written permission of an authorised officer.

Penalty: a fine not exceeding 5 penalty units

24. PROHIBITED CONDUCT

- (1) A person must not threaten or use abusive language to an authorised officer acting in the course of their employment in relation to or in connection with any matter relating to a car park.

Penalty: a fine not exceeding 5 penalty units

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

25. USE OF SKATES AND CYCLES

- (1) Except as provided by sub-clause 25(2), a person must not ride a bicycle or vehicle propelled by human power, including but not limited to a skateboard, bicycle and e-bike, scooter and e-scooters, in-line skates and roller skates in a car park at any time.

Penalty: a fine not exceeding 5 penalty units

- (2) A person may ride a bicycle, e-bike, scooter and/or e-scooter in a car park to park it.

26. OBSTRUCTION AND SHOPPING TROLLEYS

- (1) A person must not cause any obstruction to vehicle or foot traffic in a car park.

Penalty: a fine not exceeding 5 penalty units

- (2) A person must not leave unattended or abandon a shopping trolley anywhere in a car park other than in a trolley bay.

Penalty: a fine not exceeding 5 penalty units

27. SUPPLY OF NAME AND ADDRESS

- (1) A person within a car park must supply their correct full name and permanent or present temporary address if requested by an authorised officer or by a police officer.

Penalty: a fine not exceeding 5 penalty units

- (2) A police officer may arrest a person if the police officer or an authorised officer finds the person offending against this clause.

28. 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 car park.

- (2) A person who does not comply with a direction of a police officer or an authorised officer under sub-clause (1) is guilty of an offence.

Penalty: a fine not exceeding 5 penalty units

- (3) A police officer or authorised officer may remove any person from the car park who is offending under this clause.

29. CLOSURE OF CAR PARKS

- (1) An authorised officer may close any car park or portion of it.

- (2) A person must not use a car park, or part of a car park, if it has been closed pursuant to sub-clause (1).

Penalty: a fine not exceeding 5 penalty units

30. USE OF CAR PARKS FOR OTHER PURPOSES

- (1) An authorised officer may give written approval for a car park to be used for any purpose and impose conditions for its use.
- (2) A person must not use a car park contrary to the conditions imposed by the authorised officer.

Penalty: a fine not exceeding 5 penalty units

31. INFRINGEMENT NOTICES

- (1) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (2) In this clause, **specified offence** means an offence against a clause of this by-law as specified in Column 1 of Schedule 1 to this by-law.
- (3) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty set out adjacent to the specified offence in Column 3 of Schedule 1 of this by-law is the penalty payable under the infringement notice for that offence.
- (4) Despite sub-clause (3), a different sum will be payable according to the specified time within Column 4 or Column 5 of Schedule 1 and shall be rounded down to the nearest dollar.
- (5) An authorised officer may issue one infringement notice in respect of more than one specified offence.
- (6) In addition to any other method of service, an infringement notice for a vehicle being 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 of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the Chief Executive Officer;
 - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
 - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
 - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (8) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause 31(7) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

PART III - LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 (TAS)

32. PRESCRIBED PENALTIES

- (1) Pursuant to section 100(4) of the *Local Government (Highways) Act 1982 (Tas)*, the prescribed penalty for an infringement notice for an offence under section 97, 98 or 99 of that Act is the sum specified in Column 3 of Schedule 2 herein and shall be rounded down to the nearest dollar.
- (2) Pursuant to section 100(5) of the *Local Government (Highways) Act 1982 (Tas)*, a different sum payable is specified according to the specified time within Column 4 or Column 5 of Schedule 2 and shall be rounded down to the nearest dollar.

PART IV – ABANDONED VEHICLES

33. ABANDONED VEHICLES

- (1) A vehicle must not be abandoned on a road or public place.
Penalty: a fine not exceeding 5 penalty units
- (2) If a vehicle is abandoned on a road or in a public place in contravention of sub-clause 33(1), an authorised officer may affix a notice to the vehicle requiring the registered operator to remove the vehicle from the road or public place within 7 days.
- (3) The notice issued pursuant to sub-clause (2) must state:
 - (a) the vehicle is an abandoned vehicle;
 - (b) the date by which the vehicle must be removed; and
 - (c) that the Council may remove and impound the vehicle if the notice is not complied with.
- (4) If a notice issued pursuant to sub-clause 33(2) is not complied with, the Council may remove and impound the vehicle.
- (5) A person must comply with a notice issued pursuant to sub-clause 33(2).
Penalty: a fine not exceeding 5 penalty units

34. IMMEDIATE REMOVAL

- (1) An authorised officer may arrange for the immediate removal and impounding of a vehicle abandoned on a road or a public place in contravention of clause 33 without giving notice pursuant to clause 33(2) notice if the vehicle:
 - (a) obstructs traffic or access;
 - (b) poses a danger to public safety; or
 - (c) is on fire, burnt-out, or otherwise hazardous.

35. FEES, COSTS AND CHARGES

- (1) The registered operator of a vehicle which is removed pursuant to this by-law is liable to pay:
 - (a) any fees, costs or charges incurred by the Council in the removal, storage or further maintenance of the vehicle once removed; and
 - (b) any fees, costs or charges incurred in the disposal of the vehicle pursuant to clause 36.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a Court of competent jurisdiction.
- (3) The Council may retain any vehicle until any fees, costs and charges are paid.

36. DISPOSAL OF UNCLAIMED VEHICLE

- (1) If an abandoned vehicle which has been removed and impounded pursuant to this by-law is not claimed by the registered operator of the vehicle within 2 days following its removal, an authorised officer is to give notice in writing to the owner of the removal and impounding of the vehicle.
- (2) A notice issued pursuant to sub-clause (1) of this by-law is to give the following details:
 - (a) a description of the vehicle;
 - (b) the location it was removed from;
 - (c) the date on which it was removed;
 - (d) the place from where the vehicle may be claimed;
 - (e) any fees, costs and charges payable in respect of the removal, maintenance and storage of the vehicle; and
 - (f) that if not claimed within 28 days, the vehicle may be disposed of by the Council.
- (3) If the owner of the abandoned vehicle cannot be ascertained or found, and if the CEO is of the opinion that the value of the vehicle warrants the cost of advertising, the CEO is to publish on at least one occasion a notice containing the particulars specified in sub-clause 36(2) (2) in a newspaper circulating in the municipal area.
- (4) If:
 - (a) the registered operator of the abandoned vehicle cannot be ascertained or found; or
 - (b) no advertising is published according to sub-clause (3); or
 - (c) the abandoned vehicle is not claimed by the registered operator, within 28 days after it has been removed and impounded; or
 - (d) any relevant fees, costs or charges associated with the removal of the vehicle and its storage have not been paid within 28 days after it has been removed and impounded;

the abandoned vehicle may be disposed of in accordance with clause 37.

37. DISPOSAL OF ABANDONED VEHICLE

- (1) An abandoned vehicle may be disposed of:
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the CEO determines if:
 - (i) the CEO is of the reasonable belief that the abandoned vehicle has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at a public auction.
- (2) If an abandoned vehicle is disposed of under this clause, the CEO must notify the registered operator of the abandoned vehicle as soon as possible if the registered operator can be ascertained or found by reasonable enquiries.
- (3) If the registered operator of the abandoned vehicle is identified, then the proceeds obtained from the disposal or sale of the abandoned vehicle must be paid to the owner, less any fees, costs or charges incurred by the Council in the removal, storage or disposal of the abandoned vehicle.

SCHEDULE 1 – Infringement Offence Penalties

Column 1	Column 2	Column 3	Column 4	Column 5
By-law Clause	Description of Offence	Penalty (Penalty Units)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice (Penalty Units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (Penalty Units)
6(1)	Parking without payment of fee	.55	.16	.27
7	Parking exceeding maximum period	.55	.16	.27
8(1)	Parking outside parking space	.55	.16	.27
9(2)	Parking in reserved space	.55	.16	.27
10	Parking in parking space set aside for certain vehicles	.55	.16	.27
11	Parking in parking space set aside for certain people	.55	.16	.27
13	Failure to comply with instructions or directions	1	0.5	.75
14	Acting contrary to signs or directions	1	0.5	.75
15	Use of parking machine	.55	.16	.27
16	Interference with parking machines	1	0.5	.75
17(1)	Removing or damaging Council property	1	0.5	.75
18(1)	Graffiti in car park	1	0.5	.75
19	Non-designated entry and exit to car park	1	0.5	.75
20(1)	Speeding	1	0.5	.75
21(1)	Skidding of vehicles in car park	1	0.5	.75
22	Unauthorised removal of infringement notice	1	0.5	.75
23	Distribution of advertising and other material in car park	1	0.5	.75
24(1)	Displaying prohibited conduct	1	0.5	.75

Column 1	Column 2	Column 3	Column 4	Column 5
By-law Clause	Description of Offence	Penalty (Penalty Units)	Reduced penalty if paid to Council within 14 days from date of service of Infringement Notice (Penalty Units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (Penalty Units)
25(1)	Use of skateboards etc in car park	1	0.5	.75
26(1)	Obstruction of a vehicle or persons	1	0.5	.75
26(2)	Shopping trolley left unattended or abandoned in car park	1	0.5	.75
27(1)	Supplying name and address	1	0.5	.75
28(2)	Fail to obey directions of police officer or authorised officer	1	0.5	.75
29(2)	Use of closed car park	1	0.5	.75
30(2)	Use of car park for other purpose	1	0.5	.75
33(1)	Abandoning a vehicle	1	0.5	0.75
33(4)	Compliance with abandoned vehicle notice	1	0.5	0.75

SCHEDULE 2 – Local Government (Highways) Act Infringement Penalties

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Section of Local Government (Highways) Act 1982 (Tas)	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)
97(1)(a)(i)	Remaining parked whilst meter not running	.55	.16	.27
97(1)(a)(ii)	Exceeding maximum parking voucher displayed	.55	.16	.27
97(1)(b)(i)	Parking without parking voucher displayed	.55	.16	.27
97(1)(b)(ii)	Parking longer than authorised by a parking voucher	.55	.16	.27
97(1)(c)	Parking more than one motor vehicle in a space	.55	.16	.27
97(1)(d)	Parking a motor vehicle partly inside and partly outside a space	.55	.16	.27
98	Obstructing use of parking space	.55	.16	.27
99	Parking whilst space closed	.55	.16	.27

.....
LEGAL PRACTITIONER

NAME _____

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FIRM

Certified as being in accordance with the *Local Government Act 1993* by the Chief Executive Officer

.....
CHIEF EXECUTIVE OFFICER

NAME

The common seal of the Devonport City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 2026 in the presence of the Chief Executive Officer.

Dated this day of 2026 at Devonport.