

THURINGOWA CITY COUNCIL
Local Law No. 19M (Regulated Parking) 2006

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Part 1 Preliminary

1 Short title

This local law may be cited as *Thuringowa City Council Local Law No. 19 (Regulated Parking) 2006*.

2 Objects

The objects of this local law are to—

- (a) regulate parking on roads in the local government's area; and
- (b) define the boundaries of traffic areas in the local government's area; and
- (c) give the local government power to—
 - (i) issue commercial vehicle identification labels and parking permits; and
 - (ii) impose temporary parking prohibitions and restrictions; and
- (d) specify off-street regulated parking areas in the local government's area; and
- (e) prescribe infringement notice penalties for minor traffic offences committed in the local government's area.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

Part 2 Regulation of parking

Division 1 Regulation by installation of official traffic signs

5 Parking regulation involves installing official traffic signs

- (1) The local government may regulate parking by installing official traffic signs indicating how parking is regulated on—
 - (a) a road, other than a State-controlled road; or
 - (b) a State-controlled road, with the chief executive's written approval; or
 - (c) an off-street regulated parking area.
- (2) An official traffic sign may apply to parking—
 - (a) at or near the place where the sign is installed, for example, a particular parking space, road or off-street regulated parking area; or
 - (b) throughout an area consisting of the whole or part of the local government's area.
- (3) A prohibition or restriction imposed on parking takes effect on installation of the relevant official traffic sign indicating the prohibition or restriction.¹
- (4) For the avoidance of doubt, the local government may regulate parking in any way permitted by the *Transport Operations (Road Use Management) Act 1995*.²

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

² For example see sections 101 (Who may regulate parking) and 103 (Examples of how parking may be regulated).

Division 2 Traffic areas

6 Declaration of traffic area

- (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 without the written approval of the chief executive.

7 Regulation of parking in declared traffic areas

An official traffic sign applying to parking throughout a traffic area—

- (a) may only indicate the following matters about how parking is regulated throughout the traffic area—
 - (i) the times when a person may only park for a maximum specified time; and
 - (ii) the times when a person may only park by paid parking at a place where the local government has provided for paid parking; and
 - (iii) the types of vehicle a person may park; and
- (b) for parking for which another official traffic sign is installed within the traffic area—applies subject to the other official traffic sign.

Example-

An official traffic sign installed within a traffic area may allow a longer or shorter parking time than that allowed by the official traffic sign for the entire traffic area.

8 Official traffic signs applying to parking throughout a traffic area

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.³

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

- (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.
- (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.
- (3) Section 8 does not limit the matters that may be indicated on a special parking sign.

Division 3 Off-street regulated parking areas

10 Off-street regulated parking areas

- (1) The local government may, by subordinate local law, define specified land controlled by the local government (including structures on the land) as an offstreet regulated parking area.

³ 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.

Example-

A local government might, for example, under an arrangement with the owner of a shopping centre, specify a public parking area at a 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 without the written approval of the chief executive.

Part 3 Temporary parking prohibitions or restrictions

11 Temporary parking prohibitions or restrictions

- (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 area, the local government may temporarily prohibit or restrict parking on a road in its local government area or on land under the local government's control.

Examples-

The local government might 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 also 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) To avoid doubt, a power under subsection (1) may be exercised by resolution of the local government, or by a person to whom the power has been delegated by the local government.⁴
- (3) However, the local government cannot regulate parking on a State-controlled road under this section without the written approval of the chief executive.

12 Duration of temporary prohibition or restriction

- (1) A temporary prohibition of, or restriction on, parking under this part takes effect when the local government installs the appropriate official traffic sign indicating the prohibition or restriction.
- (2) A temporary prohibition of, or restriction on, parking under this part cannot remain in force for more than 4 weeks.

Part 4 Loading zones

13 Installation of official traffic signs indicating loading zones

- (1) The local government may install official traffic signs indicating loading zones.⁵
- (2) However, the local government cannot install an official traffic sign indicating a loading zone on a State-controlled road without the written approval of the chief executive.

14 Parking in loading zones

- (1) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.
- (2) However, a vehicle will not be regarded as lawfully parked in a loading zone under subsection (1) 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

⁴ Delegation is dealt with by sections 472 and 1132 of the *Local Government Act 1993*.

⁵ Under the *Transport Operations (Road Use Management) Act 1995* **loading zone** means a length of road to which a loading zone sign applies.

identification label, if the vehicle is parked or standing in contravention of conditions specified in the local government's approval of the application for a commercial vehicle identification label.

Example-

If the sign indicating a particular loading zone stated "15 minute maximum" then, despite subsection (1), it would be unlawful to park or stand a commercial vehicle in the loading zone for more than 15 minutes.

Part 5 Commercial vehicle identification labels

15 Issue of commercial vehicle identification labels

- (1) The local government may, on application, approve the issue of a commercial vehicle identification label for a vehicle classified as a commercial vehicle under a subordinate local law.
- (2) For the avoidance of doubt, a commercial vehicle identification label issued under this part is a commercial vehicle identification label for the purposes of section 179(1)(c) of the *Transport Operations (Road Use Management - Road Rules) Regulation 1999*.

16 Application for approval

An application to the local government for approval to obtain a commercial vehicle identification label must be on the prescribed form and must include or be accompanied by—

- (a) the name of the applicant; and
- (b) a description of the type and make of the vehicle; and
- (c) the registration number of the vehicle and the date the current registration expires; and
- (d) details of the registered owner of the vehicle; and
- (e) the number of persons which the vehicle is built to carry; and
- (f) a brief description of the purpose for which the vehicle is used; and
- (g) the prescribed fee⁶; and
- (h) any other details or information specified in a subordinate local law.

17 Criteria for approval

The local government must consider every application for approval under section 16 having regard to the following criteria—

- (a) whether the vehicle is properly registered; and
- (b) the purpose for which the vehicle will be used; and
- (c) any other criteria set by subordinate local law.

18 Conditions of approval

- (1) An approval for a commercial vehicle identification label may be granted subject to conditions the local government considers appropriate.
- (2) The conditions of approval may, for example, require the commercial vehicle identification label to be—
 - (a) prominently displayed on the left hand side front of the vehicle; or
 - (b) in the case of vehicles equipped with hinged ventilation windows—affixed to those windows; or
 - (c) in the case where there is no hinged ventilation window—affixed on the lowermost left hand section of the windscreen.

⁶ See section 35 (Fees specified by resolution).

- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed in an approval or that will ordinarily be imposed in an approval.

19 Term of approval

- (1) The local government may, on application by the holder of an approval for a commercial vehicle identification label, renew the approval.
- (2) The term for which an approval for a commercial vehicle identification label is granted or renewed must be fixed—
- (a) as required by a subordinate local law; or
 - (b) as decided by the local government when it grants the approval for the commercial vehicle identification label.

20 Revocation of approval

- (1) The local government may, by written notice to the holder of an approval, revoke the approval for contravention of a condition of the approval.
- (2) However, before revoking an approval, the local government must—
- (a) give written notice to the holder of the approval of the proposed revocation; and
 - (b) allow the holder of the approval a reasonable period stated in the notice to make written representations to the local government about the proposed revocation; and
 - (c) if the holder of the approval makes written representations within the time allowed in the notice—take the representations into account.

21 Replacement of commercial vehicle identification label

Where a commercial vehicle identification label is lost, destroyed, damaged or in any way defaced during the currency of the approval, the local government may issue a duplicate of the commercial vehicle identification label after receipt of—

- (a) an application on the prescribed form from the holder of the approval; and
- (b) the prescribed fee.

22 Transfer of vehicle

Upon the transfer of ownership of a commercial vehicle the approval shall expire and the owner upon whose application the vehicle was approved as a commercial vehicle must, before making delivery of the commercial vehicle to the transferee, destroy the identification label issued in respect of the vehicle.

23 Offences under this part

- (1) The following persons must comply with any conditions imposed on an approval issued under this part—
- (a) the holder of the approval; or
 - (b) if the holder of the approval is not the registered owner of the vehicle to which the approval relates—the registered owner of the vehicle.

Maximum penalty—10 penalty units.

- (2) A person other than a local government must not print or sell a document which resembles or is intended to resemble a commercial vehicle identification label.

Maximum penalty—10 penalty units.

- (3) A person must not affix a commercial vehicle identification label on any vehicle other than the vehicle for which it was issued.

Maximum penalty—10 penalty units.

- (4) A person must not affix to a vehicle any commercial vehicle identification label which—
- (a) contains any incorrect particulars; or
 - (b) has expired.

Maximum penalty for each of paragraphs (a) and (b)—10 penalty units.

- (5) A person must destroy a commercial vehicle identification label within 3 days after the expiration or revocation of an approval.

Maximum penalty—10 penalty units.

- (6) A person must not alter or deface a commercial vehicle identification label issued by the local government.

Maximum penalty—10 penalty units.

24 Reciprocal arrangements with other local governments

- (1) The local government may enter into a reciprocal arrangement with another local government whereby each local government recognises a commercial vehicle identification label issued by the other local government.
- (2) A reciprocal arrangement under subsection (1) may be made on conditions mutually agreed between the local government and the other local government.
- (3) If the local government enters into a reciprocal arrangement with another local government (the *other local government*) whereby the local government recognises commercial vehicle identification labels issued by the other local government, for the purposes of section 179(1)(c) of the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*, a commercial vehicle identification label issued by the other local government is taken to have been issued by the local government.

Part 6 Parking for people with disabilities

25 Local government's responsibility to people with disabilities

In exercising its powers under this local law, local government must have due regard to the special needs of people with disabilities.

26 Parking for people with disabilities under parking permit

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.⁷

Part 7 Parking permits

27 Issue of parking permits

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

⁷ See section 103(4)(a)(i) (Examples of how parking may be regulated) of the *Transport Operations (Road Use Management) Act 1995*

- (b) contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

28 Persons to whom parking permits may be issued

The local government may, by subordinate local law limit—

- (a) the classes of persons to whom parking permits may be granted; and
- (b) the circumstances in which parking permits may be granted.

29 Application for parking permit

An application to the local government for a parking permit must be on the prescribed form and must include or be accompanied by—

- (a) the name of the applicant; and
- (b) a description of the type and make of the vehicle; and
- (c) the registration number of the vehicle and the date the current registration expires; and
- (d) details of the registered owner of the vehicle; and
- (e) the prescribed fee⁸; and
- (f) any other details or information specified in a subordinate local law.

30 Term of parking permit

- (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 parking permit, renew the parking permit.
- (3) The local government may charge a fee, fixed by resolution, for a parking permit renewal granted under subsection (2).
- (4) The term for which a parking permit is granted or renewed must be fixed as required by subordinate local law, or as decided by the local government, when it grants the parking permit or renewal.

31 Conditions of parking permit

- (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; and
 - (b) require the permit to be affixed to, or exhibited on, a specified part of the vehicle to which it applies.
- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a permit or will ordinarily be imposed in a permit.

32 Compliance with conditions of parking permit

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

Maximum penalty—10 penalty units.

33 Cancellation of a parking permit

- (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 of the permit; or
 - (b) if it appears that the permit was granted on the basis of false or misleading information; or

⁸ See section 35 (Fees specified by resolution).

- (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, and invite 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 8 Miscellaneous

34 Parking infringement notice penalties⁹

The penalties set out in schedule 2 are infringement notice penalties prescribed for the minor traffic offences mentioned in schedule 2.

35 Fees specified by resolution¹⁰

The local government may, by resolution, specify —

- (a) parking fees for a place or a traffic area;
- (b) the fee for —
 - (i) a commercial vehicle identification label mentioned in part 5; or
 - (ii) a permit mentioned in part 6; or
 - (iii) a permit mentioned in part 7.

36 Exemption for emergency services vehicles and operations

- (1) In this section *emergency service agency* means —
 - (a) the Queensland Ambulance Service; and
 - (b) the Queensland Police Service; and
 - (c) the Queensland Fire and Rescue Service; and
 - (d) the Queensland State Emergency Service; and
 - (e) any other statutory or voluntary organisation involved in the provision of emergency services.
- (2) A provision of this local law does not apply to minor traffic offences involving a vehicle owned or operated by an emergency service agency if, in the circumstances—
 - (a) the driver of the vehicle is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.

Part 9 Subordinate local laws

37 Subordinate local laws

The local government may make subordinate local laws about —

- (a) declaring the whole or a part of its area to be a traffic area¹¹;

⁹ See section 108 of the *Transport Operations (Road Use Management) Act 1995*, sections 13 and 14 of the *State Penalties Enforcement Act 1999* and sections 12 to 14 inclusive of the *State Penalties Enforcement Regulation 2000*.

¹⁰ See section 103(6) (examples of how parking may be regulated) of the *Transport Operations (Road Use Management) Act 1995*.

¹¹ See section 6(1)(a)

- (b) changing the boundaries of a traffic area¹²;
- (c) revoking the declaration of a traffic area¹³;
- (d) defining specified land controlled by the local government (including structures on the land) as an offstreet regulated parking area¹⁴;
- (e) classifying certain vehicles as commercial vehicles¹⁵;
- (f) prescribing additional details which may be required on an application to the Local Government to obtain a commercial vehicle identification label;¹⁶
- (g) prescribing additional criteria under which applications for approval to obtain a commercial vehicle identification label must be considered;¹⁷
- (h) prescribing conditions that must be imposed in an approval or that will ordinarily be imposed in an approval for a commercial vehicle identification label¹⁸;
- (i) prescribing the term for which an approval for a commercial vehicle identification label is granted or renewed;¹⁹
- (j) limiting the classes of persons to whom parking permits may be granted²⁰;
- (k) limiting the circumstances in which parking permits may be granted²¹;
- (l) prescribing additional information required to accompany any application for a parking permit²²;
- (m) prescribing the term for which a parking permit may be granted or renewed²³;
- (n) prescribing conditions that must be imposed in a permit or will ordinarily be imposed in a permit²⁴.

¹² See section 6(1)(b)

¹³ See section 6(1)(c)

¹⁴ See section 10(1)

¹⁵ See section 15(1)

¹⁶ See section 16(h)

¹⁷ See section 17(c)

¹⁸ See section 18(3)

¹⁹ See section 19(2)(a)

²⁰ See section 28(a)

²¹ See section 28(b)

²² See section 29(f)

²³ See section 30(4)

²⁴ See section 31(3)

Schedule 1 Dictionary

section 3

authorised person means a person who is authorised by the local government to exercise the powers of an authorised person under the provision in which the expression appears.

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.

chief executive means the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994*.

designated parking space means a space on a road or off-street regulated parking area that is defined by an official traffic sign to be a designated parking space and includes a metered space or a parkatarea space.

disabled person parking permit means -

- (a) a permit issued under section 111(1) of the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a parking permit under a corresponding provision of a law corresponding to the *Transport Operations (Road Use Management) Act 1995*.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

emergency service agency see section 37.

fixed hours, in relation to a designated parking space, means the hours during, and days on which paid parking only is permitted in the designated parking space.

local government area has the meaning given in the *Local Government Act 1993*.

metered space means a space on a road or off-street regulated parking area defined by an official traffic sign to be a metered space.

official traffic sign means a sign, marking, light or device placed or erected to regulate, warn or guide traffic that is an official traffic sign under the *Transport Operations (Road Use Management) Act 1995*.²⁵

off-street regulated parking area means the land (including any structure on the land) controlled by the local government which is specified as an off-street regulated parking area by subordinate local law.

paid parking means parking in a designated parking space during the fixed hours on payment of a prescribed parking fee.²⁶

park has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

parkatarea includes the stand on which the parkatarea is installed.

²⁵ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

²⁶ See section 35 (Fees specified by resolution).

parkatarea space means a space on a road or off-street regulated parking area defined by an official traffic sign to be a parkatarea space.

parking infringement notice means an infringement notice under Part 3 of the *State Penalties Enforcement Act 1999*.

parking permit means a parking permit issued under part 7.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

road means a road under the *Transport Operations (Road Use Management) Act 1995* and includes a State-controlled road.

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

Structure-

- (a) has the meaning given in the *Building Act 1975*; and
- (b) includes a structure as defined in the *Local Government Act 1993* and any other thing as defined in a subordinate local law.

traffic area means all or part of the local government's area that is declared to be a traffic area under section 6.

vehicle has the meaning given in the *Transport Operations (Roads Use Management-Road Rules) Regulation 1999*.

Schedule 2 Parking infringement notice penalties

<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Penalty
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	\$30.00
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	\$30.00
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	\$30.00
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	\$30.00

<i>Transport Operations (Road Use Management – Road Rules) Regulation 1999 provision</i>	Minor Traffic Offence	Penalty
167	Stopping on a length of road or in an area to which a no stopping sign applies	\$30.00
169	Stopping at the side of a road marked with a continuous yellow edge line	\$30.00
176(1)	Stopping on a road contrary to a clearway sign	\$30.00
202	Stopping contrary to a motorbike parking sign	\$30.00
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	\$30.00
211(2)	Parking otherwise than completely within the confines of a parking bay	\$30.00
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	\$50.00
179(1)	Stopping an unauthorised vehicle in a loading zone	\$60.00

<i>Transport Operations (Road Use Management – Road Rules) Regulation 1999 provision</i>	Minor Traffic Offence	Penalty
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	\$60.00
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	\$60.00
182(1)	Stopping an unauthorised vehicle in a taxi zone	\$60.00
183(1)	Stopping an unauthorised vehicle in a bus zone	\$60.00
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	\$60.00
185(1)	Stopping an unauthorised vehicle in a permit zone	\$60.00
203(1)	Stopping contrary to a disabled parking sign	\$60.00

Certification

This and the preceding 14 pages bearing my initials is a certified copy of *Thuringowa City Council Local Law No. 19M (Regulated Parking) 2006*, made in accordance with the provisions of the Local Government Act 1993, by the Council of the City of Thuringowa by resolution dated

Chief Executive Officer