

**DENBIGHSHIRE COUNTY COUNCIL**  
**LAND OPPOSITE RHYL RAILWAY STATION**  
**(OFF-STREET PARKING PLACE) ORDER 2010**

DENBIGHSHIRE COUNTY COUNCIL ("the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act HEREBY MAKES the following Order:-

**PART 1**  
**CITATION & INTERPRETATION**

1. This Order shall come into operation on the 13<sup>th</sup> September 2010 and may be cited as the "Denbighshire County Council (Land Opposite Rhyl Railway Station) (Off-Street Parking Place) Order 2010"

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order

(2) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"authorised agent" means the parking services contractor appointed by or duly authorised to act on behalf of the Council for the purposes of the supervision and enforcement of this Order;

"authorised officer" means the Head of Transport and Infrastructure for the Council or any other officer of the Council to be designated by the Council;

"civil enforcement officer" shall have the same meaning as in Section 76 of the Traffic Management Act 2004

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in that parking place;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

"immobilisation device" has the same meaning as in Section 104(9) of the Act of 1984;

"motor cycle" and "invalid carriage" have the same meanings as in Section 136 of the Act of 1984;

"owner", in relation to a vehicle means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"penalty charge" shall have the same meaning as in Sections 72, 77 and 78 of the Traffic Management Act 2004

"parking bay" means any area of the Parking Place which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place

"parking place" means the area of land specified by name and description in column 1 of the Schedule provided by the Council under Section 32(1) of the Act for use as a Parking Place

"permit" means a permit issued under the provisions of this order;

"permit holder" means a person to whom a permit has been issued under the provisions of this order;

"relevant position" in respect of a permit

- (i) in the case of a vehicle fitted with a front windscreen a permit or parking ticket as the case may be is exhibited thereon with the front side facing forwards on the near side of and immediately behind the windscreen so that the same is readable from the outside of the vehicle
- (ii) in the case of a vehicle not fitted with a front windscreen the permit or parking ticket as the case may be is exhibited in a conspicuous and readable position on the vehicle

"sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act of 1984.

"The Act of 1984" means the Road Traffic Regulation Act 1984;

"vehicle" shall have the same meaning as "motor vehicle" under Section 136 of the Act

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament

PART II  
AUTHORISATION AND USE

3. (1) The area of land specified by name in column 1 of the Schedule may be used SUBJECT TO the following provisions of this Order as a Parking Place for such classes of vehicles in such positions on such days as are specified in relation to the area in the Schedule

(2) Where in columns 2 and 3 of the Schedule the Parking Place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in the Parking Place unless it is of the class and in the position so specified

(3) In the case where parking bays are marked on the surface by white lines the driver of a vehicle shall not permit it to wait in the Parking Place unless the vehicle is parked wholly within such a parking bay

(4) where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a vehicle bearing a permit issued by the Council the driver of a vehicle shall not permit it to wait in that parking bay unless it is a vehicle bearing such a permit

PART III  
PENALTY CHARGE

4. If a person contravenes any provision(s) of this Order they will be liable to pay a penalty charge

5. The penalty charge shall be paid in the manner specified on the penalty charge notice

PART IV  
OTHER PROVISIONS

6. The driver of a motor vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place and shall not start the engine except when about to change the position of the vehicle or to depart from the Parking Place

7. No person shall use a vehicle while it is in a Parking Place in connection with the sale of the said vehicle or any other article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services

8. The driver of a vehicle shall not permit that vehicle to wait in a Parking Place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988

**9.** The driver of a motor vehicle using a Parking Place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the Parking Place

**10.** No person shall use any part of a Parking Place or any vehicle left in a Parking Place:-

(a) for sleeping or camping purposes

(b) for cooking purposes or

(c) for the purposes of servicing or washing or carrying out any work of maintenance or repair to any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the Parking Place

**11.** Subject to the proviso hereto when a vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle or arrange for it to be removed from that Parking Place and the cost to the Council of removing any vehicle from a Parking Place pursuant hereto and thereafter of making such arrangements as may be reasonably necessary for the safe custody thereof in accordance with Article 21 shall be rechargeable to the driver and shall be recoverable from him as a debt provided that when a vehicle is waiting in a Parking Place in contravention of the provisions of Article 3(2) and (4) a person authorised by the Council in that behalf may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions

**12.** For the purpose of meeting the requirements of an emergency a person authorised by the Council in that behalf or a civil enforcement officer may alter or cause to be altered the position of a vehicle in a Parking Place or remove or arrange for the removal of a vehicle from a Parking Place

**13.** No person shall except with the permission of any person duly authorised by the Council in that behalf drive or cause or permit to be driven any vehicle in a Parking Place other than for the purpose of leaving that vehicle in the Parking Place in accordance with the provisions of this Order for the purpose of departing from the Parking Place

**14.** No person shall in a Parking Place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the Parking Place or residents of premises in the neighbourhood

**15.** No person shall in a Parking Place use any threatening abusive or insulting language gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned

**16.** No person shall knowingly exhibit on any vehicle any permit which has been altered defaced mutilated or added to or upon which the figures or particulars have become illegible

**17.** No person shall use the Parking Place as a means of passage proceeding from one road to another road

**18.** Where in a Parking Place signs are erected or surface markings are laid for the purposes of:-

- (a) indicating the entrance to or exit from the Parking Place or
- (b) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place

No person shall drive or cause or permit to be driven any vehicle:-

- (i) so that it enters the Parking Place otherwise than by an entrance or leaves the Parking Place otherwise than by an exit so indicated or
- (ii) in a direction other than that specified as the case may be

**19.** In a Parking Place no person shall:-

- (a) erect or cause or permit to be erected any tent booth stand building or other structure without the written consent of the Council or
- (b) light or cause or permit to be lit any fire

**20.** Any person removing or altering the position of a vehicle by virtue of Article 11 may do so by towing or driving the vehicle in such manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be

**21.** When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 11 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle

#### CLOSURE OF PARKING PLACES AND SUSPENSION OF OPERATION OF ORDER

**22.** (1) Nothing in Article 3(1) of this Order shall restrict the power of the Council to close the Parking Place or any part thereof

(2) Without prejudice to the provisions of Article 22(1) the Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such periods as they shall think fit

GIVEN UNDER THE COMMON SEAL)  
of DENBIGHSHIRE COUNTY COUNCIL)

This **seventh** day of **September** 2010)

Chairman

Authorised Signatory

1 Name of Parking Place/Car Park	2 Position in which vehicle may wait	3 Class of Vehicle	4 Days of Operation of Parking Place
Land Opposite Station Car Park, Rhyl	Wholly within a parking bay where such bays are marked	Motor Car motor cycle or an invalid carriage	Monday to Sunday