

DATED 07 JANUARY 2010

SIGNS ✓

PARKMAP —

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE DERBYSHIRE COUNTY COUNCIL

(KIMBERLEY ROAD, DEANS DRIVE AND  
VICTORIA AVENUE, BORROWASH)

(PROHIBITION OF STOPPING ON SCHOOL  
KEEP CLEAR AND ZIG ZAG MARKINGS AND  
WAITING RESTRICTIONS) ORDER 2010

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# **DERBYSHIRE COUNTY COUNCIL**

## **ROAD TRAFFIC REGULATION ACT 1984**

### **(KIMBERLEY ROAD, DEANS DRIVE AND VICTORIA AVENUE, BORROWASH)**

### **(PROHIBITION OF STOPPING ON SCHOOL KEEP CLEAR AND ZIG ZAG MARKINGS AND WAITING RESTRICTIONS) ORDER 2010**

The Derbyshire County Council in exercise of its powers under Sections 1 and 2 of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

#### **1 CITATION**

This Order shall come into operation on the Eighteenth day of January 2010 and may be cited as "The Derbyshire County Council (Kimberley Road, Deans Drive and Victoria Avenue, Borrowash) (Prohibition of Stopping on School Keep Clear and Zig Zag Markings and Waiting Restrictions) Order 2010".

#### **2 INTERPRETATION**

In this Order:-

2.1 "the County Council" means Derbyshire County Council.

2.2 "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of Vehicles, as in Section 329(1) of the Highways Act 1980.

2.3 "Pavement" means the remainder of the surfaced highway that is not constructed and used as Carriageway.

2.4 "Owner" in relation to a Vehicle means the person by whom such a Vehicle is kept and used.

2.5 "Vehicle" means any mechanically propelled vehicle intended or adapted for use on roads.

2.10 "The 2004 Act" means the Traffic Management Act 2004.

2.11 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of The 2004 Act.



2.12 "Electronic Communications Apparatus", "Electronic Communications Network" and any "Electronic Communications Line"

2.13 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised or having effect pursuant to Section 64 of the Act

2.14 "The 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002 SI 2002/3113

### **3 SCHOOL KEEP CLEAR AND WAITING RESTRICTIONS**

3.1 Save as provided in Article 4 of this Order, no Vehicle shall stop or wait on the School Keep Clear Markings indicated by road markings complying with diagram 1027.1 in Schedule 6 of the 2002 Regulations when it is used on conjunction with Traffic Sign diagram 642.2A in Schedule 2 of the 2002 Regulations, or permitted variants thereof, between the hours of 8am and 4pm, Monday to Friday only, on the length of road specified in Schedule 1 to this Order.

3.2 Save as provided in articles 4, 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle to wait at any time on any day on the lengths of road specified in Schedule 2 to this Order.

3.3 Save as provided in articles 4, 5 and 6 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any Vehicle to wait between the hours of 8.15am and 9.15am and 2.45pm and 3.45pm, Monday to Friday only, on the length of road specified in Schedule 3 to this Order.

### **4 GENERAL EXEMPTIONS**

4.1 The controls specified in Article 3 do not apply in the respect of a Vehicle waiting;

- a) if the person in control of the Vehicle is
  - i) required by law to stop or not to proceed;
  - ii) obliged to stop so as to avoid an accident;
  - iii) prevented from proceeding by circumstances beyond the person's control;
- b) for so long as may be necessary to enable the Vehicle, if it cannot conveniently be used for such purpose in any other road, to be used
  - i) in connection with the removal of any obstruction to traffic;
  - ii) opening or closing a gate or other barrier at the entrance to premises to which the Vehicle is being driven from or from which it has emerged if it is not reasonably practicable to cause the Vehicle to stop elsewhere for the purpose;
  - iii) using the Vehicle for fire brigade, ambulance or police purposes;
  - iv) using the Vehicle in the service of a local authority or of a water company in pursuance of statutory duties or powers.
  - v) in connection with the laying, erection, alteration or repair in or near such road of any sewer or of any main, pipe or apparatus for

the supply of gas, water or electricity or of any Electronic Communications Line;

4.2 The controls specified in Article 3 of this Order do not apply to anything done with the permission or at the direction of a Police Constable in uniform.

4.3 The controls specified in Article 3 of this Order do not apply in respect of a Vehicle which is waiting at the edge of the carriageway for as long as may be necessary for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000.

## **5 DISABLED PERSONS' EXEMPTIONS**

5.1 Nothing in Articles 3.2 and 3.3 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the lengths of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length or on the same side of road on the same day).

5.2 A vehicle displays a disabled person's badge in the relevant position if:-

- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

5.3 A vehicle displays a disabled person's badge in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part I of the badge is legible from outside the vehicle; or
- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part I of the badge is legible from outside the vehicle.

5.4 A vehicle displays a parking disc in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle".



## **6 PUBLIC SERVICE VEHICLES**

6.1 Nothing in Article 3 shall apply to a Public Service Vehicle.

## **7 EFFECT OF ORDER**

7.1 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

# **SCHEDULE 1**

### **SCHOOL KEEP CLEAR RESTRICTIONS**

**NO STOPPING 8AM TO 4PM**

**MONDAY TO FRIDAY ONLY**

**ON SCHOOL ZIG ZAG MARKINGS**

**Victoria Avenue, Borrowash**

**South east side**

From a point 15 metres south west of its junction with Deans Drive for a distance of 112 metres in a south westerly direction.

# **SCHEDULE 2**

### **NO WAITING AT ANY TIME**

**Kimberley Road, Borrowash**

**Both sides**

From its junction with Victoria Avenue for a distance of 22 metres.

## SCHEDULE 3

### LIMITED WAITING RESTRICTIONS

8.15AM TO 9.15AM AND 2.45PM TO 3.45PM

MONDAY TO FRIDAY ONLY

#### Victoria Avenue, Borrowash

##### North west side

From a point 53 metres south west of the centre line of Deans Drive for a distance of 65 metres in a south westerly direction.

##### South east side

From a point 15 metres south west of its junction with Deans Drive to a point 23 metres north east of that junction.

#### Deans Drive, Borrowash

##### Both sides

From its junction with Victoria Avenue for a distance of 25.5 metres.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed the )  
Seventh day of January Two thousand )  
and Ten in the presence of:- )

*John McThamy*

*Deputy* County Secretary

Seal in Seal  
Book 2010/116









## Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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IAN W. STEPHENSON BSc., CEng., MICE, MIHT  
Strategic Director of Environmental Services

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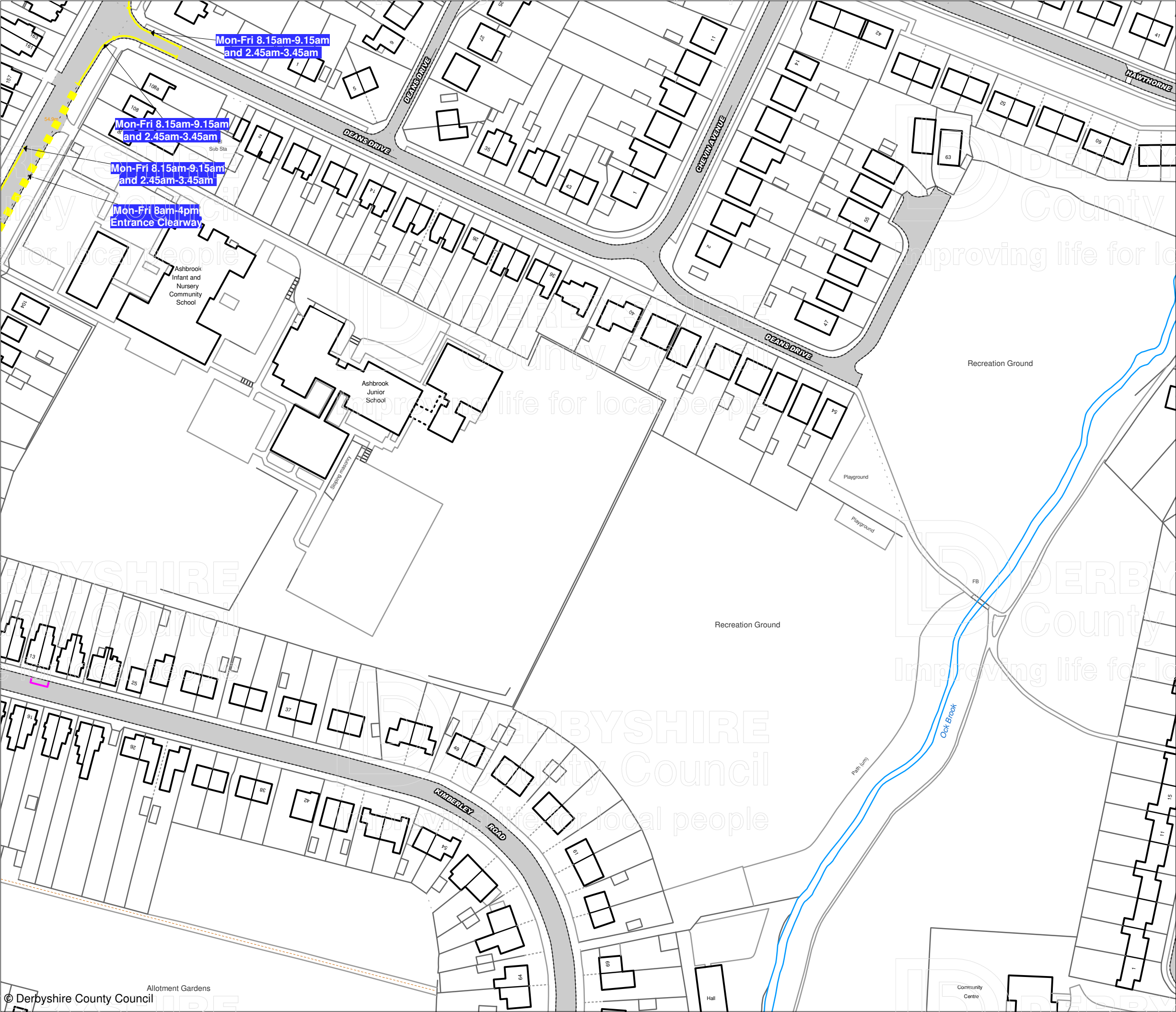
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