

**THE COUNTY COUNCIL OF DURHAM
(DURHAM CITY)
(OFF STREET PARKING PLACES)
ORDER 2008**

The County Council of Durham ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 33, 34, 35, 35A, 35B, 35C and 38 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 make the following Order:-

Part I

General

- 1) This Order may be cited as The County Council of Durham (Durham City) (Off Street Parking Places) Order 2008 and shall come into operation on 3rd November 2008.

Interpretation

- 2) In this Order the following expressions have the meanings hereby respectively assigned to them:-

"Off Street Car Park(s)" means the locations as described in column 2 in the schedule to this order;

"Parking Place" means the areas at the Off Street Car Parks as designated by the white line markings on the ground where a vehicle may wait;

"Parking Bay" means any area of a Parking Place, which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place or by traffic signs;

"Ticket Machine" means an apparatus of type complying to BS 6571 for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating the payment of a charge, the period in respect of which it has been paid and the day and time at which it was paid or the expiry of the time for which payment was made;

"Parking Charge" means the charge specified in column 7 of the schedule to this order with respect to the period of parking required.

"driver" in relation to a vehicle parked in a Parking Place means the person driving or riding the vehicle at the time it was left in the Parking Place;

"Motor Car" has the same meaning as assigned by the Act;

“Motor Cycle” has the same meaning as assigned by the Act;

“Motor Home” means a mechanically propelled vehicle, not being a motor car, motor cycle or invalid carriage, constructed itself to carry a load of passengers and being a place to sleep, live and carry luggage whilst touring;

“Minibus” means a passenger carrying vehicle adapted to carry more than 8 passengers exclusive of the driver but not exceeding 16 passengers in respect of which a public service vehicle operators licence is in force.

“Coach” means a public service vehicle as defined by Part 1 of the Public Passenger Vehicle Act 1981 and passenger vehicle adapted to carry more than 8 passengers exclusive of the driver in respect of which a public service vehicle operators licence is in force and such other vehicles as authorised by the Council.

“Penalty Charge” means a charge pursuant to the provisions of Section 77 of the Traffic Management Act 2004;

“Penalty Charge Notice” means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Section 78 of the Traffic Management Act 2004;

“Civil Enforcement Officer” means a person pursuant to the provisions of Section 76 of the Traffic Management Act 2004;

“Permitted Vehicle” means any vehicle listed in column 4 of the schedule or such other vehicles authorised by the Council.

“Disabled Persons Vehicle” means a vehicle displaying a disabled persons badge

“Disabled person’s badge” has the same meaning as in the Disabled Person’s (Badge’s for Motor Vehicles) (England) Regulations 2000 (as amended);

Part II

Designation of Parking Places

- 3)
 - 1) Each Off Street Car Park specified by name in column 2 of the schedule to this order is hereby designated as a Parking Place.
 - 2) Each Off Street Car Park may be used, subject to the provisions of this Order as a parking place for such classes of vehicles, in such positions and on such days and during such hours and on payment of such charges as detailed in the Schedule to this Order.
 - 3) Nothing shall restrict the power of the Council to temporarily close

any parking place for the purpose of preventing obstruction of the highway or maintaining public order therein.

- 4) The number and situation of parking bays in each parking place may be determined by the Council and the limits of each parking place shall be indicated by the Council on the surface by appropriate traffic signs.
- 5) The Council may:-
 - (a) install, in such positions on or in the vicinity of a parking place or parking bay, as they may think fit, such Ticket Machines as are required by this Order for the purposes of that parking place or parking bay; and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Conditions of Use of Parking Places

- 4)
 - 1) Every vehicle left in a parking place, specified in Article 3 of this Order, shall stand so that every part of the vehicle is wholly within the limits of the parking place or any parking bay within a parking place **AND** in those cases in which special provision is made in Column 3 of the Schedule of this Order, in accordance with those provisions.
 - 2) Where in the Schedule to this Order a Parking Bay is described as available for vehicles of a specific class the driver of a vehicle shall not, unless authorised in writing by the Council, permit it to wait in the Parking Bay unless it is of the class so specified.
 - 3) Where in the Schedule to this Order the position in which vehicles or a particular class of vehicle may wait is specified the driver of a vehicle shall not permit the vehicle to wait in that parking place other than in a position specified for that vehicle.
 - 4) No person shall cause or permit any vehicle other than the Permitted Vehicles, specified in column 4 of the schedule to this order to use the Parking Places specified in column 2 of the schedule to this order.
 - 5) Where within a Parking Bay there is a traffic sign or surface marking which indicates that the Parking Bay is available only for a Disabled Persons Vehicle the driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Disabled Persons Vehicle.
 - 6) Where within a Parking Bay there is a sign or surface marking which

indicates that the Parking Bay is available only for a Motor Cycle the driver of a vehicle shall not permit it to wait in that Parking Bay unless it is a Motor Cycle.

- 7) A Penalty Charge will become payable in the event of a vehicle failing to comply with the provisions of this Order.
- 8) Where a Penalty Charge is payable a Civil Enforcement Officer shall attach to the vehicle in respect of which the Penalty Charge has been incurred in a conspicuous position a notice to be called the "Penalty Charge Notice" which shall include the following particulars:
 - (a) the date on which the notice is served;
 - (b) the name of the enforcement authority;
 - (c) the registration mark of the vehicle involved in the alleged contravention;
 - (d) the date and the time at which the alleged contravention occurred;
 - (e) the grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
 - (f) the amount of the penalty charge;
 - (g) that the penalty charge must be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;
 - (h) that if the penalty charge is paid not later than the last day of the period of 14 days beginning with the date on which the notice is served, the penalty charge will be reduced by the amount of any applicable discount;
 - (i) the manner in which the penalty charge must be paid; and
 - (j) that if the penalty charge is not paid before the end of the period of 28 days referred to in subparagraph (g), a notice to owner may be served by the enforcement authority on the owner of the vehicle.
- 9) Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 8 of this Order, no person not being the driver of the vehicle, a Civil Enforcement Officer or some other person duly authorised by the Council shall remove the notice from the vehicle until the vehicle is removed from the parking place or unless authorised to do so by the driver.
- 10) The Penalty Charge shall be paid to the Council in accordance with the instructions contained on the Penalty Charge Notice.

Parking Tickets as Evidence

- 5) (1) No person may leave or cause any vehicle to be left in a Parking Place during the hours specified in column 6 of the Schedule to this order without purchasing a valid parking ticket and attaching it in a relevant position as detailed in Article 6 (4) of this Order.
- (2) The particulars as to the parking charge paid and the period for which such a charge is paid specified on the ticket issued by a Ticket Machine and affixed in accordance with the provisions of Article 6 (4) of this order shall be evidence of the particulars so specified
- (3) The driver of a vehicle using the Parking Places shall, after parking the vehicle purchase the parking ticket referred to in paragraph (1) of this article, by the insertion of an appropriate coin or coins into the Ticket Machine provided.
- (4) If at the time when a vehicle is left in a Parking Place referred to in paragraph (1) of this Article there is no ticket machine at the Parking Place or all the ticket machines at that Parking Place carry notices, placed upon them by a person duly authorised by the Council, indicating that they are out of order, the driver of that vehicle shall be exempt from payment of the Penalty Charge.
- 6 (1) There shall be a Ticket Machine installed on or in the vicinity of each parking place designated under Article 3 of this Order.
- (2) Payment of the parking charge for a vehicle left in a parking place at which a Ticket Machine with clock is installed shall be indicated by the issue of a numbered ticket showing the week of the year, the day of the week and
- (a) the time of the day payment of that charge was made; or
- (b) the expiry of the time for which payment was made.
- (3) Upon payment of the parking charge for a vehicle left in a parking place at which a Ticket Machine with clock is installed, the driver thereof shall exhibit on the vehicle, in accordance with the provisions of paragraph (4) of this Article, a ticket issued by the Ticket Machine relating to the parking place in which the vehicle is left.
- (4) The ticket referred to in paragraph (3) of this Article shall be so exhibited on the inside of the vehicle in a conspicuous position so that:-
- (a) the time and date of issue or
- (b) the date of expiry and the expiry of time shown on the front of

the said ticket is clearly visible

- (5) If at any time while a vehicle is left in a parking place during the permitted hours no ticket is exhibited on that vehicle it shall be presumed unless the contrary is proved that the parking charge has not been duly paid.
- (6) Where a ticket issued by a Ticket Machine with clock indicates that the parking charge has expired that indication shall be evidence that the vehicle was parked after the expiry of paid for time.

Contraventions

- 7 (1) The provisions of Section 73 (a) of the Traffic Management Act 2004 shall apply to proceedings in respect of a contravention under the provisions of section 35 and 35A (1) of the Road Traffic Regulations Act 1984.

Restriction of Use of Vehicles at Parking Places

- 8 (1) No Person shall use any vehicle while it is in the Parking Place during the permitted hours, in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale their skill in handicraft or their service in any other capacity, nor carry out, nor permit the carrying out, of any work of construction or repair except such as may be necessary to enable the vehicle to be moved from the parking place.
- (2) Except with the express written authority of the Council, no person shall affix or cause to be affixed any advertising material to any vehicle left in a Parking Place.

Part III

Saving

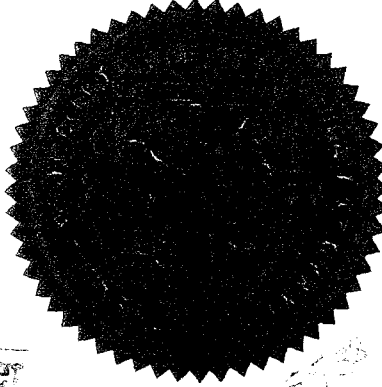
- 9) In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act or by or under any other enactment then the provisions of THIS Order shall prevail.
- 10) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

Schedule 1

1	2	3	4	5	6	7
Item No	Location	Position in which vehicle may wait	Class of Vehicle	Days of Operation of Car Park	Charging Hours	Scale of Charges
1	Sidegate Car Park	Wholly within a parking place	Motor Cars Motor Cycles Minibuses Motor homes	Monday to Sunday 24 hours	Monday to Saturday 8.00am to 6.00pm All other times	£3.00 per visit £1.20 per visit
2	The Sands Car Park and Coach Park	Wholly within a parking place	Motor Cars Motor Cycles Mini buses Motor homes Coaches	Monday to Sunday 24 hours	Monday to Saturday 8.00am - 6.00pm Sundays and evenings 6.00pm to 8.00am Monday to Sunday	0-2 hours: £1.20 2-3 hours: £1.80 3-4 hours: £2.40 4-5 hours: £3.00 5-6 hours: £3.60 over 6 hours: £6.00 £1.20 per visit £5.00 per visit
3	Providence Row Car park	At right angles to Providence Row carriageway	Motor Cars Motor Cycles	Monday to Sunday 24 hours.	Monday to Saturday 8.00am - 6.00pm	0-2 hours: £1.20 2-3 hours: £1.80 3-4 hours: £2.40 4-5 hours: £3.00 5-6 hours: £3.60 over 6 hours: £6.00

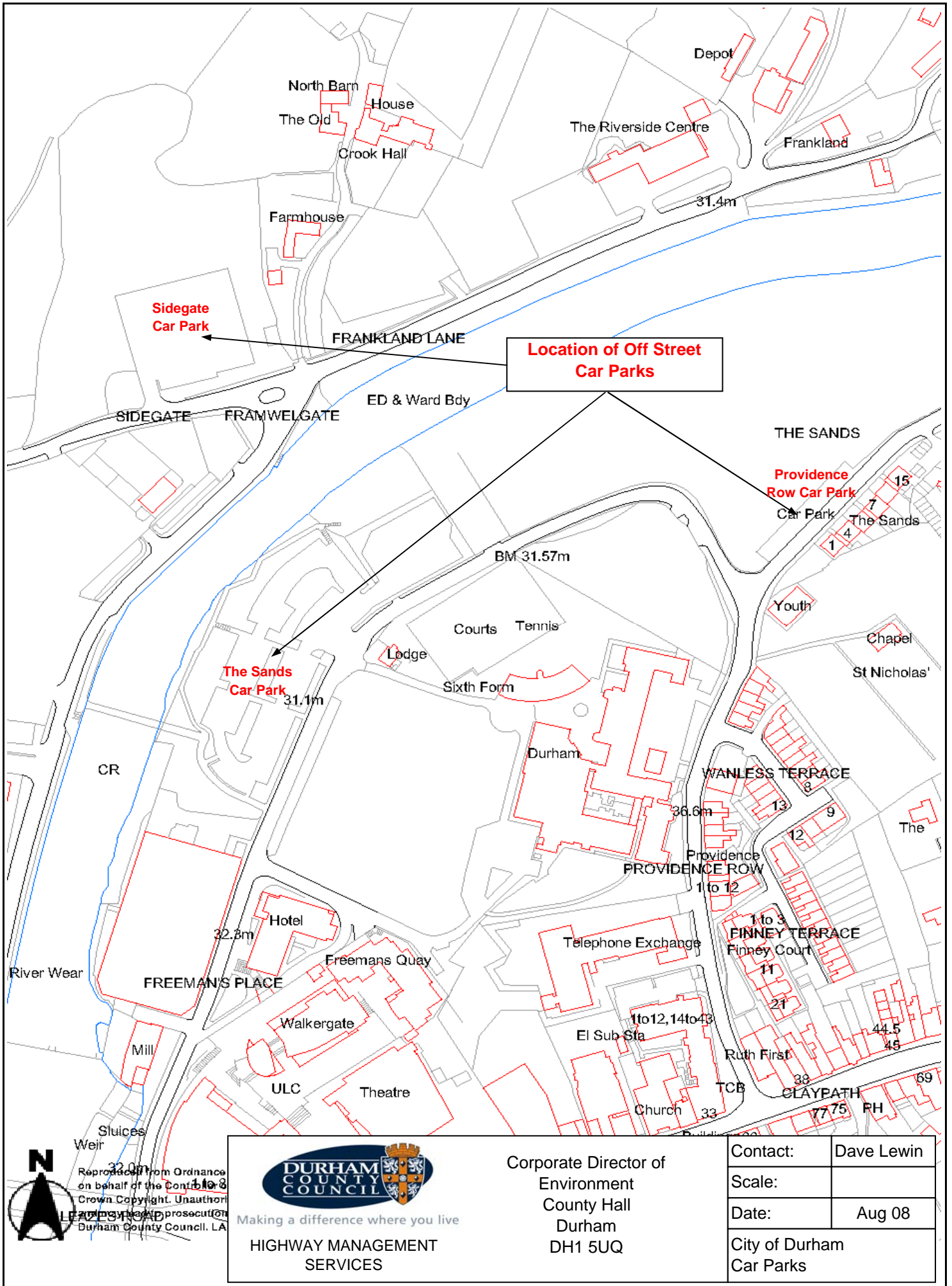
Given under the Common Seal of the Council this 30th day of October 2008.

K. Clayton



Acting Sealing Officer

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Making a difference where you live

HIGHWAY MANAGEMENT
 SERVICES

Corporate Director of
 Environment
 County Hall
 Durham
 DH1 5UQ

Contact:	Dave Lewin
Scale:	
Date:	Aug 08
City of Durham Car Parks	