

**THE COUNTY COUNCIL OF DURHAM
(STANLEY) (OFF-STREET PARKING PLACES)
ORDER 2011**

The County Council of Durham (hereinafter called "the Council") in exercise of its powers under Sections 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 1984 Act hereby makes the following Order:

**PART I
GENERAL**

Commencement and Citation

1. This Order shall come into operation on the 10 October 2011 and may be cited as the County Council of Durham (Stanley) (Off-Street Parking Places) Order 2011.

Interpretation

2. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations 2002;

"coach" has the same meaning as that ascribed in Part 1 Public Passenger Vehicle Act 1981;

"council" means The County Council of Durham;

"disabled person's badge" means a badge issued by any Local Authority in accordance with the provisions of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons (England) Regulations 2000) or a badge having effect under those regulations as if it were a Disabled Person's Badge;

"driver" in relation to a parking place means the person driving the vehicle at the time it was left in the Parking Place;

"electric vehicle" means a vehicle in which the electrical motive power is derived from an electrical storage battery;

"enforcement officer" means anyone duly authorised by the council to carry out enforcement duties;

"excess charge" and "excess charge notice" means the charge and notice referred to in Article 37;

"expiry time" is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

"goods vehicle" has the same meaning as that ascribed to it in Schedule 6 of the Road Traffic Act 1988 ('RTA 1988');

"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;

"motor car" has the same meaning as assigned by the Act;

"motorcycle" refers to a solo motorcycle only and excludes any motorcycle which has a side-car or trailer, or which has more than two wheels;

"motor home" is a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users.

"off street car park" means the locations as described in Column 2 of the Schedule to this Order;

"owner" in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was left in the parking place in question;

"parking bay" means an area of a parking place, which is provided for the leaving of a vehicle of a class specified and indicated by markings on the surface of the parking place or signed or otherwise indicated by signs in the parking place;

"parking charge" means the charge specified in Column 7 of the schedule to this order with respect to the period of parking required;

"parking place" means the areas of the off street car parks as designated as specified in the maps attached at Schedule 2 to this order;

"pay and display" means a type of parking place where upon parking the vehicle in a parking bay and prior to leaving the parking place a pay and display ticket must be purchased at the level of charge and for the required period in accordance with the scale of charges advertised at that parking place;

"pay and display ticket" means a ticket issued by a ticket machine located in the parking place in which the vehicle has been left or a ticket issued by a person nominated by the council on payment of a charge and valid for a parking period as advertised at that parking place in accordance with Article 23 of this Order. The pay and display ticket must be displayed prominently on the vehicle, where appropriate, in accordance with Article 20 of this Order;

"permitted vehicle" means any vehicle listed in column 4 of the schedule or such other vehicles authorised by the Council;

"recharging post" means a device designed for the recharging of electric vehicles;

"relevant position" means:

- (a) in respect of a vehicle displaying a valid Disabled Person's Badge -
 - (i) In the case of a vehicle fitted with a dashboard or fascia panel,

the badge is exhibited thereon so that Part 1 (the front 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 1 of the badge is legible from outside the vehicle;
- (b) in respect of a vehicle displaying a pay and display ticket or parking permit
- (i) the ticket or permit is exhibited on the inside surface of the windscreen or in a clearly visible position so that it is facing forwards and can be easily seen and read from the front or side of the Vehicle; or
 - (ii) in the case of a Vehicle that is not fitted with a transparent windscreen, the ticket or permit is exhibited on the front of the vehicle facing forwards and clearly visible.

"ticket machine" means an apparatus of a type and design approved by the appropriate Minister for the purpose of this order, being apparatus designed to indicate the time by a clock and to issue parking tickets which show that a payment has been made of an amount or for a period specified thereon and which specify the date and, either the time of such payment, or the time at which the vehicle must leave the parking place;

"vehicle" means any motorcar, motorcycle or other mechanically propelled automobile.

3. Except where the context requires otherwise, any reference in this Order to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.
4. 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. Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate, unincorporated associations and partnerships.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.

PART II

DESIGNATION AND USE OF PARKING PLACES

Designation

6. Each parking place specified in column 2 in the Schedule to this Order may be used, subject to the provisions of this Order, as a place to leave vehicles of such classes as specified.
7. 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.

8. 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.

Class and position of Vehicle

9. (1) 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;
- (2) every vehicle left in a parking place, specified in Article 6 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;
- (3) 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.
- (4) no person shall cause or permit a vehicle to wait or park in a parking bay marked for disabled persons unless the vehicle display a valid disabled person's badge in the relevant position and unless the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person's badge has been issued either immediately before or immediately after the act of parking. Where required the vehicle shall also display the disabled person's badge clock in accordance with local regulations;
- (5) no person shall cause or permit a vehicle to wait or park in a parking bay marked for motorcycles unless the vehicle is a motorcycle;
- (6) no person shall cause or permit a vehicle to wait or park in a parking bay marked for electric vehicles unless the vehicle is an electric vehicle.

Power to close or suspend Parking Places

10. (i) Nothing in this Order shall prevent the Council by notice, sign or barrier displayed in a parking place or parking bay from temporarily closing or suspending the use of a parking place for any class of vehicle for any period for the purpose of preventing obstruction of the highway or maintaining public order therein.
- (ii) the closure/suspension of a parking place or parking bay shall be indicated by the use of the appropriate signs.

