

3/16.

**THE COUNTY COUNCIL OF DURHAM
(OFF STREET PARKING PLACES)
(DURHAM CITY PARK AND RIDE SITES) ORDER 2005**

The Durham County Council ("the Council") in exercise of their powers under Sections 32, 33, 34 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 make the following Order:-

Part I

General

1. This Order may be cited as The County Council of Durham (Off Street Parking Places) (Durham City Park and Ride Sites) Order 2005 and shall come into operation on 21 November 2005.

Interpretation

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

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

"the Council" means the County Council of Durham;

"Disabled Persons Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"Disabled Persons Vehicle" means a vehicle displaying a Disabled Persons Badge;

"driver" means the person who has control of the steering of the relevant vehicle;

"Fixed Charge" means the charge which will become payable should the vehicle be left within any of the Park and Ride Sites outside of the Operational Hours;

"Fixed Charge Notice" means a notice which will be fixed to a vehicle if a Fixed Charge becomes payable;

"motor home" means a mechanically propelled vehicle, not being a motor car, motor cycle or an invalid carriage, constructed itself to carry a load of passengers and being a place to sleep, live, and carry luggage whilst touring.

"motor car" shall have the same meaning as assigned by the Act;

"motor cycle" shall have the same meaning as assigned by the Act;

"motor vehicle" shall have the same meaning as assigned by the Act;

"Operational Hours" means the times of which the Park and Ride Sites are to be used.

"Park and Ride Bus Service" means the buses provided for the transportation of drivers and passengers to and from the Park and Ride Sites to Durham City Centre.

"Park and Ride Sign" means a sign used by the Park and Ride Staff to indicate changes to the parking provisions or a traffic sign, which is permanently erected within the Park and Ride Site.

"Park and Ride Site(s)" means the locations as described in column 1 in the Schedule to this Order;

"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;

"Parking Place" means the areas at the Park and Ride Sites as designated by the white line markings on the ground where a vehicle may wait;

"passenger(s)" means a person, not being the driver of a vehicle, who is carried in or on a vehicle.

"Permitted Vehicles" means the class/type of vehicles, which are allowed to use the Park and Ride Sites and Parking Places;

"Release Fee" means a fee that will become payable should a vehicle be left in the Park and Ride Site outside of the Operational hours;

"traffic sign(s)" has the same meaning as assigned by s 64(1) of the Act.

Designation of Parking Places

3. The location of the Park and Ride Sites are the areas as described in column 1 in the Schedule to this Order.

4. Each area of the Park and Ride Sites, which is marked on the ground with the appropriate lines, is hereby designated as a parking place.
5. Each Parking Place ~~maybe~~ used subject to the following provisions of this Order as a parking place for such classes of vehicles as are specified in relation to that Parking Place as referred to in column 5 of the Schedule.

Conditions of use of Parking Places

6. Where in the Schedule a Parking Place is described as available for vehicles of a specified class the driver of a vehicle shall not, unless authorised in writing by the Council permit it to wait in the Parking Place unless it is of the class so specified.
7. All drivers and passengers using the Park and Ride Sites must do so with the intention of using the Park and Ride Bus Service.
8. Wherever Parking Bays are provided vehicles shall be positioned wholly within the markings of a Parking Bay.
9. The following are classes of vehicles which are Permitted Vehicles for the purposes of this Order:
 - (i) motor cycles,
 - (ii) motor cars, and;
 - (iii) motor homes.
10. No person shall cause or permit any vehicle other than the Permitted Vehicles to use the Park and Ride Sites.
11. Where within a Parking Place there is a sign or surface marking which indicates that a 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.
12. Where within a Parking Place there is a sign or surface marking which indicates that a 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.

Conditions of Entrance and Exit and Surface Markings

13. No person shall cause or permit any vehicle to proceed so that it enters the Park and Ride Site other than by a designated entrance or exits the Park and Ride Site other than by a designated exit as indicated by the appropriate traffic signs at the Park and Ride Sites.

14. No person shall cause or permit any vehicle to proceed in a direction at the Park and Ride Sites other than in a direction as indicated by the appropriate traffic signs at the Park and Ride Sites.
15. No person shall cause or permit any vehicle to wait in an entrance or an exit of any of the Park and Ride Sites as indicated by the traffic signs on site.
16. No person shall cause or permit any vehicle to wait in a Parking Bay where an appropriate traffic sign has been placed by any person authorised by the Council, indicating that the Parking Place/Parking Bay should not be used, has been erected.

Temporary suspension of Parking Places / Parking Bays

17. Save as provided in Article 18 a police officer in uniform or any person duly authorised by the Council may where appropriate temporarily suspend the use of any Parking Place for any class of vehicle.
18. Save as provided in Article 17 the suspension of a Parking Place or Parking Bay shall be indicated by the use of the appropriate traffic signs.

Restriction of Use of Park and Ride Sites

19. Save as provided in Article 20, no person shall cause or permit anything to be done on or in the Park and Ride Sites or for the Park and Ride Sites to be used for anything other than for use as a waiting place for the Permitted Vehicles in order for the driver and passengers to make use of the Park and Ride Bus Service.
20. Nothing in Article 19 shall apply to anything so approved by an authorised officer of the Council.

Fixed Charge

21. A Fixed Charge as detailed in Column 7 will become payable in the event of a vehicle being left in any of the Park and Ride Sites outside of the Operational Hours.
22. The Operational Hours shall be between 7.00 a.m. to 7.00 p.m. Monday to Sunday unless otherwise indicated by the Council and will be displayed on appropriate signs at the Park and Ride Sites.
23. Where a Fixed Charge is payable the Council shall attach to the vehicle in respect of which the Fixed Charge has been incurred in a conspicuous position a notice to be called "the Fixed Charge Notice" which shall include the following particulars:

- (a) the registration mark of the vehicle or where the vehicle is being used under a trade licence the number of the trade plate carried by the vehicle;
- (b) the reason the Fixed Charge has been incurred
- (c) the amount of the Fixed Charge;
- (d) a statement that the Fixed Charge is required to be paid;
- (e) the date and time at which it was first observed that the Fixed Charge had been incurred;
- (f) the manner in which and the time within which, the Fixed Charge should be paid;
- (g) a statement that it is an offence for the driver to fail to pay the Fixed Charge.

24. The Fixed Charge shall be paid to the Council in accordance with the instructions contained on the Fixed Charge Notice not later than 10.00 a.m. on the 28th day following the day on which the Fixed Charge was incurred. The Council is at liberty to recover the Fixed Charge as a civil debt.

Release of Vehicles Outside of the Operational Hours

25. Where a vehicle is left within any of the Park and Ride Sites outside the Operational Hours, a Release Fee of £75.00 (seventy five pounds) will become payable if the owner or driver of the vehicle requires the vehicle to be released from the relevant Park and Ride Site before the Park and Ride Site is opened and the Council is prepared to do so.

Period for which a vehicle may be left after the Fixed Charge has been incurred

26. The period for which a vehicle may be left in a Parking Place after the Fixed Charge has been incurred shall not exceed twenty four hours.
27. If a vehicle is left in a Parking Place for more than twenty four hours after the Fixed Charge has been incurred, the Council may have the vehicle removed from the Park and Ride Site in accordance with Article 28 below.

Movement and Removal of Vehicles

28. (1) If a vehicle is left within a Parking Place in a position other than in accordance with the provisions of this Order the Council may alter or cause to be altered the position of that vehicle so that its position is in accordance with the said provisions.

- (2) If a vehicle is left in a Parking Place in contravention of any of the provisions of this Order a person authorised by the Council in that respect may remove the vehicle from the Parking Place or arrange for such removal.
- (3) If an emergency occurs, the Council or a police officer in uniform 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.
- (4) Any person altering or causing the alteration of the position of a vehicle or removing or causing the removal of a vehicle by virtue of this Article may do so by towing, lifting or driving the vehicle or using such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (5) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is to be removed.
- (6) The driver shall be liable for the Council's costs and expenses incurred in the alteration of the position, removal or arranging the removal of a vehicle and storage of a vehicle by virtue of this Article. This paragraph shall not apply to such alteration of position, removal or arranging removal under paragraph 3) of this Article.
- (7) The Council will not be liable for any loss of or damage to any vehicle or the fittings or contents of any vehicle while in a Parking Place or while being moved or removed by virtue of this Article.

Saving

28. In so far as any provision of this Order conflicts with any provision which is contained in an Order made of having effect as if made under the Act or by or under any other enactment then the provisions of this Order shall prevail.
29. The 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.

Location of Site	Name of Parking Place	Operational Hours	Type of Parking Place	Type of Space	No. of Spaces	Fixed Charge	Exempt from Charges
Belmont (Carrville) Park and Ride	West side car park	7.00am – 7.00pm	Free of Charge	Motor Car	249	£30	None
	-	7.00am – 7.00pm	Free of Charge	Disabled Persons	14	£30	None
	-	7.00am – 7.00pm	Free of Charge	Motorcycle	1	£30	None
	East side car park	7.00am – 7.00pm	Free of Charge	Motor Car	154	£30	None
Howlands Farm Park and Ride	-	7.00am – 7.00pm	Free of Charge	Motor homes /Caravans	6	£30	None
	North side car park	7.00am – 7.00pm	Free of Charge	Motor Car	189	£30	None
	-	7.00am – 7.00pm	Free of Charge	Disabled Persons	6	£30	None
	South side car park	7.00am – 7.00pm	Free of Charge	Motor Car	95	£30	None
Sniperley Park and Ride	-	7.00am – 7.00pm	Free of Charge	Motor homes /Caravans	4	£30	None
	-	7.00am – 7.00pm	Free of Charge	Motor Car	322	£30	None
	-	7.00am – 7.00pm	Free of Charge	Disabled Persons	4	£30	None
	-	7.00am – 7.00pm	Free of Charge	Motor homes /Caravans	4	£30	None

Given under the Common Seal of the County Council of Durham this 10th
day of November 2005

A.E.H. —

Authorised Sealing Officer



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