

THE BOROUGH OF EASTLEIGH
(HAMBLE FORESHORE OFF-STREET CAR PARK, HAMBLE) ORDER 2008

The Council of the Borough of Eastleigh (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Hampshire County Council in exercise of the powers of the said County Council under Sections 32, 33 and 35 of the Road Traffic Regulation Act 1984 ("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 I- GENERAL

Commencement and Citation

1. This Order shall come into operation on 13 October 2008 and may be cited as the "Borough of Eastleigh (Hamble Foreshore Off-Street Car Park, Hamble) 2008".

Interpretation

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

"charging hours" means the periods as specified in Column 5 of the Schedule to this Order during which a charge as specified in Column 6 of the Schedule to this Order is payable for leaving a vehicle of a class as specified in Column 3 of the Schedule to this Order in a parking place;

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

"disabled parking disc" means a device which:-

- (a) is coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"disabled person's badge" means a badge which was-

- (a) issued, or has effect as if issued, to a disabled person or an institution under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) has not ceased to be in force;

as defined in The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled persons badge, as defined under Section 142 of the Act;

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

"goods vehicle" means a vehicle exceeding 3.5 tonnes max gross weight and which is constructed or adapted for use for the carriage of goods or burden of any description, and is not a drawing trailer;

"Hamble-le-Rice Parishioner" means any person who is on the electoral register for Hamble-le-Rice Parish;

"motorcycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms as defined in Section 136 of the Act;

"owner", in relation to a vehicle, means the person named in the vehicle registration document or the person by whom such vehicle is kept and used;

"parish council" means Hamble-le-Rice Parish Council;

"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 clock" shall mean a clock issued by the parish council under the provisions of Article 30 to this Order;

"parking place" means any area specified in name in the Schedule to this Order provided by the Council under section 32(1) of the Act for use as a parking place;

"passenger vehicle" means a vehicle (other than a motorcycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"public service vehicle" shall have the same meaning as in section 1 of the Public Passenger Vehicles Act 1981;

"ticket machine" means an apparatus designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid or expired;

“trailer” shall have the same meaning as in section 136 of the Act;

“vehicle” means a motor vehicle and “motor vehicle” has the same meaning as in section 136 of the Act.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II- USE OF PARKING PLACES

Use of Areas as Parking Places

3. Each area of land specified by name in the column 1 of the Schedule to this Order 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 and during such hours as are specified in relation to that area in the various Articles and the Schedule to this Order.

Class and Position of Vehicles

4. Where in the Schedule to this Order a 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 that parking place unless it is of the class and in the position so specified.
5. Where, within a parking place, there is a sign or a surface marking which indicates that a parking bay is available 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 place, there is a sign or a surface marking which indicates that a parking bay is available for a motorcycle, only motorcycles shall be permitted to wait in that parking bay.
7. When a parking place is described in the Schedule to this Order as operating on certain days or during certain times the driver of a vehicle shall not permit it to wait in that parking place on any other day or at any other time without the Council’s permission.
8. Where, within a parking place, there is a sign or a surface marking which indicates that a parking bay is available for use by authorised vehicles only, the driver of a vehicle shall not permit it to wait in that parking bay unless that vehicle has been designated as an authorised vehicle by an authorised Officer of the Council.
9. No person shall park a trailer in a parking place.

10. No person shall park a goods vehicle or a public service vehicle in any parking place.

Use of Vehicles in Parking Places

11. No person shall use a vehicle while it is in a parking place as a dwelling or for any domestic or sanitary purposes.

12. No person shall use any vehicle, whilst it is in a parking place, 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 of a skill or handicraft or service in any other capacity without the consent of a person authorised by the Council.

Driving of Vehicles in Parking Places

13. The driver of a 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 in or depart from the parking place.

14. No person shall, except with the permission of the Council drive any vehicles in parking places other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

Repair of Vehicles in Parking Places

15. No person shall, while a vehicle is in a parking place permit the carrying out of work either of maintenance or repair thereto or of any other nature whatsoever except such as may be necessary to enable the vehicle to depart from the parking place.

Removal of Vehicles from Parking Places

16. Where a Police Constable in uniform or a person authorised by the Council is of the opinion that any of the provisions contained in Article 3 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he or she may remove or cause to be removed the vehicle from the parking place, and where it is so removed shall provide for safe custody of the vehicle.

Movement of Vehicles in Parking Places in Emergencies

17. A Police Constable in uniform or a person authorised by the Council may remove or cause to be moved in cases of emergency, to any place he or she thinks fit, any vehicle left in a parking place.

18. 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 17 of this Order, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Entry and Exit

19. Where in a parking place signs are erected or surface markings are laid for the purpose 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 specific 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 the entrance or leaves the parking place otherwise than by the exit so indicated; or
 - ii. in a direction other than that specified.

Power to Suspend the Use of Parking Places

20. Any person duly authorised by the Council may suspend the use of a parking place or of any part thereof whenever he or she considers such suspension reasonably necessary for facilitating the carrying out of works of repair or renewal, or in connection with fairs or matters approved or authorised by the Council, or on such other occasions and for such purposes as it sees fit.

21. No person shall use a parking place that has been suspended in accordance with Article 20 to this Order, without the express consent of the Council.

Penalty Charge

22. If a vehicle is left in a parking place during the charging hours for a period longer than that for which the payment was made or in contravention of any other provision of this Order a penalty charge shall be payable

Manner of Payment of Penalty Charge

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

Restriction on Removal of Notices

24. Where a notice has been attached to a vehicle no person not being a civil enforcement officer or the driver of the vehicle or a person authorised by the driver shall remove the notice from the vehicle.

Amount of Charge at Parking Places

25. Unless the vehicle has the benefit of an exemption, as specified in Article 26 of this Order, the charge for a vehicle left in a parking place for any

period during the charging hours shall be as specified in Column 6 of the Schedule to this Order.

26. The following vehicles shall be exempt from the display of any parking ticket for a maximum of 4 hours in any 12 hour period:
- (a) A disabled persons vehicle which displays in a relevant position a disabled persons badge;
 - (b) A vehicle displaying a parking clock, as issued by the parish council in accordance with Article 30 of this Order and displayed in accordance with Article 31 of this Order, indicating the time of arrival of the vehicle.

Parking Tickets

27. The charge specified in Article 25 of this Order shall be paid on the leaving of a vehicle in a parking place during the charging hours by the insertion into the ticket machine of a coin or coins making up the amount of the charge for the period for which payment is being made.
28. Upon acquisition of a parking ticket for a vehicle left in a parking place during the charging hours the driver thereof shall exhibit, at all times, the ticket in a conspicuous position to the vehicle in respect of which it was issued, so that all the particulars on the ticket are clearly visible from the outside of the vehicle.
29. Any ticket purchased in accordance with Article 25 of this Order is not transferable between one vehicle and another, or between one parking place and another.

Parking Clock

30. Any Hamble-le-Rice Parishioner may apply to the parish council for one parking clock per household which entitles the holder to leave a vehicle in a parking place at any time for a maximum of four hours in any 12 hours in accordance with the provisions of this Order up to and including the date of expiry as shown on the clock without payment.
31. A vehicle displaying a parking clock will only be exempt from parking charges for a maximum of 4 hours in any 12 hours provided the parking clock is displayed in a conspicuous position to the vehicle so that all the particulars on the parking clock are clearly visible from the outside of the vehicle at all times showing the time of arrival.
32. An administration charge shall be levied for issuing a parking clock.

PART III- REVOCATION OF EXISTING TRAFFIC REGULATION PROVISIONS

33. The following Orders are hereby revoked:

The Hamble- le- Rice Parish Council (Hamble Foreshore and Car Park Quay)
Order 1992

Dated this day of 2008

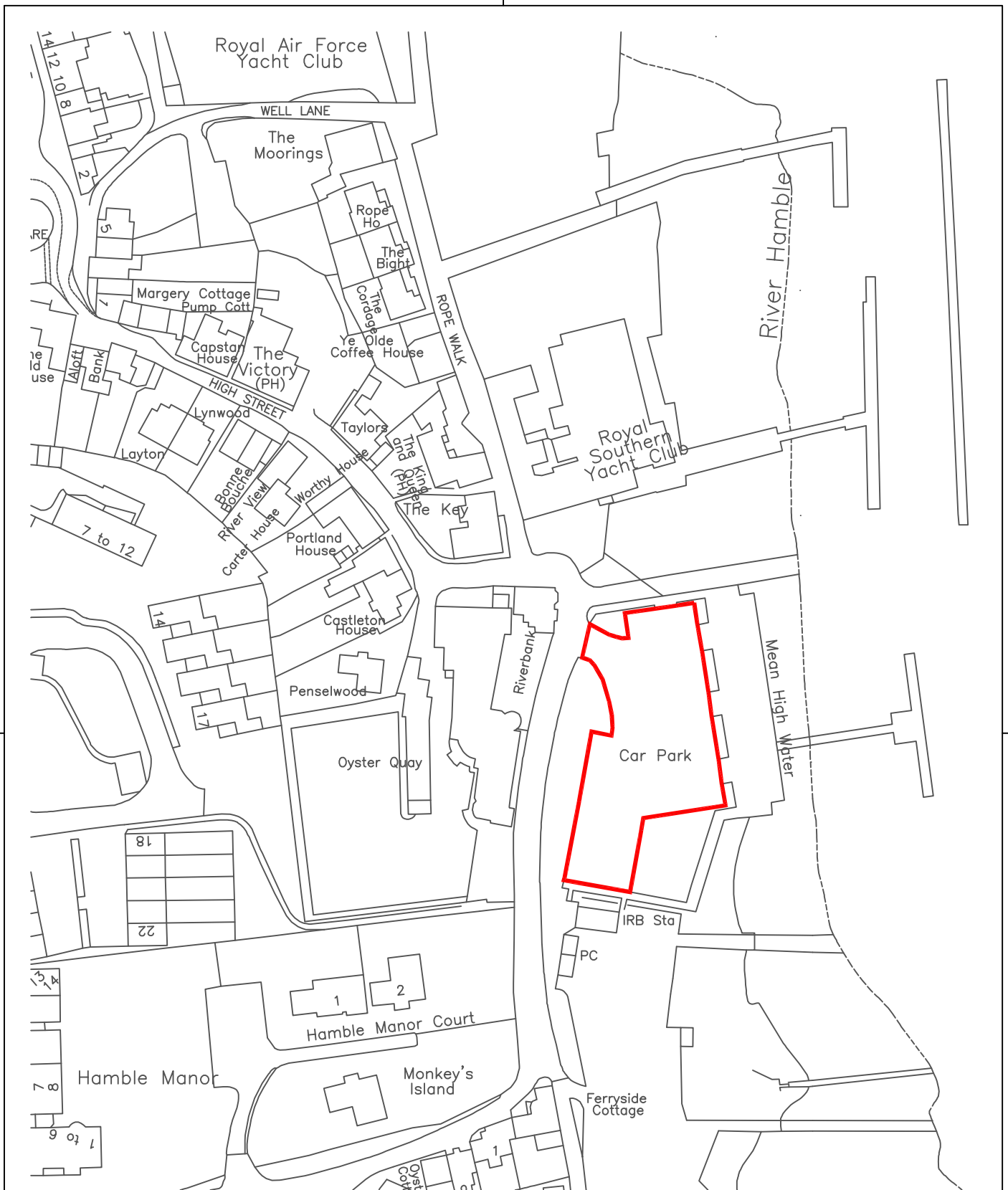
THE COMMON SEAL of EASTLEIGH)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Head of Legal & Democratic Services

DATED _____ 2008

THE BOROUGH OF EASTLEIGH
(HAMBLE FORESHORE OFF-STREET
CAR PARK, HAMBLE) ORDER 2008

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**Transportation
&
Engineering**

Scheme

HAMBLE OFF-STREET
PARKING RESTRICTIONS

Title

FORESHORE CAR PARK

Scale

not to scale

Date

FEB 08

Drawn by

PG

Drawing No

E/TM/01/M/22/020

Project No

Checked by

SRW