EDEN DISTRICT COUNCIL

(OFF STREET PARKING PLACES)

(TOWN HALL, PENRITH) ORDER 1998

The Council of the District of Eden ("the Council") in exercise of its powers under Section 35 (1) and (3) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act and of all other enabling powers, with the consent of the County Council of Cumbria in accordance with Section 39 (3) of the Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following order:

1. This order shall come into operation on 1 June 1998 and may be cited as the Eden District Council (Off-Street Parking Places) (Town Hall, Penrith) Order 1998.

2. In this order:

"authorised parking hours" means any period specified in column 5 of Part I of the Schedule;

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

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

"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; and

"parking place" means any area of land specified by name in column 1 of Part I of the Schedule provided by the Council under Section 32(1) of the Act for use as a parking place.

USE OF LAND AND PARKING PLACE

3. (1) The area of land specified by name in column 1 of Part I of the Schedule may be used, subject to the following provisions of this Order, as a parking place for such classes of the vehicles, in such positions only on such days and during such hours, as are specified in the Schedule.

(2) Where in Part I of the Schedule 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 specified.

(3) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled person's vehicle.

AMOUNT OF THE CHARGE AT PARKING PLACES

4. (1) If a vehicle is left in a parking place in contravention of the provisions of any paragraph of this Order an amount as specified in Part II of the Schedule (which amount is hereinafter referred to as "the Charge") shall be payable PROVIDED THAT where the Charge is tendered within fourteen days of the date of the notice referred to in paragraph (2) of this Article the Council will accept in full satisfaction thereof the reduced sum as specified in Part II of the Schedule.

(2) In the case of a vehicle in respect of which Charge may have been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a 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 date and time at which the parking attendant first observed that the contravention was made;

(c) a statement that the Charge as specified in Part II of the Schedule is required to be paid;

(d) the manner in which, and the time within which, the Charge should be paid; and

(e) a statement that it is an offence under Section 35 (4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the Charge.

PERIOD FOR WHICH VEHICLE MAY BE LEFT AFTER CHARGE INCURRED

5. (1) The period for which a vehicle may be left in a parking place during the authorised parking hours after the Charge has been incurred shall not exceed two hours.

(2) If a vehicle is left in a parking place for more than two hours after the Charge has been incurred, it shall be the duty of a parking attendant to attach to the vehicle in a conspicuous position a 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 date and time at which the parking attendant first observed that the vehicle had been left in the parking place for more than two hours after the Charge had been incurred; and

(c) a statement that it is an offence under Section 35(4) of the Act for the driver of a vehicle who has left the vehicle in a parking place to leave the vehicle therein for longer than two hours after the Charge has been incurred.

RESTRICTION ON REMOVAL OF NOTICES

6. When a notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the vehicle.

OTHER PROVISIONS

7. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1972.

8. The driver of a motor 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 to depart from, the parking place.

9. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services without the written consent of the Council.

(2) No person shall use any part of a parking place or any vehicles left in a parking place -

(a) for sleeping or camping or cooking; or

(b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

10. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.

11. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of the 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 foregoing provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from that parking place or arrange for such removal or affix thereto an immobilisation device.

(3) For the purpose of meeting the requirements of any emergency, a person authorised in that behalf by the Council or a police constable 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 by virtue of paragraph (1) of this Article, or removing, or causing the removal, of a vehicle by

virtue of paragraphs (2) or (3) of this Article, may do so by towing or driving the vehicle or in 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 removed.

12. Where in a parking place signs are erected or surface markings are laid for the purpose of:

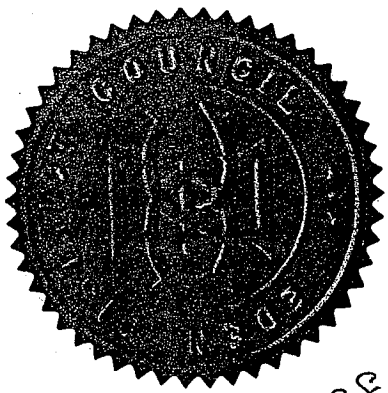
(a) indicating the entrance to or exit from the parking place; or

(b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place,

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

13. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place for any purpose other than 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.

THE COMMON SEAL of the EDEN DISTRICT COUNCIL was hereunto affixed in the presence of:



4638

Chairman J.B. Thompson

Chief Executive

Date 12th May 1998

SCHEDULE
Part I

Name of Parking Place which	*Position in which Vehicle may wait*	*Classes of Vehicle*	*Days of Operation of Parking Place*	*Hours of Operation of Parking Place*	*Maximum period for Vehicle may wait*
1	2	3	4	5	6
Town Hall, Penrith (Rear Car Park)		(i) motor cars within the provisions of Section 136(2) of the Act (ii) motor cycles as defined in Section 136(4) of the Act (iii) motor vehicles constructed or adapted for use for the conveyance of goods or burden the unladen weight of which does not exceed 1525 kg (iv) invalid carriages (v) disabled persons' vehicles	Saturdays, Sundays and Bank Holidays	All hours	48 consecutive hours

PART 11

THE CHARGE

The Charge shall be - £60.00
The Reduced Sum shall be - £30.00