

Dated

28 May 2009

THE BOROUGH COUNCIL OF PENDLE
DOCKRAY STREET, COLNE OFF-STREET PARKING ORDER 2009
NUMBER 1

R Townson
Democratic and Legal Services Manager
Town Hall
Market Street
Nelson
BB9 7LG

**THE BOROUGH COUNCIL OF PENDLE
DOCKRAY STREET, COLNE OFF-STREET PARKING ORDER 2009,
NUMBER 1**

- (i) The Borough Council of Pendle (in this Order called the Council) has the power under section 32 of the Road Traffic Regulation Act 1984 to provide off-street parking places where it appears to the Council that such parking places are necessary to relieve or prevent congestion of traffic.
- (ii) The Council may by order state which vehicles or class of vehicles may use the parking places, the conditions on which they may use it, the charges to be paid for parking, the use of a device which indicates the time when the vehicle arrived at the parking place and other matters (this is under section 35 of the Road Traffic Regulation Act 1984).
- (iii) Before making an order the Council must obtain the consent of Lancashire County Council and must consult the chief officer of Lancashire Police (this is required respectively under section 39(3) and paragraph 20 of Schedule 9 to the Road Traffic Regulation Act 1984).
- (iv) With the consent of Lancashire County Council and after consulting Lancashire Police the Council makes the following order:

PART 1

Commencement

- 1. This Order shall come into force on 14 May 2009 and is called the Borough Council of Pendle Dockray Street, Colne Off-Street Parking Order 2009 Number 1.

Definitions

- 2. In this Order the following expressions have the following meanings
 - "disabled person's badge"** a badge issued 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
 - "disabled parking bay"** an area of the Car Park which is marked out as being for parking only by vehicles used by holders of a disabled person's badge

"owner"	<p>is (i) the person recorded as the keeper of the vehicle in the records maintained under the Vehicle Excise and Registration Act 1994; or</p> <p>(ii) the person who hired the vehicle where the vehicle is hired from a vehicle hire firm under a hiring agreement provided that the procedure in the regulation 5(3) of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 has been complied with</p>
"the Car Park"	<p>is the parking place at Dockray Street, Colne shown edged red on the plan attached to this Order</p>
"a civil enforcement officer"	<p>a person in uniform appointed by the Council to enforce parking contraventions or appointed for that purpose by a company under arrangements with the Council in accordance with section 76 of the Traffic Management Act 2004</p>
"a parking clock"	<p>is a device approved by the Council that is capable of showing the time a vehicle is parked in a parking bay</p>
"parking bay"	<p>an area of the Car Park which is provided for parking a vehicle and marked out as such</p>
"dispensation"	<p>a dispensation from the Council allowing a vehicle to park at the Car Park without complying with this Order or without complying with specified provisions of this Order and which may be granted subject to conditions</p>
"vehicle"	<p>a mechanically propelled vehicle which weighs less than three tons except</p> <ul style="list-style-type: none"> (i) a vehicle pulling a trailer (ii) campervans (iii) motorcycles (iv) hackney carriages and private hire vehicles in the course of being used as such

Use of the Car Park

3. Vehicles may be parked in the Car Park for up to two-and-a-half hours timed by a parking clock displayed inside the vehicles subject to the following provisions:
 - 3.1 vehicles must enter and leave the Car park in accordance with directions displayed at the Car Park
 - 3.2 vehicles must be parked wholly within a parking bay
 - 3.3 vehicles must not be parked on any part of the Car Park other than wholly within a parking bay.

Parking clocks

4. A parking clock must be displayed in the vehicle at all times while the vehicle is parked in accordance with the following:
 - 4.1 the parking clock must be set to the time when the parking started
 - 4.2 the parking clock must be displayed
 - 4.2.1 on the dashboard or fascia of the vehicle or
 - 4.2.2 at the front of the vehicle in a conspicuous position

in each case so that the clock is clearly visible from the outside of the vehicle

 - 4.4 only parking clocks which are clearly legible must be displayed
 - 4.5 the parking clock must not be altered once the start time of parking has been set.

Disabled Parking

5. No vehicle shall be parked in a disabled parking bay unless a current disabled person's badge is displayed in the vehicle in accordance with the following:
 - 5.1 the disabled person's badge must be displayed at all times when the vehicle is parked in a disabled parking bay
 - 5.2 the disabled person's badge must be displayed
 - 5.2.1 on the dashboard or fascia of the vehicle or

5.2.2 at the front of the vehicle in a conspicuous position

in each case so that the front of the badge is clearly legible from the outside of the vehicle

5.3 only badges which are clearly legible must be displayed.

Return

6. No vehicle shall be returned to the Car Park and parked within two hours of previously having parked there.

Exempt vehicles

7. Nothing in this Order shall prohibit the use of the Car Park by
- 7.1.1 police and fire service vehicles and ambulances acting in an emergency,
- 7.1.2 vehicles in use for the repair and maintenance of the Car Park.

Risk

8. The Council accepts no responsibility for any loss or damage to a vehicle using the Car Park unless such loss or damage is caused by the Council's negligence.

Suspension

9. The Council may suspend the use of the Car Park or any part of it by displaying a notice on or near the Car Park and no vehicle shall use the Car Park or that part of it while its use is suspended.

Prohibited Activity

10. No person shall
- 10.1 put up a tent, booth, stand or other structure in the Car Park without the prior permission of the Council
- 10.2 camp, cook, picnic or play any sport or game in the Car Park
- 10.3 sell, or display any vehicle for sale on the Car Park,
- 10.4 repair, maintain, wash or clean a vehicle in the Car Park
- 10.5 display any notice or advertisement at the Car Park.

10.6 sell any item at the Car Park or display any item for sale at the Car Park.

10.7 carry on a business from the Car Park.

Removing a vehicle

11. When a vehicle is left in the Car Park in contravention of articles 3, 4 or 9 the Council may arrange for its removal and charge the cost of such removal to the owner.
12. A vehicle may be removed by towing, driving or by a vehicle transporter.
13. The Council shall remove the vehicle to a secure location and as soon as reasonably practicable will notify the owner by post that it has been removed, the reason for removal, the location where it is stored and any costs to be paid by the owner.
14. The Council will notify the police whenever it removes a vehicle from the Car Park.

Parking contravention

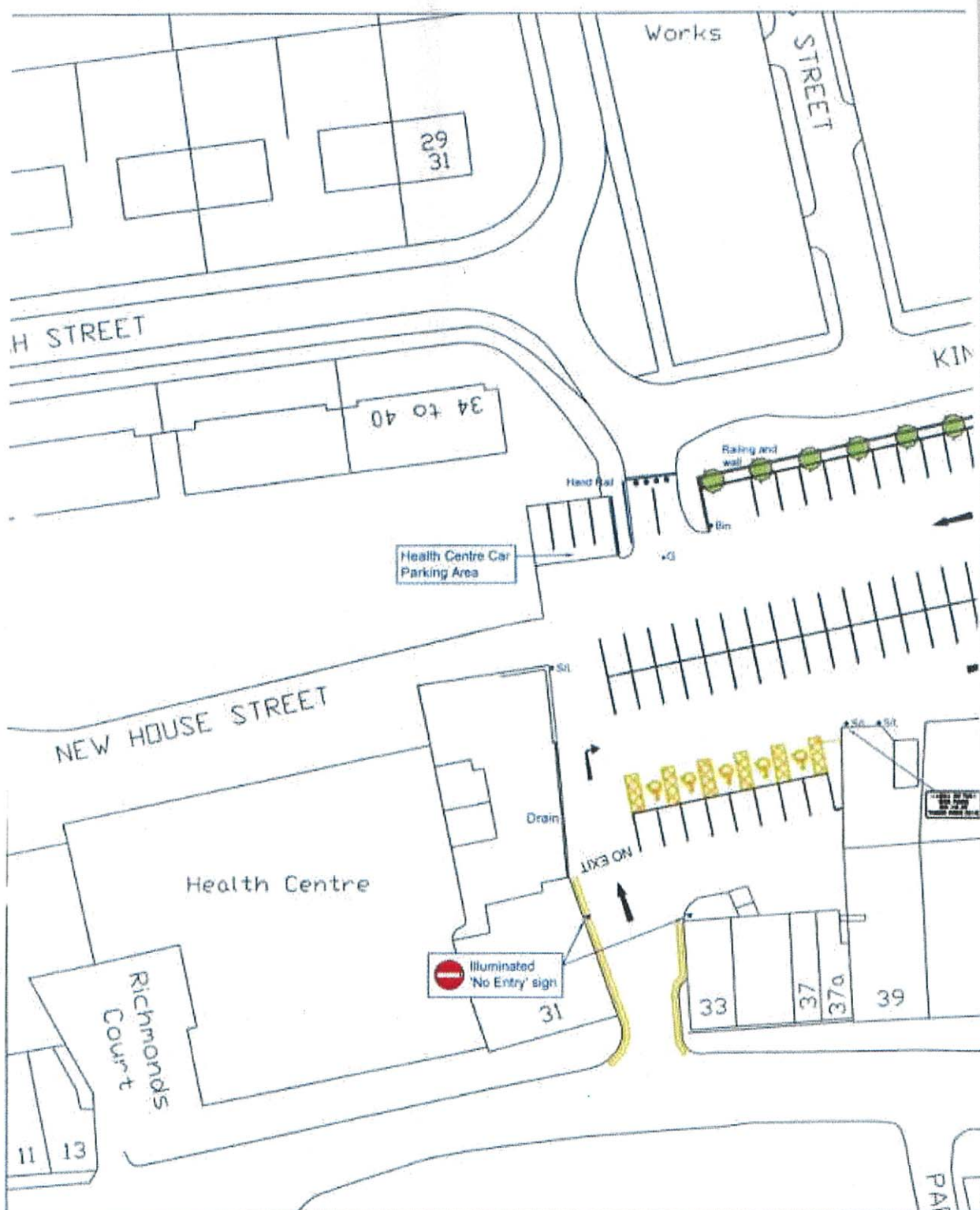
15. Any contravention of or non-compliance with a provision of this Order is a parking contravention in relation to the vehicle concerned for the purposes of paragraph 4 of Schedule 7 to the Traffic Management Act 2004 and regulation 4 of The Civil Enforcement of Parking Contraventions (England) (General) Regulations 2007

IN WITNESS whereof the Common Seal of the Borough Council of Pendle was hereunto affixed this 28 day of May 2009

THE COMMON SEAL of the Borough Council
of Pendle was hereunto
affixed in the presence of:-


Democratic and Legal Services Manager







		REVISIONS / NOTES	
TITLE: Dockray Street, Colne	DRAWN BY: N Y	CHECKED: S F	DATE: 16 August 2007
	FILE REF:	SCALE: 1 : 500	DRAWING NUMBER: CP_17