

## THE ROTHERHAM BOROUGH COUNCIL (STREET PARKING PLACES) ORDER 1997

Rotherham Borough Council in exercise of its powers under Sections 45 and 46 of the Road Traffic Regulation Act 1984 (hereinafter called "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

1. This Order shall come into operation on the 2nd day of June 1997 and may be cited as the Rotherham Borough Council (Street Parking Places) Order 1996.

2. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

(2) In this Order -

"charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in Article 6;

"disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

"parking place" means the area of land specified by name in column 1 of the Schedule provided by the Council under the Act for use as a parking place;

"ticket machine" means the apparatus or device approved in accordance with Section 46(2) of the Act for the payment of the charge at a parking place;

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

"parking bay" means any area of a parking place which is provided for the leaving of a vehicle and indicated by markings at the location of the area so provided.

## PART II

## USE OF PARKING PLACE

## Use of land and parking place

3. (1) Each area of highway specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as a parking place for

classes of vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.

- (2) In relation to the description of the parking place in the Schedule 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 the parking place unless it is of the class and in the position so specified.
- (3) The driver of a vehicle left in the parking place shall pay such charge or charges as are specified in the following provisions of this Order.

#### Number and situation of parking bays

4. The number of parking bays in each parking place shall not exceed the number specified in column 3 of the Schedule in relation to that parking place and the number and situation of such parking bays in each parking place shall be as may be determined by the Council.

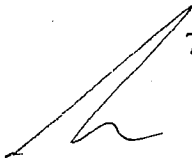
#### Marking of parking places and parking bays

5. The limits of each parking place and of any parking bay shall be indicated by appropriate traffic signs.

#### Amount and method of payment of initial charge at parking places

6. (1) The initial charge for a vehicle left in a parking place specified by name in column 1 of the Schedule shall be 20 pence for a period of up to one half hour, 40 pence for a period up to one hour, and 60 pence for a period up to two hours.
- (2) The charge referred to in paragraph (1) of this Article shall be payable by the insertion of an appropriate coin or coins into the ticket machine.
- (3) Any ticket issued on payment of the charge referred to in paragraph 1 of this Article shall be attached in a conspicuous position to the vehicle in respect of which it was issued.

#### Amount of excess charge at parking places

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7. (1) A sum of ~~eight~~<sup>thirty</sup> pounds (which additional amount is hereinafter referred to as "the excess charge") shall be payable if a vehicle is:-
    - (a) left in a parking place during the charging hours without payment of the initial charge or
    - (b) left in a parking place during the charging hours without there being attached to the vehicle in a conspicuous position a valid ticket showing that the initial charge has been paid or

- (c) left in a parking place during the charging hours for a period longer than that for which the initial charge is shown to have been paid by a valid ticket attached to the vehicle in a conspicuous position.
- (2) In the case of a vehicle in respect of which an excess charge may have been incurred, it shall be the duty of a traffic warden or a Council 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 time at which he first observed that the vehicle was:-
    - (i) left in a parking place during the charging hours without payment of the initial charge or
    - (ii) left in a parking place during the charging hours without their being attached to the vehicle in a conspicuous position a valid ticket showing that the initial charge had been paid or
    - (iii) left in a parking place during the charging hours for a period longer than that for which the initial charge was shown to have been paid by a valid ticket attached to the vehicle in a conspicuous position.
  - (c) a statement that the excess charge of thirty pounds is required to be paid
  - (d) the manner in which, and the time within which, the excess charge should be paid; and  
a statement that it is an offence under Section 47 of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail to pay the excess charge.

#### Restriction on removal of notices

8. 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.

#### Manner of payment of excess charge

9. The excess charge shall be paid to the Council either by cheque, bankers draft, money order or postal order which shall be delivered or sent by post so as to reach the offices of the Council specified in the notice not later than 4.30 p.m. on the seventh day

following the day on which the excess charge was incurred or in cash in person at the said offices not later than as aforesaid.

Provided that if the said seventh day falls upon a day on which the offices of the Council are closed, the period within which payment of the excess charge shall be made to the Council shall be extended until 4.30 p.m. on the next full day on which the offices of the Council are open.

No additional coins to be inserted after payment of initial charge

10. No person shall insert in the ticket machine relating to the parking bay in which a vehicle is left any coins additional to the coin or coins inserted by way of payment of the initial charge in respect of that vehicle.

Interval before vehicle again to be left

11. No vehicle which has been taken away from a parking bay in a parking place, after the initial charge has been incurred, shall until the expiration of one hour from the time it was taken away again be left in that parking place during the permitted hours.

Manner of standing in parking place

12. Every vehicle left in a parking place in respect of which a charge has been incurred shall so stand:-
  - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in column 4 of the Schedule as to be in accordance with those provisions;
  - (b) that every part of the vehicle is within the limits of a parking bay.

Alteration of position of vehicle in parking places

13. Where any vehicle is standing in a parking place in contravention of the provisions of Article 12 or Article 20 (4) a traffic warden or a Council Parking Attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of vehicle from parking places

14. Where a traffic warden or a Council Parking Attendant is of the opinion that any of the provisions contained in Article 7, Article 10, Article 11 or Article 18 (3) have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of vehicles in parking places in emergencies

15. A police constable in uniform or a traffic warden or a Council Parking Attendant may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place.

Power to suspend use of parking places

16. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or parking meter;
  - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
- (2) A police constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to any part of that parking place which is not a parking bay and the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (4) On any suspension of the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) of this Article any person duly authorised by the Council may remove any apparatus relating to any parking bay within that parking place or, as the case may be, that part thereof and any post, bracket or other support on which such apparatus is fitted and shall thereupon place or cause to be placed in or adjacent to that parking bay a traffic sign giving the indication referred to in paragraph 3 of this Article.

- (5) No person shall cause or permit a vehicle to be left in any part of a parking place not being a parking bay during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph 3 of this Article

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 18 (b), (d) or (e) to be left in the parking bay during such period or to any other vehicle so left if that vehicle is left with the permission of either the person suspending the use of the parking place or any part thereof in pursuance of paragraph 1 of this Article, a police constable in uniform or a traffic warden, or a Council Parking Attendant.

#### Restriction of use of vehicles at parking places

17. No person shall use any vehicle whilst 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 Provided that nothing in this Article shall prevent the sale of goods from a vehicle:-
- (a) if the vehicle is one which may be left in a parking place in accordance with Article 3 and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which sale is effected; or
  - (b) if the vehicle is one to which the provisions of Article 18 (l) (h) apply;

#### Restriction of waiting of vehicles in parking places

18. (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles left in a parking place in accordance with those provisions, any vehicle may wait during the permitted hours anywhere on the carriageway in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if:-
- (a) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
  - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident.
  - (c) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police authority in either case being used in pursuance of statutory powers or duties;

- (d) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (e) the vehicle is in the service of or employed by the Post Office and is waiting whilst postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered or whilst postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
  - (f) the vehicle not being a passenger vehicle is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 16 (1) (b);
  - (g) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - (h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise, including so far as a Bank is concerned, cash or other valuables or valuable securities, or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than thirty minutes or for such longer period as a police constable in uniform or a traffic warden may authorise.
- (2) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
- (3) Except as provided in the foregoing provisions of this Article, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place during the permitted hours.
- (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act.

#### Manner of waiting in parking places

19. A person causing or permitting a vehicle to wait in a parking place by virtue of the provisions of paragraph (1) (e), (f), (g) and (h) of Article 18 shall take all such steps as are necessary to ensure:-

- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in column 5 of the Schedule that the vehicle shall so stand:-
- (i) unless the length of the vehicle precludes compliance with this sub paragraph, in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place, or
  - (ii) if the length of the vehicle does preclude compliance with the foregoing sub paragraph that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle.
- (b) in the case of any other parking place, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle.

#### Exemption from charges

20. (1) If at the time when a vehicle is left during the permitted hours in a parking bay there is on the ticket machine relating to that parking bay, or in or adjacent to that bay, a notice placed by a person authorised by the Council, or a traffic warden, indicating that the ticket machine relating to that bay is out of order, that vehicle shall be exempt from payment of the initial charge provided that it is removed from the parking bay within one hour after the said meter is back in working order, if it is not removed within that period the initial charge shall be treated as having been incurred and paid at the time when the vehicle was left in the parking bay and all the provisions of this Article shall apply accordingly.
- (2) A disabled person's vehicle which displays in the relevant position a disabled persons badge shall be exempt from the payment of any charge or compliance with any limitation of time during which a vehicle may be left in a parking place.
- (3) Without prejudice to generality of this Article, a vehicle to which this Article applies shall stand in the parking bay in accordance with the provisions of Article 12 and wholly within the limits of that bay.

#### Installation of ticket machine etc.

#### 21. The Council may:-

- (a) install in such positions in or in the vicinity of a parking place as it thinks fit a ticket machine or such other apparatus as required by this Order for the purposes of that parking place; 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.



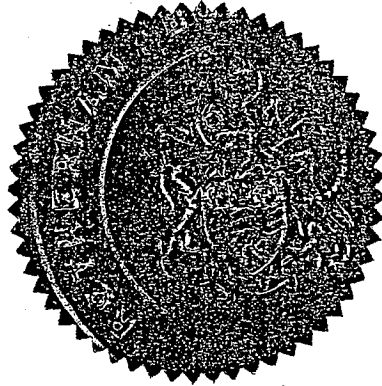
PART III

REVOCATION

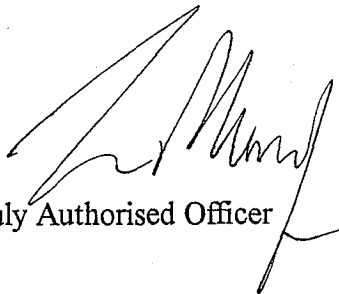
22. The South Yorkshire County Council (Parking Places, Rotherham) (No. 1) Order 1978 is hereby revoked.

GIVEN under the Common Seal of Rotherham Borough Council this 6th day of March 1997.

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



2083

  
Duly Authorised Officer

SCHEDULE

PARKING PLACES WITH PAY AND DISPLAY

Number of Parking Places	AREAS ON HIGHWAYS DESIGNATED AS PARKING PLACES Each area, described below in this column, being an area forming part of the carriageway of a specified highway, is a designated pay and display parking place	Maximum Number of Parking Bays	Special Manner of Standing of Vehicles in Parking Place	Maximum Period of Waiting
1	2	3	4	5
1.1	All that part of the north east side of MOORGATE STREET from a point 31 metres north west of its junction with the projection of the north west kerb line of Grove Road for a distance of 24 metres in a north westerly direction.	4	Parallel to kerb	2 hours
1.2	All that part of the north east side of MOORGATE STREET from a point 57 metres north west of its junction with the projection of the north west kerb line of Grove Road for a distance of 38 metres in a north westerly direction.	11	Echelon	2 hours
1.3	All that part of the south west side of MOORGATE STREET from a point 12 metres north west of its junction with the north west kerb line of Wilfred Street for a distance of 18 metres in a north westerly direction.	7	Perpendicular to kerb	2 hours
1.4	All that part of the north east side of MOORGATE STREET from a point 4 metres north west of its junction with the projection of the north west kerb line of the south east leg of The Crofts for a distance of 8 metres in a north westerly direction.	3	Perpendicular to kerb	2 hours

1	2	3	4	5
1.11	All that part of the north side of MAIN STREET from a point 73 metres west of its junction with the western kerb line of Westgate for a distance of 39 metres in an easterly direction	8	Parallel to kerb and echelon  97/15	1 hour
1.12	All that part of the south side of MAIN STREET from a point 25 metres east of the projection of the eastern kerb line of Market Street for a distance of 36 metres in an easterly direction	6	Parallel to kerb	1 hour

1.5	All that part of the north east side of MOORGATE STREET from a point 16 metres north west of its junction with the projection of the north west kerb line of the south east leg of The Crofts for a distance of 26 metres in a north westerly direction.	10	Perpendicular to kerb	1 hour
1.6	All that part of the north east side of MOORGATE STREET from a point 21 metres north west of its junction with the north west leg of The Crofts for a distance of 73 metres in a north westerly direction.	12	Parallel to kerb	1 hour
1.7	All that part of the south west side of SHIP HILL from a point 6 metres north west of its junction with the south west kerb line of Moorgate Street for a distance of 15 metres in a north westerly direction.	6	Perpendicular to kerb	1 hour
1.8	All that part of the south west side of SHIP HILL from a point 22 metres north west of its junction with the south west kerb line of Moorgate Street for a distance of 33 metres in a north westerly direction.	10	Echelon	1 hour
1.9	All that part of the south west side of STANLEY STREET from a point 32 metres north west of its junction with the north west kerb line of Mansfield Road for a distance of 36 metres in a north westerly direction.	6	Parallel to kerb	2 hours
1.10	All that part of the south west side of STANLEY STREET from a point 80 metres north west of its junction with the north west kerb line of Mansfield Road for a distance of 18 metres in a north westerly direction.	3	Parallel to kerb	2 hours