NORTH YORKSHIRE COUNTY COUNCIL
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(VARIOUS ROADS IN THE DISTRICT OF SCARBOROUGH)
ORDER 2007 (AMENDMENT NO 10) ORDER 2008

North Yorkshire County Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 ("the 2004 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:

1 This Order shall come into operation on 27 October 2008 and shall be cited as "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (Various Roads in the District of Scarborough) Order 2007 (Amendment No 10) Order 2008".

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

3 (1) In this Order the following expressions have the meanings hereby respectively assigned.

"Act of 1984" means the Road Traffic Regulation Act 1984.

"2000 Regulations" means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

"Ambulance" means a vehicle which—

(a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given; and

(b) is readily identifiable as a vehicle used for the carriage of such people by being marked 'Ambulance' on both sides.

"Bus" means a vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver.

"Cause" includes permitting;

"Charge Certificate" means the statement that the penalty charge has been increased in accordance with Regulation 21 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"Civil Enforcement Officer" means any officer of the Council who is authorised to supervise and control vehicles in the parking place and enforce the provisions of this Order pursuant to Section 76 of the 2004 Act and Section 63A of the 1984 Act;

"Coach" means a passenger vehicle constructed or adapted to carry more than 16 seated passengers with a maximum gross weight exceeding 7.5 tonnes.

"Controlled hours" means those hours and on those days during which there are limitations on parking, waiting, loading and unloading.

"Council" means the North Yorkshire County Council.

"Disabled person's badge" means a badge in the form prescribed by Regulation 11 of the 2000 Regulations issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person and includes a replacement badge issued in accordance with Regulation 7 of the 2000 Regulations.

"**Disabled parking place**" means any area of carriageway designated as a parking place reserved for disabled persons' badge holders.

"Enactment" means any enactment whether public general or local, and includes any order, bye law, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"Goods" includes goods or burden of any description.

"Goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods and exceeds 3050 kilograms or 3500 kilograms if the vehicle carries a container or containers for holding for the purpose of its propulsion any fuel that is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel.

"Higher Level Contraventions" are as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"Lower Level Contraventions" means all parking contraventions which are not higher level contraventions as defined in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

"Motor car" means a mechanically propelled vehicle constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and does not exceed 3050 kilograms or alternatively does not exceed 2540 kilograms and is not a goods vehicle

"Owner" in relation to a Motor Vehicle means the person by whom such Motor Vehicle is kept and used;

"Parking Disc" means a disc issued by a local authority capable of showing the quarter hour period during which a period of waiting begins.

"Parking Place" means an area on a highway described or designated as a parking place in the Schedule to this Order.

"Parking Space" means a space in a parking place that is provided for the leaving of vehicles.

"Penalty Charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 28 days beginning with the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

"Penalty Charge Notice" means a notice issued or served by a civil enforcement officer or posted by the Council pursuant to the provisions of Section 78 of the 2004 Act and The Civil Enforcement of Parking Contraventions (England) Regulations 2007;

"Permit" means a permit issued by the Council in accordance with their rules.

"**Post office**" and any reference to "post office vehicle" or "postal packets" shall be construed in the context of the Postal Services Act 2000 and the Consequential Amendments Order 2001 (No. 2001/648) and shall include therefore references to "universal service providers", as the context shall require;

"Public service vehicle" means a vehicle as defined in Section 1 of the Public Passenger Vehicles Act 1981.

"Reduced Penalty Charge" means a charge set by the Council in accordance with charges set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the 2004 Act and The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 which is to be paid to the Council within 14 days following the date of service endorsed upon the penalty charge notice in the manner set out in the penalty charge notice;

"Relevant position" means exhibited on the dashboard or fascia of the vehicle, or, where the vehicle is not fitted with a dashboard or fascia, exhibited in a conspicuous position on the vehicle, so that the front is clearly legible from the outside of the vehicle.

"Road" means any length of highway or of any other road to which the public has access, and includes any bridge over which a road passes.

"Service" in respect of a penalty charge notice means the forms of service specified in regulations 9 and 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof;

"Slipway" means a narrow sloping area of road which grants access to the water for vessels and vehicles associated with the launching or retrieval of the vessels.

"Specified days" means those days described in the Schedule where restrictions apply for less than the calendar year;

"Taxi" means a vehicle licensed to ply for hire within the area and does not include private hire vehicles.

"Taxi rank" means an area of carriageway reserved for use by taxis plying for hire.

"Telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984.

"Ticket Machine" means any apparatus operated by the insertion of coins, bank notes, smart cards, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the parking place.

"Timing point" means a place where a public service vehicle may wait for the purpose of synchronising its journey time with the published schedule.

(2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

(3) Any reference in this Order to an enactment shall be construed as a reference to that enactment as amended, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

4 (1) Nothing in this Order shall render it unlawful to cause any vehicle to wait during the controlled hours for the lengths of road, on the side of road referred to therein, or in any part of a parking place, if the use of that part has not been suspended, for a period no longer than is necessary for:

(a) a person to board or alight from the vehicle or load thereon or unload there from his or her personal luggage;

(b) goods to be loaded on or unloaded from a vehicle, where the vehicle is necessary for the collection or delivery of those goods, (except in those roads or lengths of roads and during those hours where loading and unloading is prohibited).

(c) a vehicle directly used in connection with any of the following operations, namely:

(i) the removal of any obstruction to traffic;

(ii) the maintenance, improvement or reconstruction of any of the said lengths of road or sides of road; or

(iii) the laying, erection, alteration or repair in, or in land adjacent to any of the said lengths or sides of road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;

(d) a vehicle, not being a passenger vehicle, being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;

(e) a vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;

(f) a vehicle to wait at or near to any premises situated on or adjacent to said side or any of the said lengths of road or parking place for so long as such waiting by that vehicle is reasonably necessary in connection with a funeral; or

(g) a vehicle is being used for fire brigade, ambulance or police purposes;

(h) a vehicle displaying a valid dispensation.

(2) Nothing in this Order shall render it unlawful to cause any taxi, to wait upon a taxi rank while plying for hire.

(3) Nothing in this Order shall render it unlawful to cause a vehicle, to wait in accordance with the provisions contained in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (SI 1986 No. 178) and any amendments thereto.

(4) Nothing in this Order will make it illegal for a driver of a public service vehicle to allow that vehicle to wait at a recognised timing point.

5 Every vehicle left in a parking place in accordance with the provisions of this Order shall stand so that its wheels are wholly within the parking place and it does not obstruct the premises adjacent to the side of the road on which the vehicle is standing.

6 During the period of operation of a parking place specified in this Order no person shall without the written consent of the Council and subject to such conditions as the Council from time to time decide use any vehicle while it is in the parking place, in connection with any commercial activities, or the advertisement or 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.

7 No person shall use any part of a parking place or any vehicle parked 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.

8 (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 for the purpose of:

(c) facilitating the movement of traffic;

(d) promoting its safety;

(e) preventing obstruction;

(f) the undertaking of works in or adjacent to the parking place; or

(g) for the convenience of occupiers of premises adjacent to the parking place.

(2) When the parking place or any part thereof, has its operation suspended pursuant to paragraph (1) of this Article no person shall cause any vehicle to wait or load or unload in that parking place or part thereof for the duration of the suspension, provided that nothing in this paragraph shall render it unlawful to cause an ambulance or any vehicle being used for fire brigade or police purposes, to enter or be left in that parking place or part thereof during the period of suspension, or to any other vehicle so left, if that vehicle is displaying a valid dispensation issued by the Council.

9 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may remove or cause to be removed the vehicle and, where it is so removed, shall provide for the safe custody of the vehicle.

10 Where a Civil Enforcement Officer is of the opinion that any of the provisions of this Order have been contravened or not complied with in respect of a vehicle he may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

11 A Police Constable in uniform or Civil Enforcement Officer may move or cause to be moved, in case of emergency, to any place he thinks fit any vehicle left in a parking place.

Prohibition of Waiting, Loading and Unloading

12 Save as provided in Article 4 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer cause any vehicle to wait nor allow goods to be loaded on or unloaded from the vehicle at the times and in the lengths of road so specified in the Schedule to this Order.

Parking without Payment

13 Save as provided in Article 4 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle, other than an authorised vehicle, to wait in any of the lengths of road, and for the times specified, in the Schedule to this Order, and which are thereby authorised for use as parking places, nor may a vehicle return to any such parking space in the same parking place until the expiry of the time specified for that parking place in the Schedule unless it is displaying a permit valid for that parking place at that time.

Permit Parking

14 Save as provided in Article 4 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any parking place during the times specified for that parking place, in the Schedule to this Order unless it is displaying in the relevant position a permit valid for that parking place at that time.

Disabled Parking

15 Save as provided in Article 4 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer, cause any vehicle to wait in any disabled parking place described in the Schedule to this Order unless it is displaying a Disabled Person's Badge in the relevant position.

Loading Bays

16 Save as provided in Article 4 no person except upon the direction or with the permission of a Civil Enforcement Officer shall cause any goods vehicle to wait other than to allow goods to be loaded on or unloaded from the vehicle in the lengths of road so specified in the Schedule to this Order.

School Entrances

17 No person shall except upon the direction of a Civil Enforcement Officer cause any vehicle to stop or remain at rest on any of the sides of lengths of road, so specified in the Schedule to this Order between the hours and on the days specified therein except as may be necessary to avoid an accident or is prevented from proceeding by circumstances outside his control.

Disc Parking

18 A vehicle that is parked in a parking place in the lengths of road specified in the Schedule to this Order as being in a Disc Parking Place and does not display a permit valid for that zone must display a parking disc in the relevant position and set the disc so that it indicates the quarter of an hour period during which the vehicle arrived at the parking place.

Penalty Charge and Payment

19 Where a Motor Vehicle parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGVs on Verges, central reservations and footways), and (driving or parking on Cycle Tracks) a penalty charge shall be payable by the owner for each day of the said contravention or non-compliance.

SCHEDULE

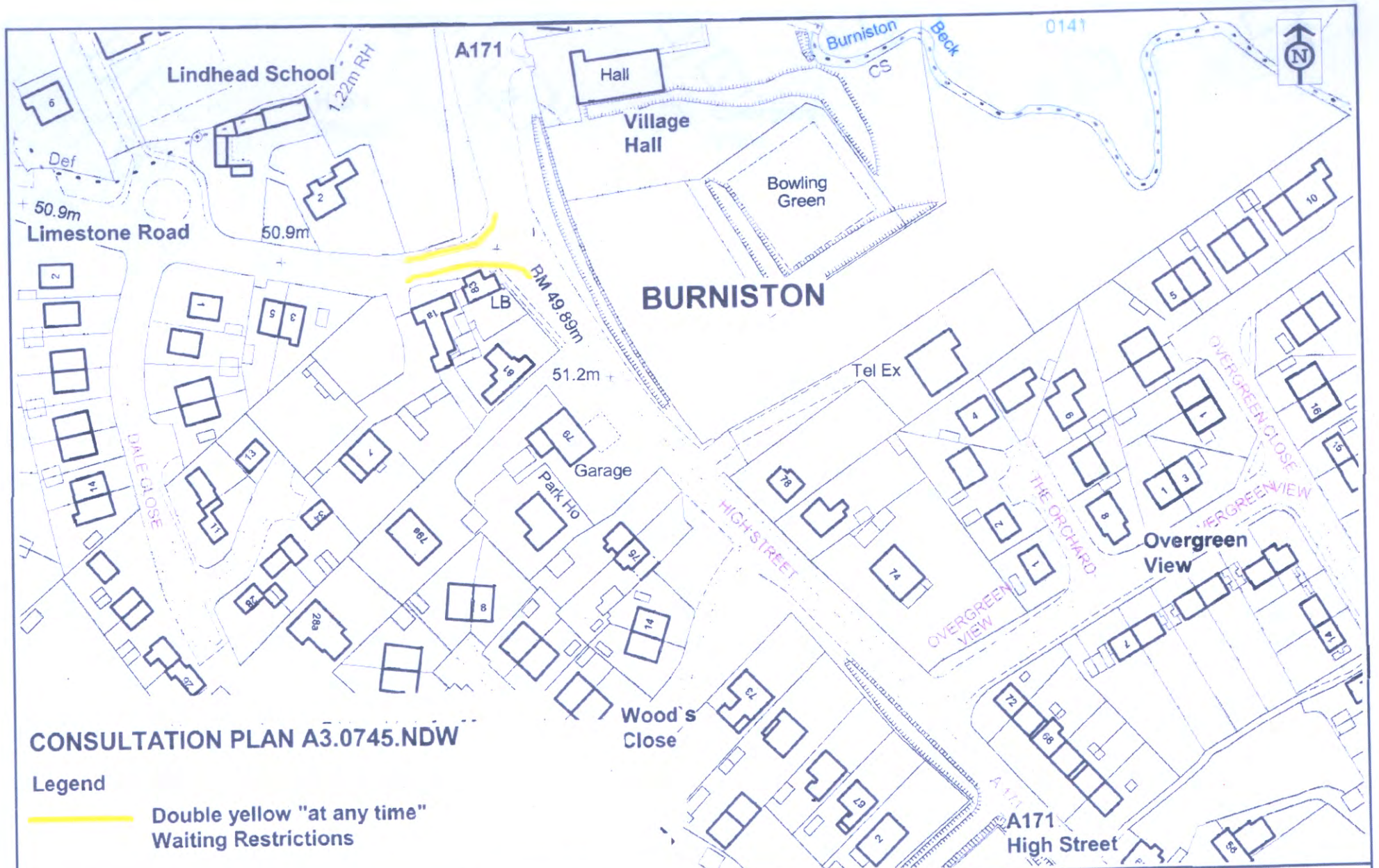
Location	Street	Side	From	To	Restriction
Burniston	Limestone Road	North	Its junction with High Street	A point 32 metres west of its junction with High Street	No waiting at any time
Burniston	Limestone Road	South	Its junction with High Street	A point 34 metres west of its junction with High Street	No waiting at any time
Burniston	High Street	West	A point 1 metre south of its junction with Limestone Road	A point 10 metres north of its junction with Limestone Road	No waiting at any time
Burniston	Overgreen View	North	Its junction with High Street	A point 34 metres east of its junction with High Street	No waiting at any time
Burniston	Overgreen View	South	Its junction with High Street	A point 15 metres east of its junction with High Street	No waiting at any time
Burniston	High Street	North East	A point 10 metres north of its junction with Overgreen View	A point 95 metres south of its junction with Overgreen View	No waiting at any time

THE COMMON SEAL of **NORTH YORKSHIRE COUNTY COUNCIL** was hereunto affixed this 16th day of October 2008 in the presence of:-)

Catriona Gatrell

AUTHORISED SIGNATORY

37702



Limestone Road, Burniston	Waiting Restrictions	Date : June 2008	Scale : nts
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A171 HIGH STREET & OVERGREEN VIEW, BURNISTON	PROPOSED WAITING RESTRICTIONS	Date : 5 MAR 2008	Scale : 1 : 1000
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