

## WATFORD BOROUGH COUNCIL

### THE BOROUGH OF WATFORD (WATFORD CENTRAL LEISURE CENTRE OFF-STREET PARKING PLACE) ORDER 2009

The Watford Borough Council, in exercise of the powers conferred under section 35 of the Road Traffic Regulation Act 1984 and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to that Act, hereby makes the following Order:-

#### Citation and commencement

1. This Order may be cited as The Borough of Watford (Watford Central Leisure Centre Off-Street Parking Place) Order 2009 and shall come into force on 19<sup>th</sup> January 2009.

#### Interpretation

2. (1) In this Order:-

"access way" means an access way that enables vehicles to gain access to or egress from the parking place;

"Council" means Watford Borough Council and includes any parking services contractor or authorised agent appointed by and acting on behalf of the Council for the purposes of carrying out any function of the Council associated with the provisions of this Order;

"bay markings" means white or yellow lines marked on the surface of the parking place to show the limits of each individual parking bay;

"civil enforcement officer" means a civil enforcement officer appointed by the Council under section 76 of the Traffic Management Act 2004;

"designated officer" means an officer of the Council nominated by the Head of Planning and Development or equivalent to carry out any function of the Council associated with the provisions of this Order;

"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;

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

"invalid carriage" has the same meaning as in section 136(5) of the 1984 Act;

"motor car" has the same meaning as in section 136(2) of the 1984 Act;

"motor cycle" has the same meaning as in section 136(4) of the 1984 Act;

"opening times", in relation to the parking place, means the times specified in column 3 of the Schedule during which the parking place is open, excluding any time during which the parking place is closed or suspended under the provisions of Article 13;

"parking bay" means any area within the parking place or part thereof which is provided for the parking of one vehicle at a time and is indicated by bay markings;

"parking period" means the period of time specified in column 4 of the Schedule, during which, subject to the provisions of this Order, a vehicle may be left in the parking place during the opening times;

"parking place" means the area of land or building, including any access way, that is provided by the Council under section 32 of the 1984 Act, for use as an off-street parking place and is specified by name in column 1 of the Schedule;

"particulars", in relation to a ticket, means those particulars which indicate the date and time at which the ticket was issued and the date and time at which the parking period expires;

"Schedule" means the Schedule to this Order;

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"ticket" means a ticket issued by a ticket parking meter in accordance with Article 5(1) which indicates the date and time at which the parking period starts and the time at which that parking period expires;

"ticket parking meter" means an apparatus or device installed in the parking place which, for the purposes of this Order, is designed to issue a ticket.

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

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

### **Use of parking place**

3. The parking place may only be used, subject to the provisions of this Order, for the parking of such classes of vehicles, during such opening times and for such parking period as are specified in columns 2, 3 and 4 respectively of the Schedule.

### **Conditions of use of the parking place during its opening times**

4. During the opening times of the parking place –

(a) no person shall cause or permit any vehicle to enter or be left in the parking place or part thereof unless the vehicle is of the class specified in column 2 of the Schedule and either that person or a passenger of the said vehicle intends to be a user of the Watford Central Leisure Centre at the time the vehicle entered or was left in the parking place:

Provided that nothing in this paragraph shall apply in relation to any vehicle being used for fire brigade, ambulance or police purposes, or in the service of the Council whilst being used in the pursuance of statutory powers or duties;

(b) no person shall cause or permit any vehicle to be left in the parking place other than wholly within the limits of a parking bay;

(c) no person shall cause or permit any vehicle to be left in the parking place for longer than the parking period specified in column 4 of the Schedule;

(d) where in the parking place signs or surface markings are placed for the purpose of indicating the entrance to or exit from the parking place, no person shall cause or permit any vehicle to enter the parking place other than by that entrance so indicated or to leave the parking place other than by the exit so indicated;

(e) where in the parking place signs or surface markings are placed for the purpose of indicating the direction in which or the speed at which a vehicle shall proceed, no person shall cause or permit any vehicle to proceed in that parking place otherwise than in the direction or at the speed indicated, as the case may be;

(f) no person shall cause or permit any vehicle to be left in the parking place so as to cause an obstruction;

(g) no person shall cause or permit any vehicle to be left or to wait at any time, including waiting for the purposes of loading or unloading that vehicle, in the parking place or access way, otherwise than in a parking bay;

- (h) a vehicle left in the parking place shall at all times display on either the dashboard or facia, or where the vehicle is fitted with a ticket holder on the windscreen, in that ticket holder, or where there is no dashboard or facia, in a conspicuous position on the front of the vehicle, a valid ticket issued under the provisions of Article 5, so that all the particulars on that ticket are readily visible from outside the vehicle:

Provided that nothing in this paragraph shall apply in relation to a vehicle which is left in the parking place or part thereof without displaying a valid ticket because all the ticket parking meters in the parking place are out of order;

- (i) a ticket shall not be transferred from one vehicle to another and shall only be valid in the parking place being the parking place in which the ticket machine that issued the said ticket is installed;
- (j) no vehicle which has been left in the parking place and is subsequently taken away from the parking place, shall again be left in the parking place unless a period exceeding 2 hours has elapsed from the time the vehicle was taken away;
- (k) prior to returning to a vehicle for the purpose of exiting the parking place, the driver of the vehicle, or a person acting on their behalf, shall obtain a token from the reception desk at the Watford Central Leisure Centre in exchange for the tear-off portion of the ticket that was obtained from the ticket parking meter in accordance with Article 5;
- (l) upon exiting the parking place, the driver of the vehicle, or a person acting on their behalf, shall insert the token referred to in sub-paragraph (d) above into the apparatus that facilitates the operation of the barrier at the exit of the parking place.

**Display of tickets on vehicles left in the parking place during the opening times**

5. (1) Upon leaving a vehicle in the parking place during the opening times, the driver of the vehicle shall obtain a ticket from a ticket parking meter installed in the parking place.

(2) Upon obtaining a ticket in the manner specified in paragraph (1) of this Article, the driver of the vehicle shall display or cause or permit to be displayed on the vehicle, in accordance with the provisions of paragraph (3) of this Article, the ticket issued by the ticket parking meter.

(3) The ticket referred to in paragraph (1) of this Article shall be displayed on the vehicle in respect of which it was issued, either on the dashboard or fascia of the vehicle, or where the vehicle is fitted with a ticket holder on the windscreen, in that ticket holder, or where there is no dashboard or fascia, in a conspicuous position on the front of the vehicle, at all times during which that vehicle is left in the parking place during the opening times, so that all the particulars on that ticket are readily visible from outside the vehicle.

#### **Indications by ticket and ticket parking meter**

6. Where a ticket has been obtained from a ticket parking meter and displayed in accordance with Article 5(3), the expiry of the parking period in respect of a vehicle left in the parking place during the opening times shall be indicated when there is displayed on the vehicle a ticket showing the date and time at which the parking period expired, and the date so shown is not the date on which the vehicle is so left or the time shown on the clock of the ticket parking meter that issued the ticket is later than the time at which the parking period expired as shown on that ticket.

#### **Ticket and ticket parking meter indications as evidence**

7. (1) Subject to the proviso to Article 4(h), if at any time while a vehicle is left in the parking place during the opening times, no ticket is displayed on that vehicle in accordance with the provisions of Article 5(2) and (3), it shall be presumed that a ticket has not been obtained in accordance with Article 5(1).

(2) If at any time while a vehicle is left in the parking place during the opening times, the ticket displayed on the vehicle in accordance with the provisions of Article 5(2) and (3) shows a date that is not the date on which the vehicle is left, or the time shown by the clock on the ticket parking meter that issued the ticket is later than the time at which the parking period expired as shown on the ticket, it shall be presumed that the parking period has expired.

(3) If it is presumed, in accordance with the provisions of paragraph (1) of this Article that a ticket has not been duly obtained, or in accordance with paragraph (2) of this Article that the parking period has expired, then these indications shall be evidence that a contravention of or a failure to comply with the provisions of this Order has occurred for the purposes of Article 14.

(4) A ticket shall be presumed, in all cases, to have been issued on the date shown thereon.

### **No further tickets to be displayed**

8. (1) Where, on the leaving of a vehicle in the parking place a ticket has been obtained from a ticket parking meter in respect of that vehicle and that ticket has been displayed on that vehicle in accordance with Article 5(2) and (3), no additional ticket may be displayed on that vehicle by way of procuring a further parking period in respect of that vehicle, so as to extend the parking period beyond that originally sought.

(2) No additional ticket or tickets shall be displayed on a vehicle while it is in the parking place other than the ticket originally displayed on that vehicle at the time the vehicle was first left in the parking place for that particular period of parking.

### **Restriction on the removal of tickets**

9. Where a ticket has been displayed on a vehicle in accordance with the provisions of Article 5(2) and (3), no person, other than the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver of the vehicle:

Provided that nothing in this Article shall apply in relation to a civil enforcement officer or an officer of the Council or a representative of the authorised agent who removes the ticket in the process of the vehicle being removed in accordance with Article 11.

### **Movement of a vehicle in a parking place**

10. A civil enforcement officer may, in an emergency, move, cause or permit to be moved any vehicle left in a parking place to any place they think fit.

### **Removal of a vehicle from a parking place**

11. (1) Where a civil enforcement officer is of the opinion that any of the provisions of this Order have been contravened or not complied with, they may remove or cause or permit to be removed the vehicle from the parking place and where it is so removed, shall provide for the safe custody of the vehicle.

(2) Where a vehicle has been removed from the parking place in accordance with the provisions of paragraph (1) of this Article, a fee shall be payable to the Council in respect of the removal of that vehicle and a daily charge shall be payable in respect of the storage of that vehicle.

**Installation of ticket parking meters, placing of signs etc**

12. The Council shall:

- (a) install and maintain in proper working order, a ticket parking meter or meters in such position or positions as they think fit within the parking place;
- (b) cause the limits of each parking bay to be indicated on the surface of the parking place, by placing and maintaining bay markings thereon;
- (c) install signs in the parking place indicating the conditions of use of the parking place and the parking periods that apply in the parking place, as imposed by the provisions of this Order;
- (d) carry out such other work as is reasonably required for the purposes of the satisfactory operation of the parking place.

**Closure or suspension of the parking place or any part thereof**

13. (1) The Council may by notice or sign displayed at or near the parking place close, suspend or reserve for particular vehicles the use of the parking place or any part thereof for any purpose.

(2) No person shall cause or permit any vehicle to be in the parking place or any part thereof if there is a notice or sign indicating that the use of the parking place or part thereof is closed, suspended or reserved for particular vehicles:

Provided that nothing in this sub-paragraph shall apply in relation to a vehicle in respect of which the parking place or part thereof has been reserved.

**Contravention of this Order**

14. If a vehicle is left in the parking place at any time, without complying with the provisions of this Order, then a contravention of or a failure to comply with the provisions of this Order shall be deemed to have occurred.

**Other supplementary provisions**

15. (1) The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine again except when about to change the position of the vehicle in or to depart from the parking place.

(2) No person shall, except with the permission of a designated officer, use a vehicle while it is in the parking place, in connection with the sale of any article to persons in or near the parking place (except in a demonstration of goods given with the express consent of the Council at which no sale takes place) or in connection with the selling or offering for hire of that person's skills or services.

(3) No person shall use any part of the parking place or any vehicle left in a parking place –

(a) for sleeping or camping or cooking purposes;

(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.

(4) No person shall, except with the permission of a designated officer, allow a vehicle to be left in the parking place, outside the opening times.

(5) The driver of a motor vehicle using a parking place shall not sound any horn or similar instrument except when about to change the position of a vehicle in or to depart from the parking place.

THE COMMON SEAL of THE WATFORD)  
BOROUGH COUNCIL was hereunto  
affixed on this 15<sup>th</sup> day of January 2009  
In the presence of:

*Concun* *Property*  
Head of Legal and ~~Democratic~~ Service



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VERIFIED	
MIN No	2-7-08
O/O S/H	CC



## SCHEDULE

Name of Off-Street Parking Place	Classes of Vehicle	Opening Times	Parking Period
1	2	3	4
Watford Central Leisure Centre Car Park (indicated on drawing no. TP1129)	(a) Motor cars; (b) Motor cycles with or without a side-car attached; (c) Invalid carriages.	Between 6.30 am and 10 pm on Mondays to Fridays inclusive and between 8 am and 7 pm on Saturdays and Sundays	Maximum of 3 hours

