

WILTSHIRE COUNCIL

ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004

THE COUNTY OF WILTSHIRE (SALISBURY – ZONE C - MILFORD)
(STREET PARKING PLACES) ORDER 2009

The Council of the County of Wiltshire in exercise of its powers under Sections 1, 2, 32 and 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") as amended and the Traffic Management Act 2004 (hereinafter referred to as "the Act of 2004") as amended 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

1. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Civil Enforcement Officer" has the meaning defined in Article 76(1) of the Act of 2004

"disabled persons badge" means a badge issued by a local authority in the form prescribed by Regulations 7 and 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"disabled persons vehicle" means a vehicle lawfully displaying a disabled persons badge;

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

"motor cycle" and "invalid carriage" and "passenger vehicle" have the same meaning as defined in Section 136 of the Act;

"the Council" means the authority known as Wiltshire Council.

"parking place" means a road or length of road designated for the leaving of vehicles as indicated by appropriate road markings;

"parking bay" means an area contained within a parking place as indicated by the appropriate road markings;

"parking disc" has the same meaning as provided in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"relevant position" means:-

- (1) A vehicle displays a disabled persons' badge in the relevant position if:
 - (a) the badge is exhibited in or on the front windscreen, on the dashboard or fascia of the vehicle; or
 - (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position at the front of the vehicle

so that the front of the badge is clearly legible from the front of the outside of the vehicle;

- (2) A vehicle displays a parking disc in the relevant position if:
- (a) the disc is exhibited on the dashboard or fascia of the vehicle; or
 - (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from outside the vehicle;

“permitted hours” in relation to the Schedule to this Order means the period between 8am – 6pm Monday to Saturday inclusive but excluding any such day that is Christmas Day, Good Friday or a Bank Holiday not being a Public Holiday;

“telecommunications apparatus” has the same meaning as in Schedule 2 of the Telecommunications Act 1984;

“waiver” means a formal document issued by Wiltshire Council to exempt a vehicle from a restriction under the terms and charges applicable at the time of issue;

2. This Order shall come into operation on 7 December 2009 and may be cited as The County of Wiltshire (Salisbury - Zone C - Milford) (Street Parking Places) Order 2009.

PART II

AUTHORISATION AND USE OF PARKING PLACE

3. Each of the parts of a road specified in the Schedule to this Order are authorised to be used, subject to the following provisions of this Order, as a parking place for the class of vehicle specified, if none specified then all classes of vehicle, in such positions and on such days and during such permitted hours as specified in relation to that Schedule.
4. (1) Nothing in Article 3 of this Order shall restrict the power of the Council, for preventing obstruction of the streets, by resolution on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking places or part thereof.
- (2) Nothing in Article 3 of this Order shall prevent the Council, by notice displayed at any parking place:
- (a) from closing that parking place or any part thereof for any period while any works are being executed therein or adjacent thereto or whilst that parking place or any part thereof is required for use for some special purpose;
 - (b) from setting aside for use only by specially authorised vehicles of any part(s) of that parking place on all days or on certain days or during certain parts of certain days.
5. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing any vehicle to wait in the parking place specified in that Article if the vehicle is being used:-

- (a) in the service of the local authority in pursuance of statutory powers or duties;
 - (b) in the service of the Police, Fire & Rescue Service, or Ambulance Service; or
 - (c) if the vehicle cannot conveniently be used for such purpose in any other road, to be used for the purpose of any building operation, demolition or excavation, or the maintenance or improvement or reconstruction of the said road or any works connected with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984.
6. Where in the Schedule to this Order a parking place is described as available for vehicles of a specified class, in a specified position, or on a specified day, the driver of a vehicle shall not permit it to wait in that parking place:
- (a) unless it is of the specified class appropriate to that parking place and that day or;
 - (b) otherwise than wholly within the limits of a parking bay marked out in that parking place as indicated by white line carriageway markings.
7. (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the Schedule to this Order; and
- (2) When a vehicle has left a parking place specified in the Schedule to this Order after waiting thereon, the driver thereof shall not within the time specified after its leaving permit it to wait again upon that parking place.
8. The driver of a vehicle drawing a trailer shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected and for the purpose of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the driver shall be deemed to be the driver of each of the said vehicles.
9. The driver of a vehicle being an invalid carriage, or a disabled person's vehicle which displays in the relevant position a disabled persons badge, shall be exempt from any limitation on time when left in a parking place specified in the Schedule to this Order.
10. The driver of a vehicle displaying at its front or nearside:
- (a) a valid waiver issued by Wiltshire Council; or
 - (b) a valid British Medical Association badge or other evidence of a medical visit by the local Health Authority personnel, approved by Wiltshire Council and the visit is for treatment of a patient living nearby
- shall be exempt from any limitation of time in the lengths of road specified in the Schedule to this Order when left in a parking place.
11. Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in a parking place (other than a parking place or part thereof the use of which has been suspended under Article 12 of this Order) for so long as may be necessary if:-

- (a) the vehicle is a vehicle used for Police, Fire & Rescue Service or Ambulance purposes, or a vehicle (other than a passenger vehicle) in the service of a local authority or its agent which is being used in pursuance of statutory powers or duties to maintain the highway;
- (b) the vehicle (not being a passenger vehicle) is waiting to enable it to be used for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance or improvement of the parking place or any works connected with any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
- (c) the vehicle (not being a passenger vehicle) is in actual use in connection with the removal of furniture from one business or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository.

Power to Suspend Use of Parking Places

12. (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever the Council considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety; or
 - (b) for any purpose specified in sections 4 or 11(b);
- (2) A Police Officer 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 that parking place or the part thereof the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article.
13. Provided that nothing in Article 12(1) of this Order shall render it unlawful to cause or permit a vehicle to be left in a parking place if it is being used:
- (a) for the Fire & Rescue Service, ambulance or Police purposes or in the service of a local authority or its agents in pursuance of its statutory powers and duties to maintain the highway;
 - (b) or if the vehicle is left with the permission of the person suspending the use of the parking place or part thereof in pursuance of Article 12(1) of this Order, a Police Constable in uniform or Civil Enforcement Officer or a person authorised in that behalf by the Council.

14. Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 6, 7 and 12(4) of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place provided that when a vehicle is waiting in the parking place in contravention of the provisions of Article 6(b) of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
15. Any person removing a vehicle or altering its position by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it as aforesaid and may take such measures in relation to the vehicle as necessary to enable the vehicle to be removed or to alter the position of the vehicle as the case may be and shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
16. Where a vehicle has been left in contravention of the restrictions imposed by this Order, a Penalty Charge shall be incurred, the amount of which will be set by Wiltshire Council under the provisions of the Act of 2004 relating to the Civil Enforcement Areas and Special Enforcement Areas.
17. Where a Penalty Charge is payable, a Penalty Charge Notice shall be issued by a Civil Enforcement Officer in accordance with the Act of 2004.
18. The Penalty Charge shall be paid within 28 days payable to Wiltshire Council under the terms referred to in the said Notice.
19. Where a notice has been attached to a vehicle in accordance with the provisions of the Act of 2004, no person not being the driver of the vehicle or duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the driver.
20. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

SCHEDULE

Parking Mon-Sat 8am- 6pm 30 Minutes No return within 1 Hour

<u>Road</u>	<u>Side</u>	<u>Description</u>
Kelsey Road	South	From a point 2 metres east of a point in line with the boundary between Nos. 6 and 8 Kelsey Road to a point in line with the boundary between Nos. 10 and 12 Kelsey Road
Tollgate Road	East	From a point in line with the boundary between Nos. 98 and 100 Tollgate Road to a point in line with the boundary between Nos. 102 and 104 Tollgate Road

THE COMMON SEAL of
WILTSHIRE COUNCIL was
hereunto affixed this 24th day of
November 2009 in the presence
of:-

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Paul Lee
Principal Solicitor



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Certified true copy *T.S. Slack*
T.S. Slack
Principal Solicitor