

THE WOLVERHAMPTON CITY COUNCIL
(TETTENHALL) (OFF-STREET PARKING PLACES) ORDER 2007

Wolverhampton City Council (hereinafter referred to as "the Council") in exercise of its powers under Sections 1, 2, 32, 33, 35 and 35A(1) of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby makes the following Order:

PART I – GENERAL

Title and Date of Operation

1. This Order shall come into operation on 23 March 2007 and may be cited as The Wolverhampton City Council (Tettenhall) (Off-Street Parking Places) Order 2007.

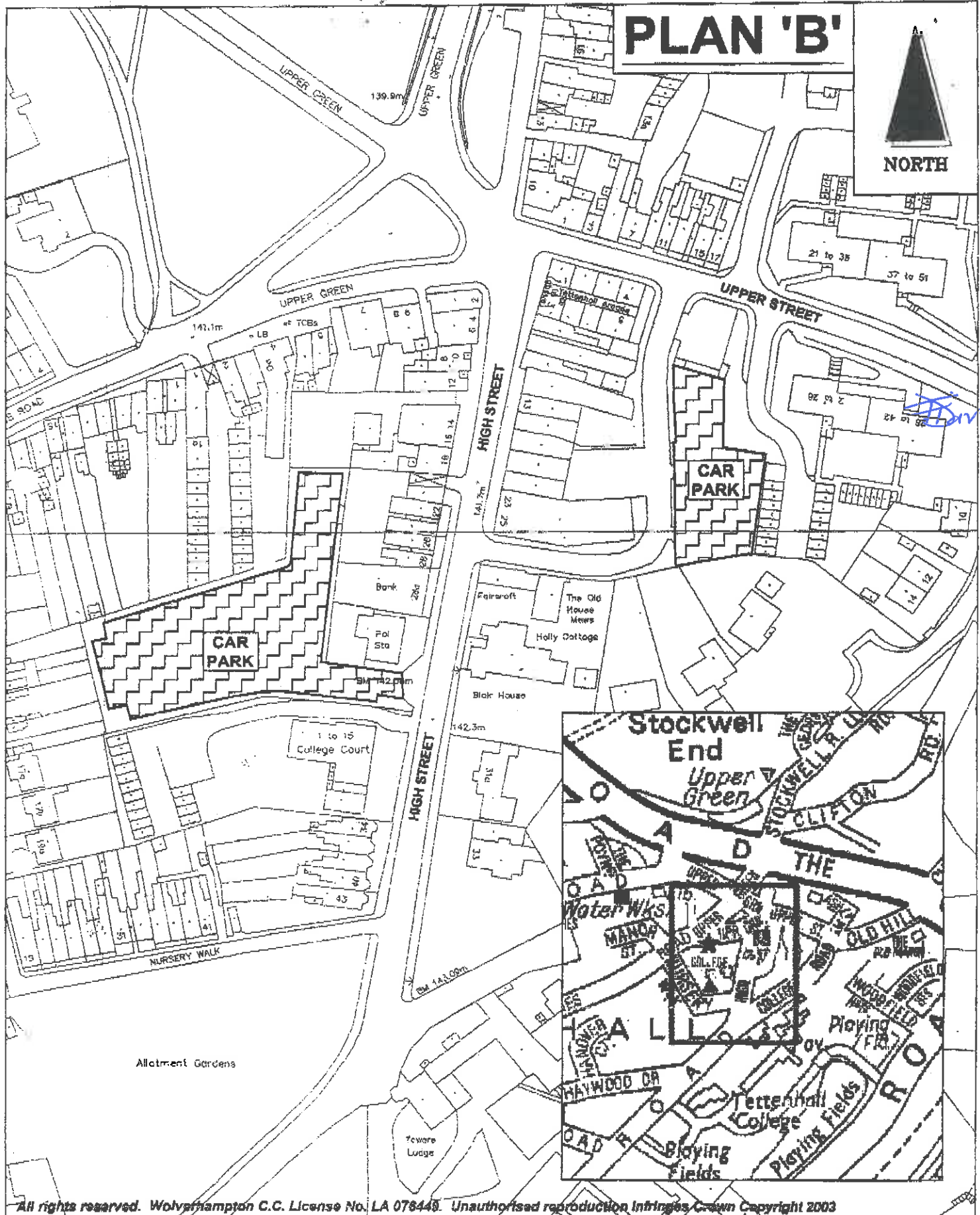
General Definitions

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

"parking place" means each area of land specified by name in Schedule 1 of this Order;

"parking space" means an area of a parking place used for parking a single vehicle;

"short stay car park" means any of the parking places listed in Schedule 1 to this Order;



All rights reserved. Wolverhampton C.C. License No. LA 078449. Unauthorised reproduction infringes Crown Copyright 2003

Wolverhampton City Council
Regeneration and Transportation
Transportation Division,
Heanton House,
Salop Street,
Wolverhampton WV3 0SQ.

**Proposed Limited Waiting
for 3 hours
Tettenhall Car Parks**

Date 10/08

Scale 1:1250

Drwg. No.

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

“registered keeper” means the person who at the time of any contravention or non-compliance with this Order was the person in whose name the vehicle was registered under the Vehicle (Excise) Act 1971;

“Parking Attendant” means a person authorised by or on behalf of the Council to carry out any duties in relation to the parking places listed in Schedule 1 to this Order;

“the 1991 Act” means the Road Traffic Act 1991, as modified by the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Wolverhampton) Order 2006.

“Penalty Charge” means the charge referred to in Section 66 of the 1991 Act;

“charge certificate” means the charge certificate issued in accordance with Paragraph 6 of Schedule 6 to the 1991 Act;

PART II – USE OF PARKING PLACES

Use of Parking Places

3. Each area of land specified by name in Schedule 1 to this Order may be used, subject to the following provisions of this Order, as a parking place.
4. Every vehicle parked in any of the said parking places:-

- (1) where parking spaces are defined by markings on the ground or otherwise, shall be parked wholly within a marked bay and nowhere else within the parking place;
- (2) Where parking spaces are not defined by markings, shall be parked in a position so as not to cause an obstruction or as may reasonably required by a Parking Attendant on duty at the parking place;
- (3) Where parking spaces are marked as being reserved for a special class of vehicle (e.g. disabled persons vehicles) shall not be parked in any parking space unless the vehicle is of that class;
- (4) Whether parking spaces are defined by marking or not, shall not be parked in any location likely to cause an obstruction to other vehicles entering, leaving or manoeuvring around the parking place;

Powers of the Council to close Parking Places

5. Nothing in Article 4 of this Order shall restrict the power of the Council to close any or all of the parking places either temporarily or permanently.

Powers of the Council to suspend the provisions of the Order

6. Without prejudice to the provisions of Article 4 of this Order, the Council shall be entitled to suspend any or all of the provisions of this Order on such occasions and for such periods as they shall think fit.
7. No person shall cause or permit any vehicle to use or park in any of the parking places specified in Schedule 1 to this Order which do not

comply with the maximum weight and height restrictions specified in Schedule 2 to this Order.

Maximum length of stay for vehicles using Parking Places

8. No person shall cause or permit any vehicle to stay in any of the parking places specified in Schedule 1 to this Order for any longer time than that specified in that Schedule.

Restriction on Vehicles using any Parking Place

9. (1) The driver of a vehicle shall not permit that vehicle to wait in any of the parking places specified in Schedule 1 of this Order unless:-
- (a) The vehicle is licensed in accordance with the provisions of the Vehicle (Excise) Act 1971;
- (b) There is in relation to the use of the vehicle by the driver, such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988;
- (2) No person shall cause or permit any goods vehicle or trailer to be left in any of the parking places specified in Schedule 1 of this Order.

Restrictions on use of Parking Places

10. (1) No person shall cause a vehicle while it is in a parking place of the Council to close any or all of the parking spaces either temporarily or permanently:

- (a) For the erection of any tent, booth stand, building or other structure except with the written consent of the Council;
or
- (b) For the purpose of storing, repairing, maintaining, loading or unloading any goods, materials, equipment or machinery or of carrying, storing, loading or unloading any explosive materials.

Notice of Penalty Charge incurred

11. In the case of a vehicle in respect of which a Penalty Charge may have been incurred, it shall be the duty of a Parking Attendant to attach to the vehicle in a conspicuous position a notice hereinafter referred to as a "PCN" which shall include the following particulars:-

- (1) The registration of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade licence and the number of the trade plates carried by the vehicle;
- (2) The date and time at which the PCN was completed by the Parking Attendant
- (3) A statement of the Penalty Charge that is required to be paid
- (4) The manner in which and the time within which the Penalty Charge should be paid; and
- (5) A statement that it is an offence under this Order for the registered keeper of a vehicle in respect of which a Penalty Charge has been incurred to fail to pay the Penalty Charge.

Restrictions of removal of a notice

12. Where the PCN has been attached to a vehicle in accordance with the provisions of Article 11 of this Order, no person shall remove the PCN from the vehicle until the vehicle is removed from the parking place except:

- (1) For the purpose of ascertaining the purport of the PCN;
- (2) Where the person is a Parking Attendant or some other person authorised by the Council;

Penalty Charge

13. (1) On the issue of a PCN a Penalty Charge of £60.00 is payable immediately by the registered keeper of the vehicle in respect of which a PCN has been issued such sum discounted to £30.00 providing payment of the Penalty Charge is received within 14 days of the issue of the PCN.
- (2) On the issue of a Charge Certificate the Penalty Charge shall be increased to £90.00 in accordance with the provisions of Paragraph 6 of the Schedule 6 to the 1991 Act.
- (3) Payment shall be made by telephone, on-line or by post on the telephone numbers, www address or postal address given on the PCN. All payments shall be payable to Wolverhampton City Council.

Registered keeper to be responsible for compliance with this order

14. The person responsible for any contravention of, or non-compliance with, any of the provisions of this Order shall be the registered keeper of the vehicle at the time of the contravention or non-compliance notwithstanding that the person was not the driver of the vehicle at the time of the contravention or non-compliance.

Liability for summary conviction

15. In the event of any contravention of, or non-compliance with this Order, the person responsible shall be liable, on summary conviction by virtue of Section 35(A)(1) of the Act 1984 to a fine, and the Council may institute proceedings against such a person.

Provisions for Removal

16. (1) A person authorised by or on behalf of the Council for that purpose may remove any unattended vehicle or goods trailer or arrange for it's removal from the parking place to a safe place;
- (2) The Council may dispose of any vehicle or trailer which has been removed under the provisions of this Article, providing that a minimum of 14 working days have elapsed from the date of removal;
- (3) Any person removing a vehicle in accordance with this Article shall:-
- (a) Do so by towing or driving the vehicle or in such other manner as may be considered necessary;
 - (b) Take such measures in relation to the vehicle as are considered necessary to enable it to be removed or its position altered as appropriate;
 - (c) Make such arrangements as may be necessary for the safe custody of the vehicle.

Schedule 1

	Names of Parking Places	Days Available	Restricted Days and Times	Duration of Stay
1.	High Street Tettenhall	All Days	Monday- Saturday 7am – 7pm	Parking limited to 3 hours no return within 1 hour
2.	High Street Tettenhall Car Park	All Days	Monday- Saturday 7am – 7pm	Parking limited to 3 hours no return within 1 hour
3.	Service Road off High Street Tettenhall Car Park	All Days	Monday- Saturday 7am- 7pm	Parking limited to 3 hours no return within 1 hour.

Schedule 2

Classes of Vehicles Permitted to Use	Any vehicle under 3.0 tonnes
Parking Places	maximum gross weight and under 2.0 metres maximum vehicle height

173/07

THE COMMON SEAL of Wolverhampton
City Council was hereunto affixed in the
presence of:-

H. Davis

Authorised Officer

Dated 20 March 2007

