

DATED

12th JANUARY

2011

WREXHAM COUNTY BOROUGH COUNCIL

**(ST MARK'S ROAD, WREXHAM
(OFF-STREET PARKING PLACE)
ORDER 2010**

Trevor Coxon
Wrexham County Borough Council
Chief Legal and Democratic Services Officer
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Wrexham
LL11 1AY
(Ref: MR/CLJ/10002754

TRAFFIC/ORDER-ST MARK'S ROAD

WREXHAM COUNTY BOROUGH COUNCIL
(ST MARK'S ROAD, WREXHAM)
(OFF-STREET PARKING PLACE) ORDER 2010

Wrexham County Borough Council (hereinafter referred to as "the Council") in exercise of their powers under Section 35(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 for Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order

GENERAL

- (1) This Order shall come into operation on the 17th day of January 2011 and may be cited as the Wrexham County Borough Council (St Mark's Road, Wrexham) (Off-Street Parking Place) Order 2010
- (2) 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
- (3) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"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;

"owner" in relation to a vehicle means the person by whom such vehicle is kept and used;

"parking place" means the area of land specified by name and description in column 1 of the Schedule provided by the Council under Section 32 (1) of the Act of 1984 for use as a parking place;

"parking bay" means any area of the parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;

"civil enforcement officer" means a person authorised within the meaning of s.76 Traffic Management Act 2004.;

"days and hours of operation" means the days and times set out in columns 4 and 5 of the Schedule;

"penalty charge" means in relation to a vehicle left in the parking place during the days and hours of operation in contravention of any provision of this Order the sum of TWENTY FIVE POUNDS (£25.00) if paid within 14 days after the date on which the penalty charge is incurred. If the said payment of twenty five pounds is not paid within the stipulated period of 14 days after the date on which the penalty charge was incurred the penalty charge shall be FIFTY POUNDS (£50.00). Where a vehicle other than those mentioned in Article 2 (2) or a vehicle not displaying a valid

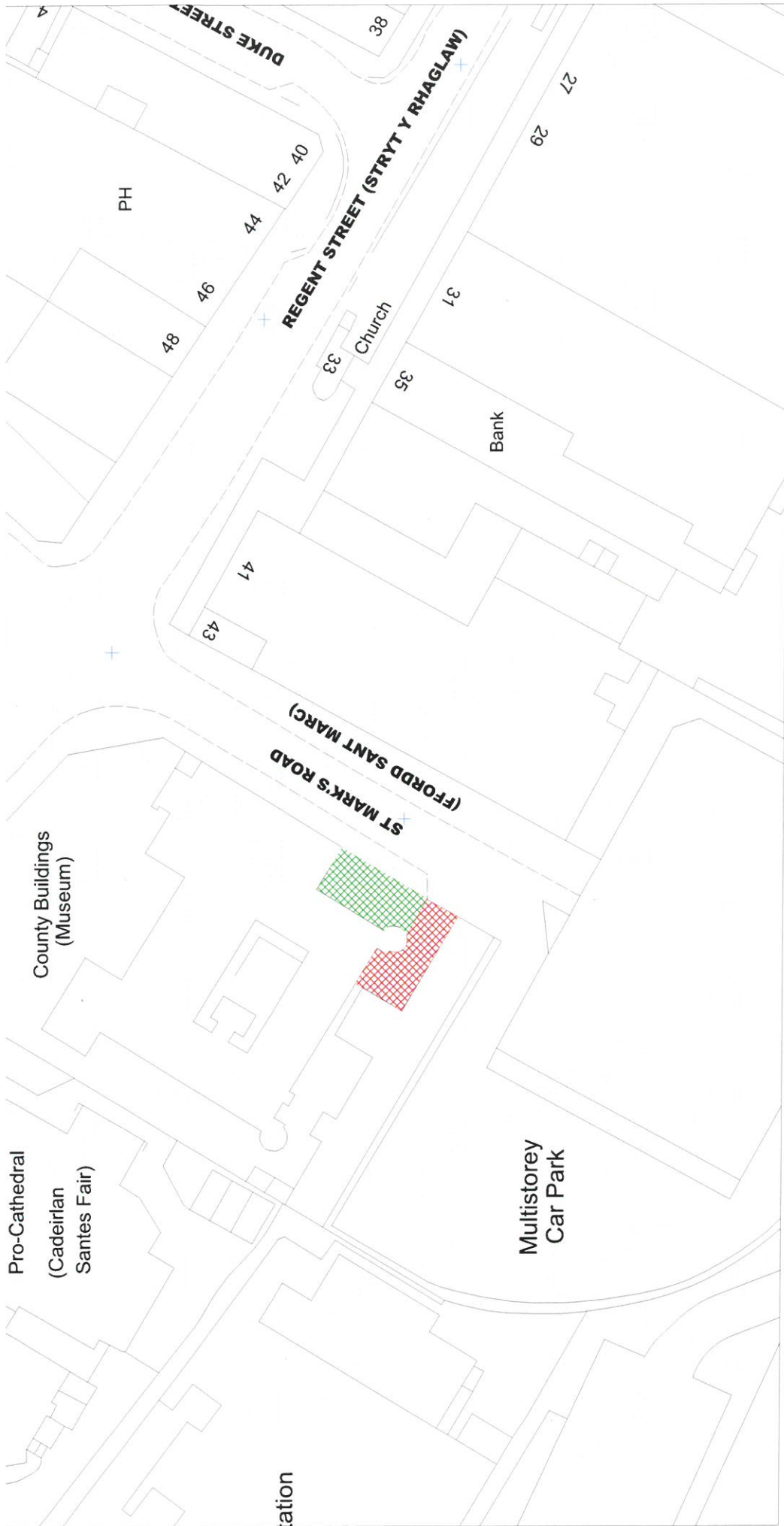
disabled person's badge as described in Article 2 (2) is left in a parking bay indicated by sign or by markings on the surface of the parking place as a parking bay for the use of vehicles mentioned in Article 2 (2) herein or vehicles displaying a valid disabled person's badge as described in Article 2 (2) herein during the days and hours of operation in contravention of any provision of this Order the sum of THIRTY FIVE POUNDS (£35.00) if paid within 14 days after the date on which the penalty charge is incurred. If the said payment of thirty five pounds is not paid within the stipulated period of 14 days after the date on which the penalty charge was incurred the penalty charge shall be SEVENTY POUNDS (£70.00).

"penalty charge notice" means a notice issued in accordance with Article 3 of this Order.

- (4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament.

USE OF PARKING PLACES

2. (1) The area of land specified by name in column 1 of the Schedule and hatched green and red on the attached plan may be used subject to the following provisions of this Order as a parking place for such classes of vehicles in such positions and on such days and during such hours as may be specified in relation to that area in the said Schedule
- (2) Only the following classes of vehicles are to be left in the parking bay on land shown hatched green on the attached plan and designated for such vehicles as described in this Article during the days and hours of operation, namely:
- (a) an invalid carriage;
 - (b) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
 - (c) a disabled person's vehicle, or a vehicle belonging to another person, in which a disabled person is a passenger, which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provision of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or any re-enactment thereof or a badge having effect under those Regulations as if it were a disabled person's badge; and for the purpose of this sub-paragraph a badge shall be in the relevant position if:-
 - (i) in the case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; and



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Chief Environment Officer
Transport Depot, Abbey Road
Wrexham Industrial Estate
Wrexham, LL13 9PW

ST MARKS OFF-STREET PARKING ORDER



Blue Badge Holders Only



Loading and permit holders only

Scale 1:500

- (ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the vehicle
- (3) Where in this Order the parking place is described 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 that parking place.
 - (a) in a position other than specified; and
 - (b) unless it is of the specified class
- (4) When a vehicle has left the parking place after waiting therein the driver thereof shall not within one hour after its leaving permit it to wait again in that parking place

PENALTY CHARGE AT PARKING PLACE

- 3. (1) (a) If a vehicle is left or used in the parking place in contravention of any other provision of this Order the penalty charge as set out in Article 1 (3) shall be payable by the driver of the vehicle.
- (b) Where a vehicle other than those mentioned in Article 2 (2) or a vehicle not displaying a valid disabled person's badge as described in Article 2 (2) is left in a parking bay indicated by sign or by markings on the surface of the parking place as a parking bay for the use of vehicles mentioned in Article 2 (2) or vehicles displaying a valid disabled person's badge as described in Article 2 (2) during the days and hours of operation the penalty charge as set out in Article 1 (3) shall be payable by the driver of the vehicle.
- (c) If any person contravenes any provision of this Order that person shall be liable to pay the penalty charge as set out in Article 1 (3) of this Order.
- (2) In the case of a vehicle in respect of which an penalty charge has been incurred it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or hand to the person believed to be the owner/driver of the vehicle a Penalty Charge 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 noticed that the penalty charge had been incurred;
 - (c) a statement that a penalty charge is required to be paid;
 - (d) the manner in which and the time within which the penalty charge should be paid; and
- (3) The penalty charge shall be paid to the Council according to the methods of and arrangements for payment detailed on the Penalty Charge Notice.

A failure to pay the penalty charge will be treated as a civil debt by the Council to be recovered accordingly.

RESTRICTION ON REMOVAL OF NOTICES

4. When a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 3 of this Order, no person not being the driver of the vehicle or a person authorised by the Council shall remove the Penalty Charge Notice from the vehicle unless authorised to do so by the driver.

LOADING AND UNLOADING

5. No person shall cause or permit any vehicle to wait in the loading area shown hatched red on the attached plan except for as long as may be necessary to enable goods to be loaded or unloaded from a vehicle in connection with the County Buildings (Museum).

PERMIT HOLDERS

6. No person shall cause or permit any vehicle to wait in the area hatched red on the attached plan unless the vehicle displays a valid parking permit issued by the Council for such parking place as specified thereon or in the conditions subject to which it is issued and during the period for which it is issued.

OTHER PROVISIONS

7. (1) The driver of a motor vehicle using the parking place shall stop the engine as soon as the vehicle is in position in a parking bay and shall not start the engine except when about to change the position of the vehicle or to depart from the parking place.
- (2) Subject to the proviso hereto when a vehicle is left in the parking place in contravention of any of the provisions of Articles 2 and 3, Article 5(5), a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that parking place and the costs to the Council of removing any vehicle from the parking place pursuant hereto and thereafter of making such arrangements as may be reasonably necessary for the safe custody thereof in accordance with Article 5(4) shall be rechargeable to the driver and shall be recoverable from him as a civil debt;

Provided that when a vehicle is waiting in the parking place in contravention of Article 2(3)(a) a person authorised 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
- (3) Any person removing or altering the position of a vehicle by virtue of Article 5 (2) may do so by towing or driving the vehicle in such manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.

- (4) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of Article 5 (2) he shall make such arrangements as may be necessary for the safe custody of the vehicle.
- (5) The driver of a vehicle shall not permit that vehicle to wait or be left in the parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of the Road Traffic Act 1988
- (6) The driver of a motor vehicle using the parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place
- (7) No person shall use a vehicle whilst it is in the 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.
- (8) No person shall use any part of the parking place or any vehicle left in the parking place:-
 - (a) for sleeping or camping purposes;
 - (b) for cooking purposes; or
 - (c) 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
- (9) In a parking place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council; or
 - (b) light or cause or permit to be lit any fire.
- (10) No person shall in the parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of the premises in the neighbourhood.
- (11) No person shall in the parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach is likely to be occasioned.
- (12) The following vehicles left in the parking place shall be exempt from any limitation on the time and from the payment of any charge specified in the Schedule, namely:-
 - (a) an invalid carriage;

- (b) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;
- (c) a disabled person's vehicle or a vehicle belonging to another person in which a disabled person is a passenger which displays in the relevant position a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 or any re-enactment thereof or a badge having effect under those Regulations as if it were a disabled person's badge; and for the purpose of this sub-paragraph a badge shall be in the relevant position if:-
 - (i) in the case of a vehicle fitted with a front windscreen the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen; and
 - (ii) in the case of a vehicle not fitted with a front windscreen the badge is exhibited in a conspicuous position on the vehicle

CLOSURE OF PARKING PLACE AND SUSPENSION OF OPERATION OF ORDER

8. (1) Nothing in Article 2(1) of this Order shall restrict the power of the Council to close the parking place or any part thereof
- (2) Without prejudice to the provisions of Article 8(1) 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.

**GIVEN UNDER THE COMMON SEAL
OF THE COUNTY BOROUGH OF WREXHAM**

this 12th day JANUARY 2011
was hereunto affixed
in the presence of:-



~~Chief Legal and Democratic Services Officer~~

Legal Services Manager



7/11(a)

SCHEDULE

¹ Name of Parking Place	² Position in which vehicle may wait	³ Class of Vehicle	⁴ Days of Operation of Parking Place	⁵ Hours of Operation of Parking Place	⁶ Scale of Charges
St Mark's Road, Wrexham Disabled parking bays shown hatched green and Loading and Permit Holders hatched red on the Plan annexed hereto.	Wholly within a parking bay	Motor Car as defined in Section 136(2) (a), motor-cycle as defined in Section 136(4) and invalid carriage as defined in Section 136(5) of the Act of 1984 and motor vehicles not exceeding 30 cwts unladen weight constructed or adapted solely for the purpose of carrying goods.	Monday to Sunday inclusive	00:01 to 24:00	No charge

