

BOROUGH OF TELFORD & WREKIN

OFF STREET PARKING PLACES ORDER 2005

Borough of Telford & Wrekin ("the Council") in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 ("the Act") and Part III of Schedule 9 to the Act and of all other enabling powers hereby makes the following Order:-

PART 1

Citations and Commencement

1. This Order shall come into operation on the 20th July 2007 and may be cited as the Borough of Telford & Wrekin Off Street Parking Places Order 2005 ("the 2005 Order")
2. In so far as it relates to the off street parking places described in the Schedule to this the 2005 Order, the Borough of Telford & Wrekin (Off Street Parking Places) Order 2004 shall no longer be of any effect

AND the Borough of Telford & Wrekin (Swimming Pool (East) Wellington) (Off Street Parking Places) Order 2004 and the Borough of Telford & Wrekin (Water Lane (West) and Water Lane (East) Newport) (Off Street Parking Places) Order 2004 are hereby revoked.

3. The 2005 Order shall:-
 - i) Introduce arrangements for use of the Parking Places that are the subject of this the 2005 Order
 - ii) introduce excess charges for contravention of this the 2005 Order

In this Order, except where the content otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

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

"Parking Inspector" means any of the Councils authorised parking place inspectors and includes any other officer or servant of the Council employed to control and manage any of the parking places provided by the Council

"Bank Holiday" has the same meaning as in the Banking and Financial Dealings Act 1971

"the Council" means Borough of Telford and Wrekin

"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 and where a separate person acts as steersman of a Vehicle, includes that person as well as any other person engaged in the driving of the Vehicle, and "drive" shall be construed accordingly

“Car Parking Manager” means the person appointed to this post by the Council

“Caravan” has the same meaning as in the Caravan Sites and Control of Development Act 1960

“Trailer” has the same meaning as given to that term in the Act

“Excess Charge” means the sum of £60.00 (such sum to be reduced to £30.00 if paid within 14 days of the contravention)

“Disabled Persons Vehicle” shall have the same meaning as given to that term under the Act.

“Emergency Vehicles” means ambulances, fire fighting vehicles and Police vehicles being used in the course of their duties

“Motor Cycle” has the same meaning as in the Act

“Parking Place” means any of the off-street parking places described in the Schedule to this Order

“Parking Bay” means any area of a Parking Place which is provided for the leaving of a Vehicle and indicated for this purpose by the markings on the surface of the Parking Place

“Vehicle” means any Motor Vehicle (as defined in the Act) the weight of which does not exceed 3 tonnes unladen, a Motor Cycle and a Disabled Persons Vehicle, whether or not it is in a fit state for use on the roads and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle and any load carried by anything attached to such a vehicle

“Permitted Hours” means the period between 0.01am and 12a.m. (midnight) on Mondays to Sundays inclusive

Any reference in this Order to any enactment shall be construed so as to include a reference to that enactment as amended by any subsequent enactment where appropriate

In this Order, the masculine gender includes the feminine and neuter gender and the singular includes the plural and vice versa

PART 2 **Use of Parking Places**

4 Parking Places to Which the Order Applies

The Parking Places specified by name in the Schedule to this Order may only be used in accordance with the provisions of this Order, and shall only be used as a Parking Place for Vehicles, in such positions and on such days and during such hours as are specified in this Order

5. Power of Closure

Nothing in this Order shall prevent the Council from

- a) closing the Parking Place or any part thereof for any period or,
- b) from setting aside any part of the Parking Place on all days or on certain days or for certain parts on certain days for the sole use of particular vehicles

6. Manner of use of Parking Places

Where in the Schedule to this Order a Parking Place is described, the Driver of a Vehicle shall not permit it to wait in that Parking Place during Permitted Hours:-

- a) unless it is a Vehicle
- b) in a position other than in a Parking Bay or other than in a position as directed by a Parking Inspector
- c) at any time where the Parking Place or that part (as the case may be) has been closed under Article 5 (a) of this Order
- d) in any part of the Parking Place at a time when that part has been set aside for use in accordance with Article 5 (b) of this Order unless the Vehicle is so authorised
- e) where, within a Parking Place, there is a sign or surface marking which indicates that a Parking Bay is available only for a Disabled Persons Vehicle, in such a Parking Bay, unless it is a disabled persons Vehicle;

7. Drivers Duties

The Driver of a Vehicle, whilst it is in a Parking Place, shall comply with any instructions given to him by the Parking Inspector as to the manner of parking of the Vehicle and shall remove the Vehicle from the Parking Place on being required by the Parking Inspector so to do

Excess Charge

8 (1) If a Vehicle is left in a Parking Place on any day:-

- (a) in contravention of Article 6(a) (specified class); or
- (b) in contravention of Article 6(b) (otherwise than within a Parking Bay); or
- (c) in contravention of Article 6(c) (closing part of the whole of the car park);
or

(d) in contravention of Article 6(d) (in a bay set aside for specially authorised Vehicles); or

(e) in contravention of Article 6(e) (in a bay set aside for disabled persons Vehicles);

of this Order, the Excess Charge shall be payable by the Driver of that Vehicle

(2) In the case of a Vehicle in respect of which the Excess Charge may have been incurred, it shall be the duty of a Parking Inspector to attach to the Vehicle in a conspicuous position a 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 reason why the Excess Charge has been incurred

(c) a statement that the Excess Charge of £60 is required to be paid and that such excess charge will be discounted to £30 if paid within fourteen days of the offence occurring;

(d) the manner in which, and the time within which the Excess Charge should be paid; and

(e) a statement that it is an offence under Section 35A of the Act for the Driver of a Vehicle who has left the Vehicle in a Parking Place to fail duly to pay the Excess Charge

9. Period for which Vehicle may be left after incurring Excess Charge

(1) The period for which a Vehicle may be left in a Parking Place after the Excess Charge has been incurred shall not exceed four hours

(2) If a Vehicle is left in a Parking Place for more than four hours after the Excess Charge has been incurred, it shall be the duty of a Parking Inspector to attach to the Vehicle in a conspicuous position a 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 Vehicle had been left in the Parking Place for more than four hours after the Excess Charge had been incurred; and

- c) a statement that is an offence under Section 35A of the Act for the Driver of a Vehicle who has left the Vehicle therein for longer than four hours after the excess charge has been incurred

10. Restriction on removal of notices

When a notice has been attached to a Vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the Driver or a person authorised by the Driver in that behalf shall remove the notice from the Vehicle

PART III

CONDITIONS OF USE OF PARKING PLACES

11. Manner of Payment of Excess Charge

The Excess Charge (whether the full sum or the discounted amount in accordance with the provisions of this Order) shall be paid to the Council either by cheque, bankers draft, money order or postal order which shall be delivered or sent by post as to reach the address for this purpose indicated on the notice issued under Article 8(2) to this Order not later than 4.00 p.m. on the seventh day following the day on which the excess charge was incurred or in cash in person at the said office address not later than the aforesaid: provided that, if the said seventh day falls upon the day on which the said office address is closed the period within which payment of the said charge will be made to the Council shall be extended until 4.00 p.m. on the next full day on which the said office address is open

12. Engine to be stopped

The Driver of a Vehicle using a Parking Place shall stop the engine as soon as the Vehicle is in position in the Parking Place, and shall not start the engine except when about to change the position of the Vehicle in or to depart from the Parking Place

13. No articles to be sold

No person shall use a Vehicle, while it is in a 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 or his skill or services

14. Removal of Vehicles

- (a) Subject to the proviso hereto, when a Vehicle is left in a Parking Place in contravention of this Order a person authorised in that behalf by the Council may remove the Vehicle or arrange for it to be removed from the Parking Place;

Provided that when a Vehicle is waiting in a Parking Place in contravention of the provisions 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

- (b) For the purpose of meeting the requirements of an emergency, a person authorised in that behalf by the Council or a police constable in uniform may alter or cause to be altered the position of a Vehicle in a Parking Place or remove or arrange for the removal of a Vehicle from a Parking Place
- (c) Any person altering, or causing the alteration of, the position of a Vehicle by virtue of paragraph (a) of this Article, or removing, or causing the removal of, a Vehicle by virtue of paragraph (b) of this Article, may do so by towing or driving the Vehicle or in such other manner as he may think reasonably necessary to enable the position of the Vehicle to be altered or the Vehicle to be removed
- (d) Any person removing or arranging for the removal of a Vehicle by virtue of paragraphs (a) or (b) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the Vehicle in the place to which it is removed

15. Horn not to be sounded

The Driver of a motor car or Vehicle using a 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 and then only when use of the horn is necessary to alert the attention of other drivers or pedestrians

16. No driving in Parking Place

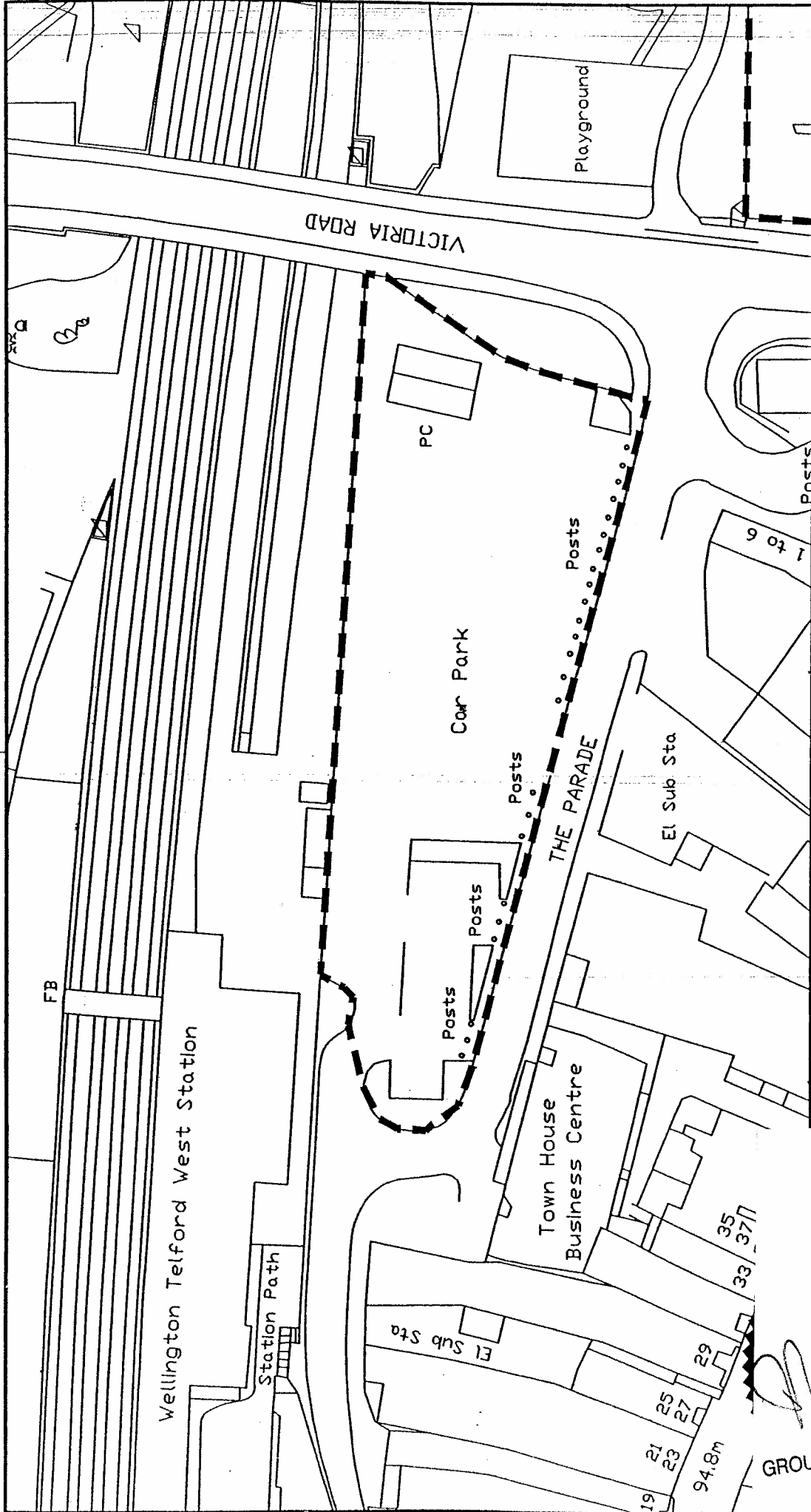
No person shall:-

- (a) except with the permission of any person duly authorised by the Council, drive any Vehicle in a Parking Place other than for the purpose of leaving that Vehicle in that Parking Place in accordance with the provision of this Order or for the purpose of departing from the Parking Place;
- (b) Drive recklessly or at a speed or in a manner which is dangerous to other users of that Parking Place, or without due care and attention or without reasonable consideration for other users of that Parking Place


17. No camping, cooking, servicing or storing of Vehicles etc.

No person shall use any part of a parking place:-

- (a) for sleeping or camping purposes;
- (b) for eating or cooking purposes;

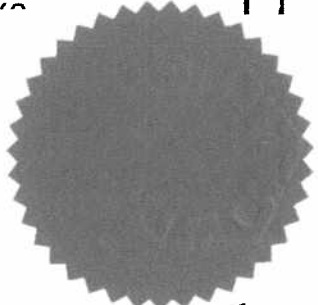


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DWG. NO.	e1068-07

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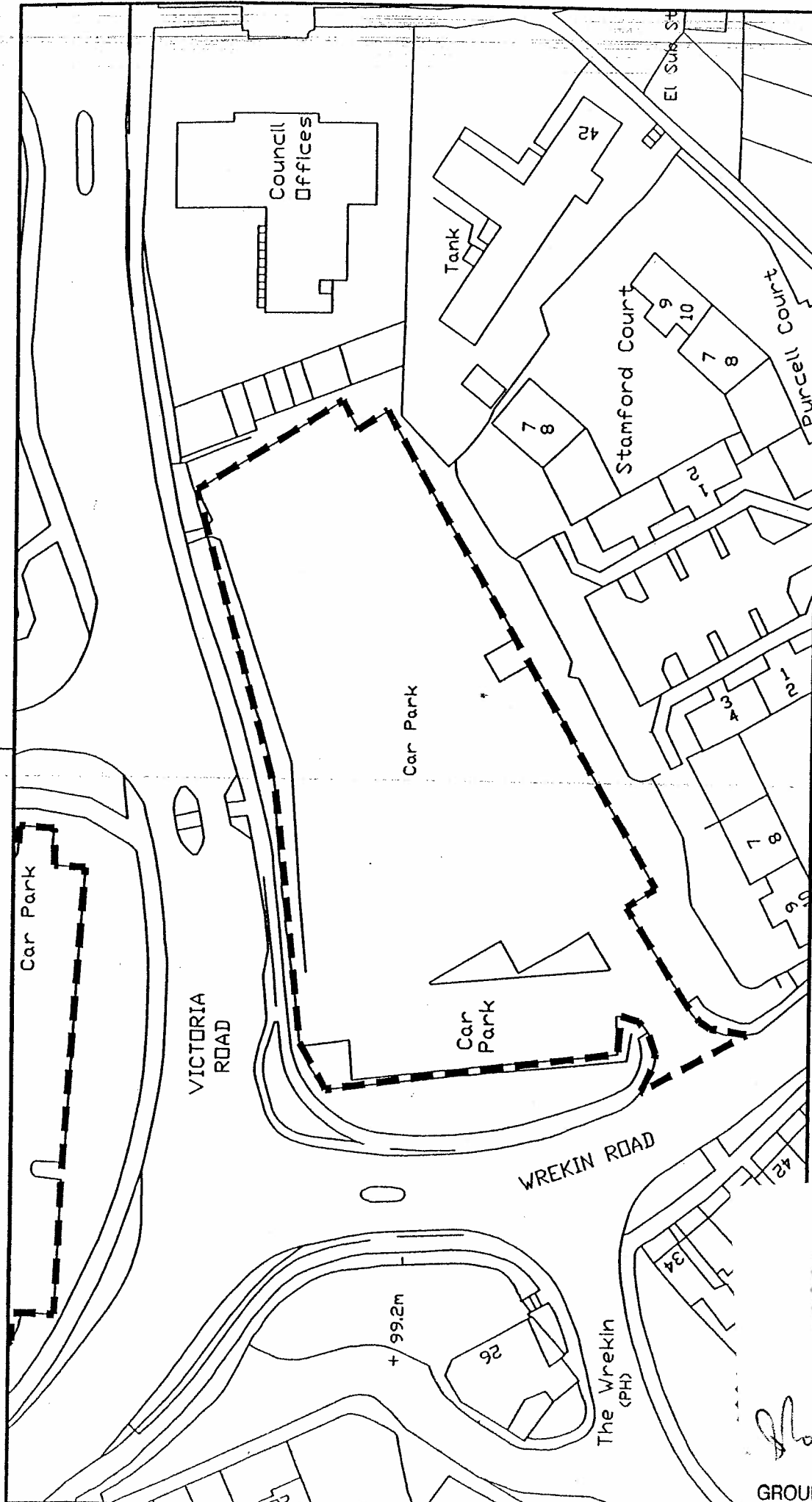
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 Head of Mobility & Development
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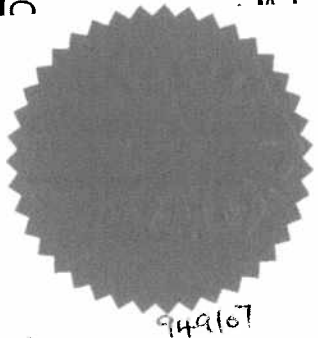
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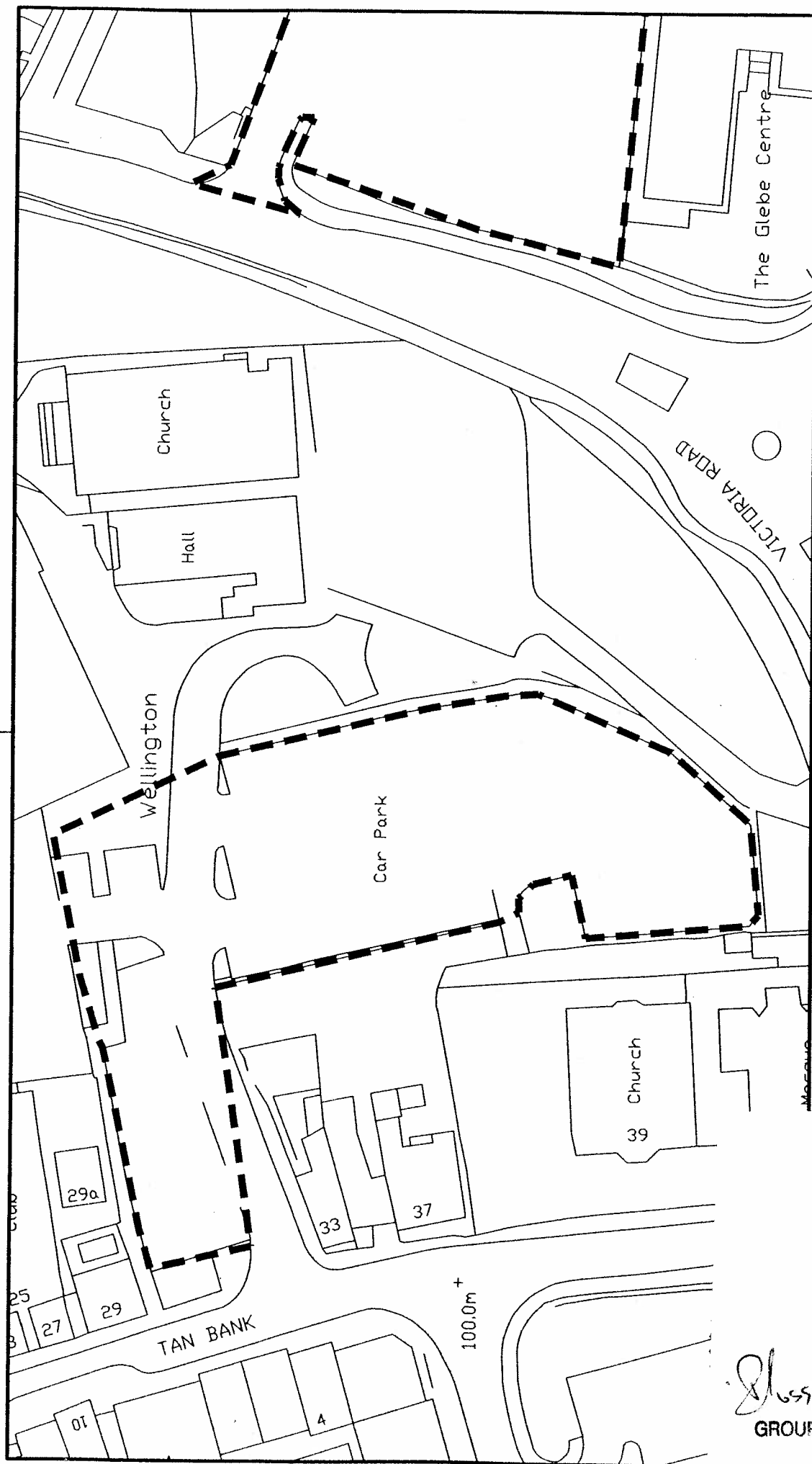
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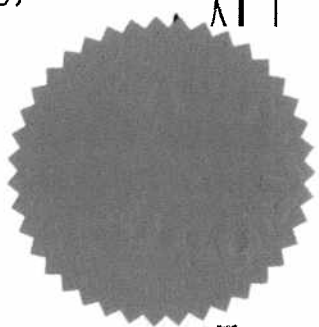
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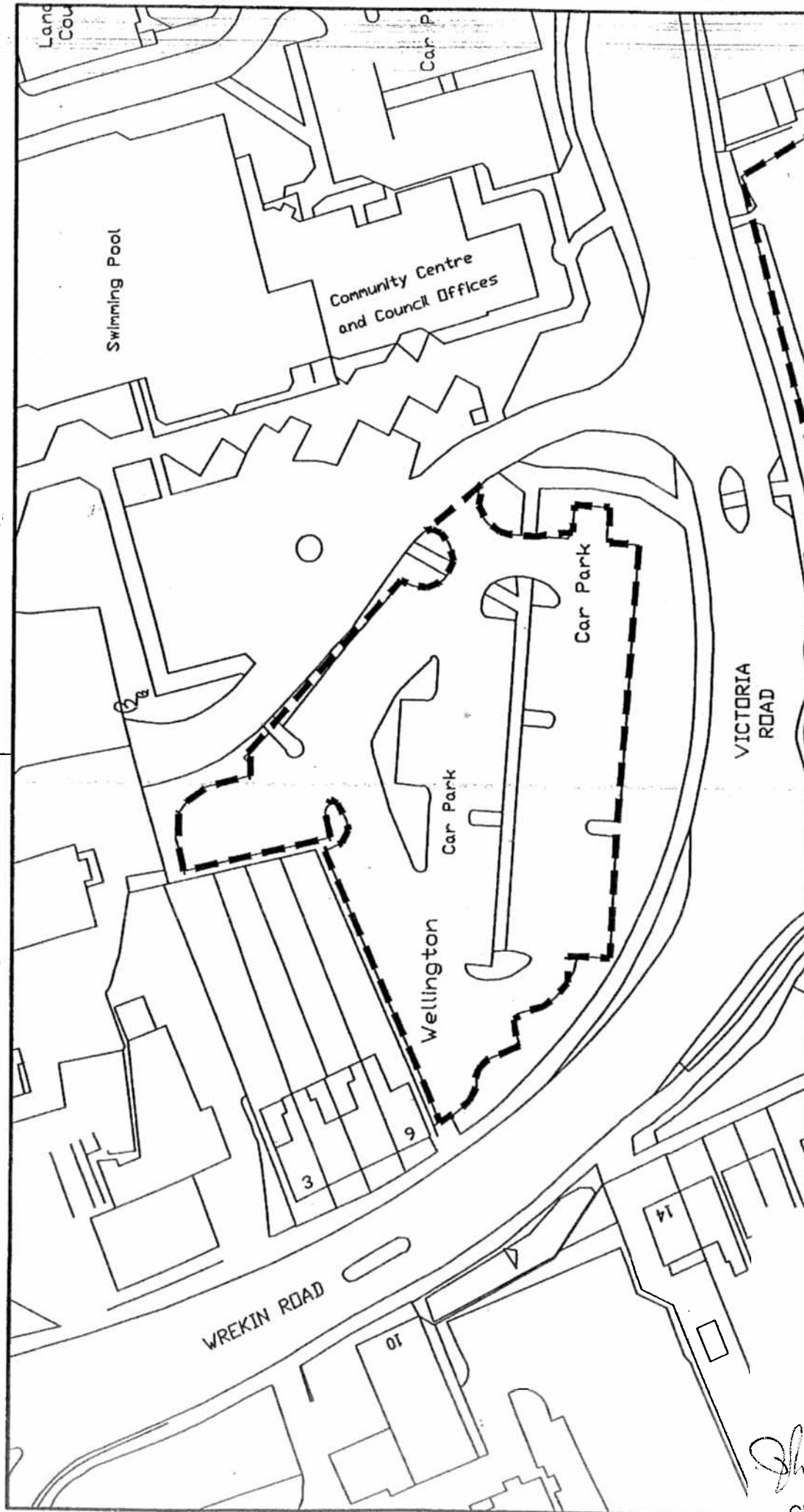
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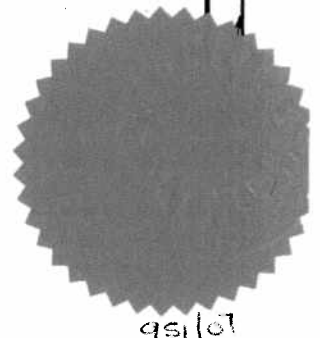


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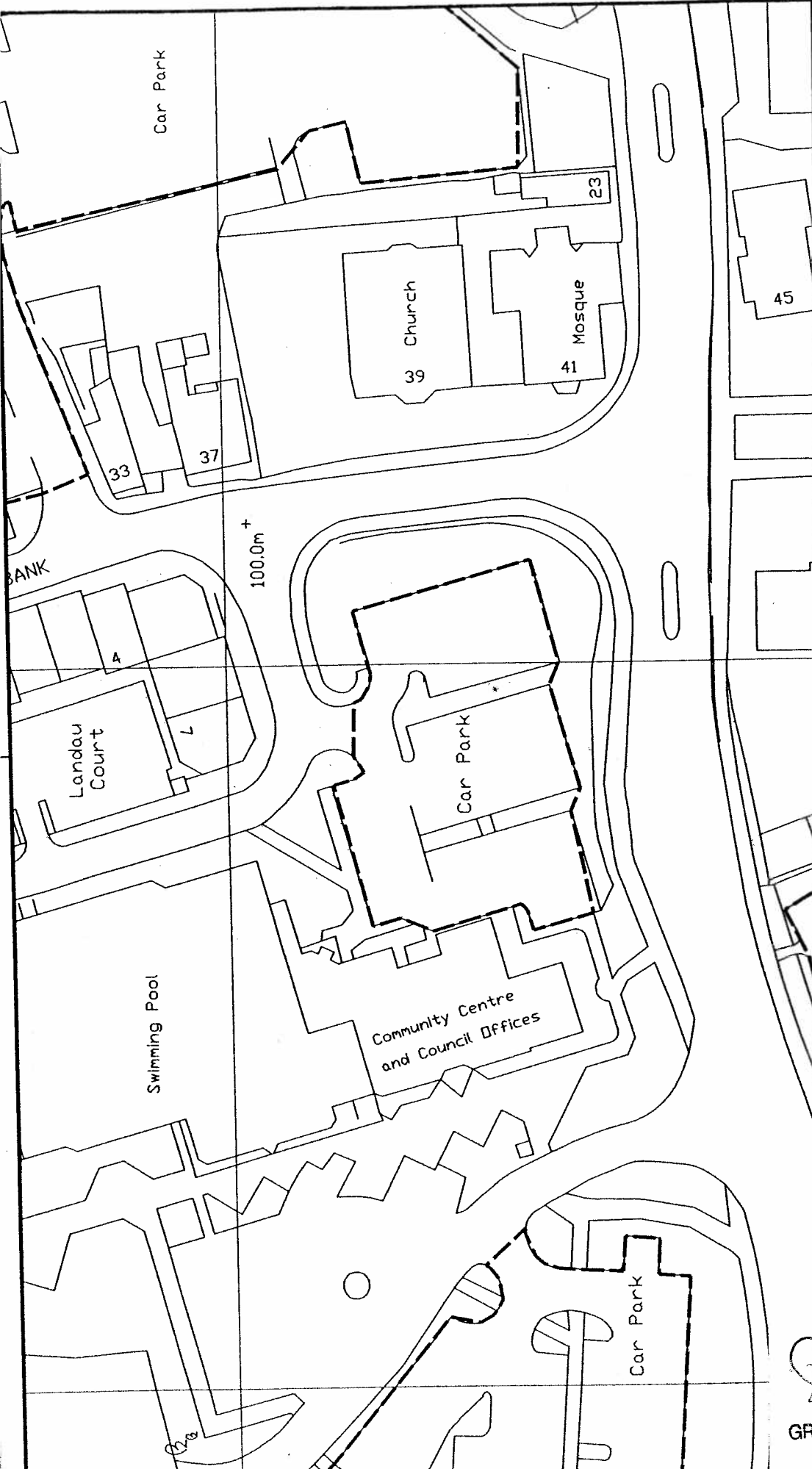
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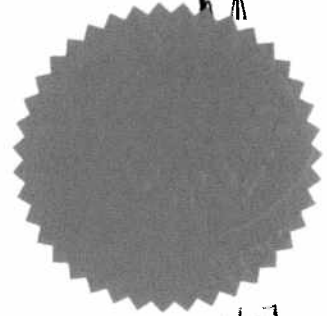
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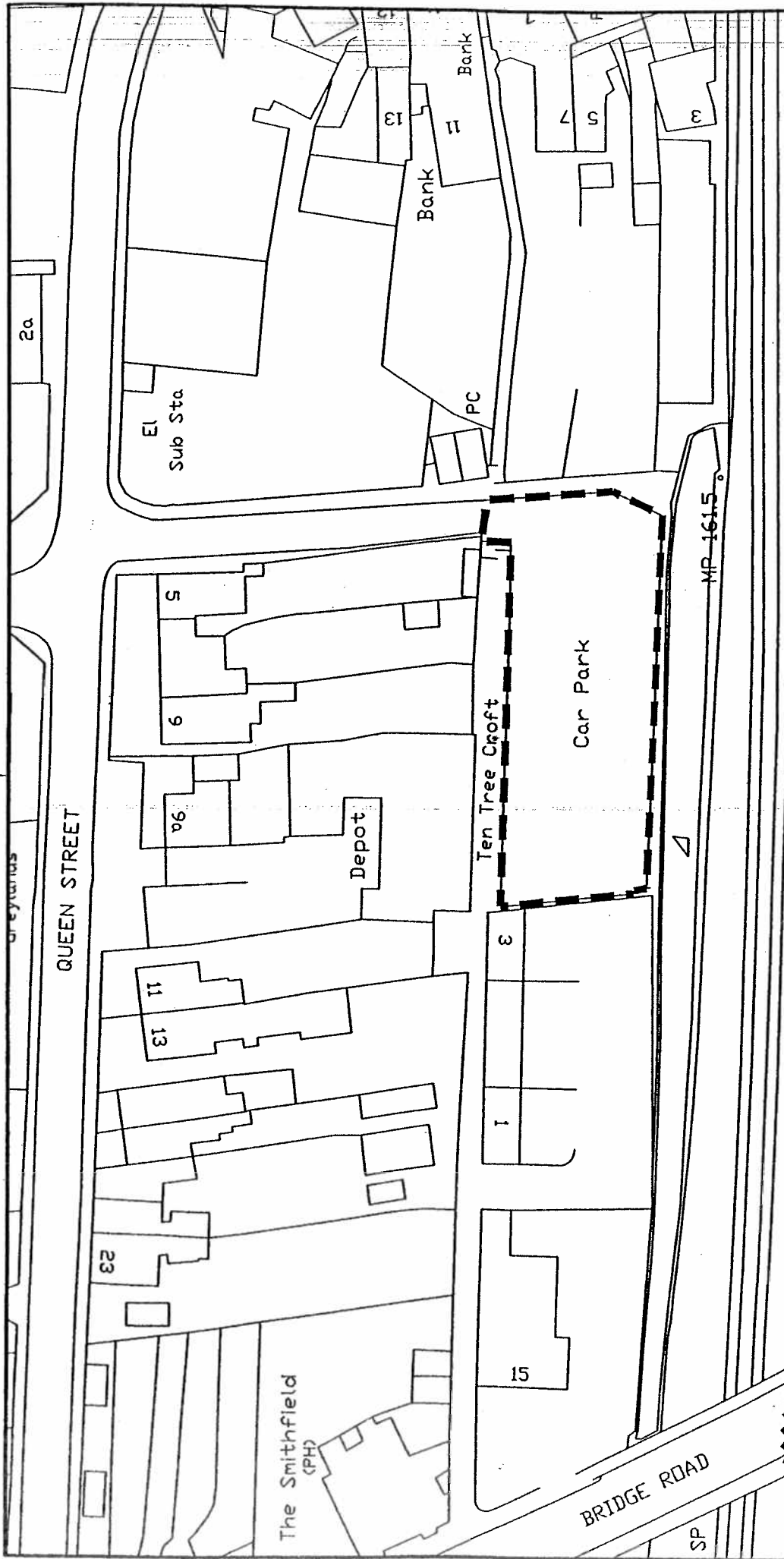
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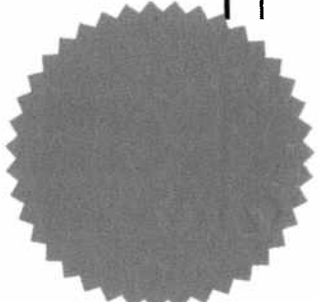


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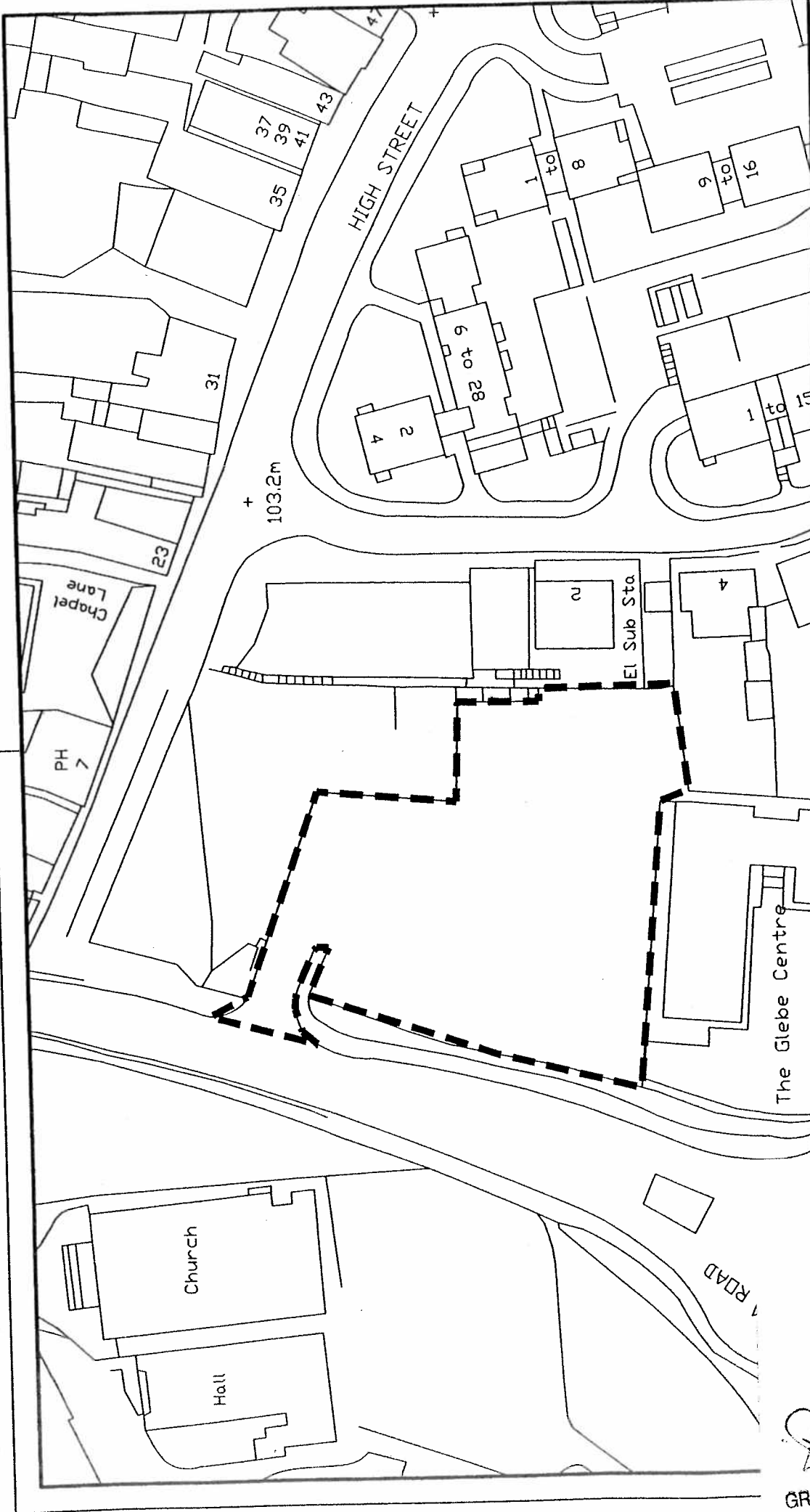


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SCALE	DRAWN
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DATE	DRAWN NO.
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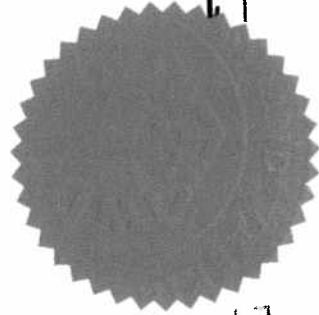

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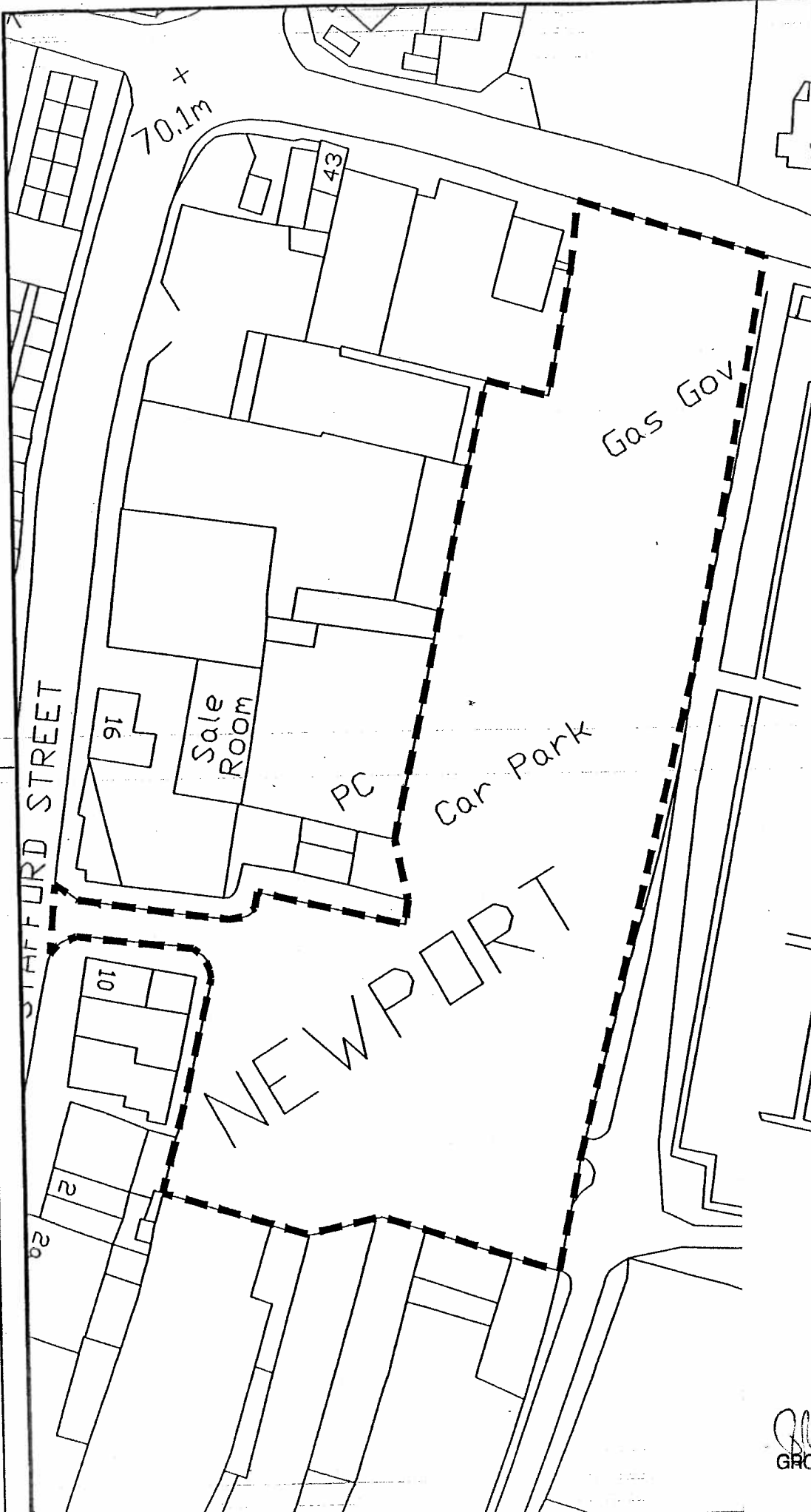
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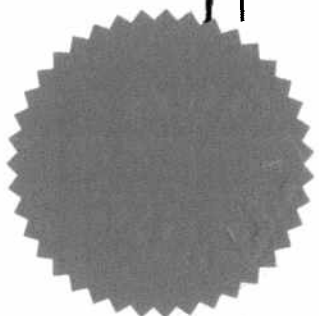


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DATE	19/04/04
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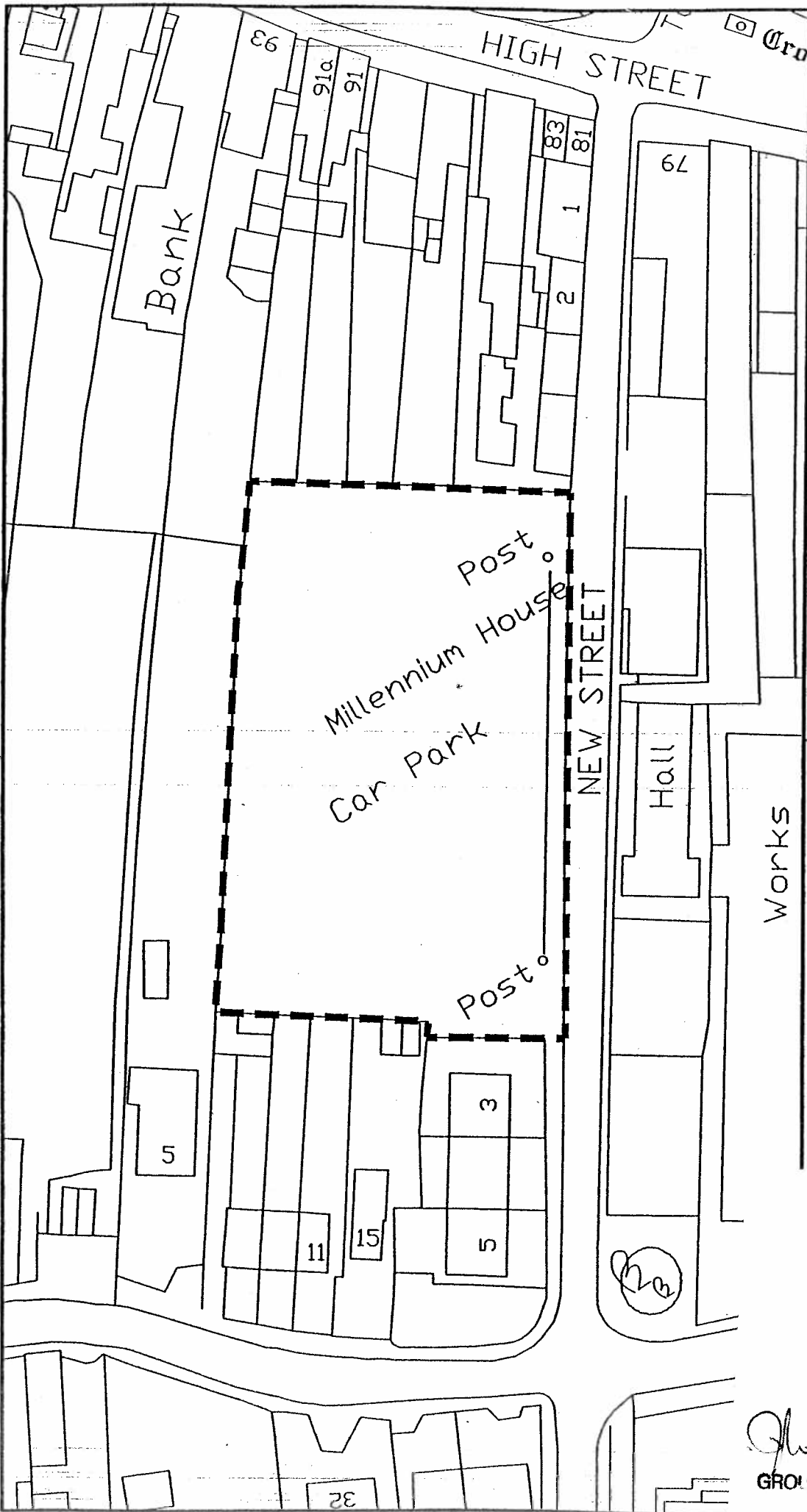
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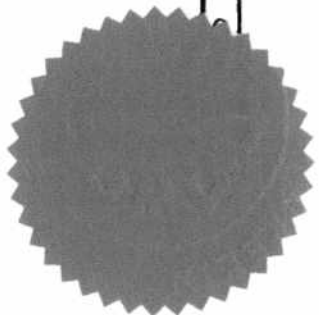


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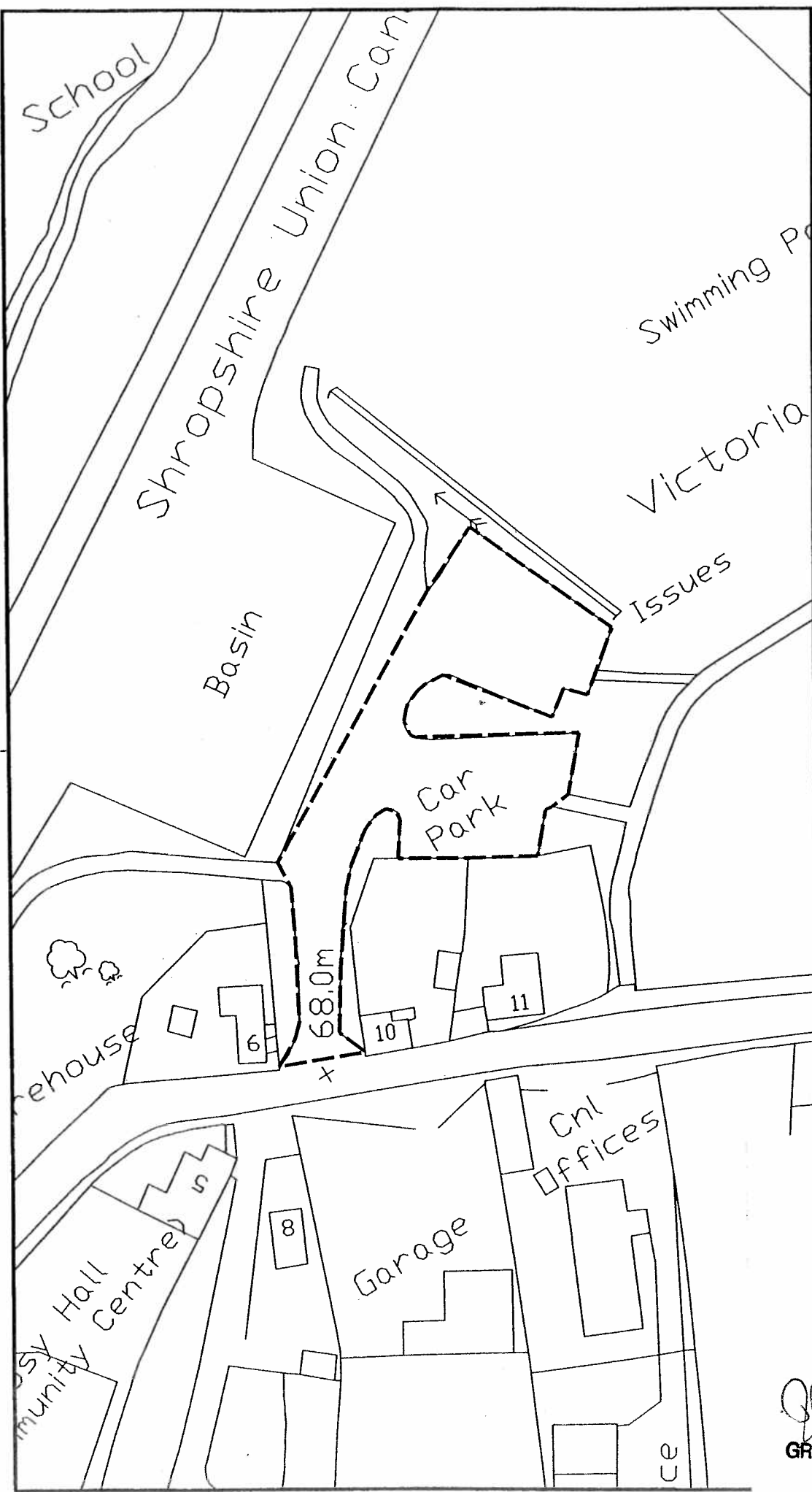
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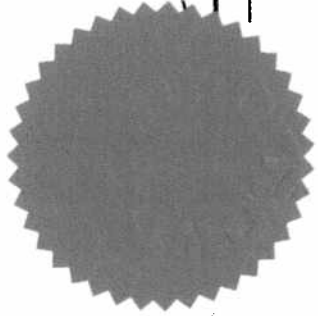
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Borough of TELFORD & WREKIN

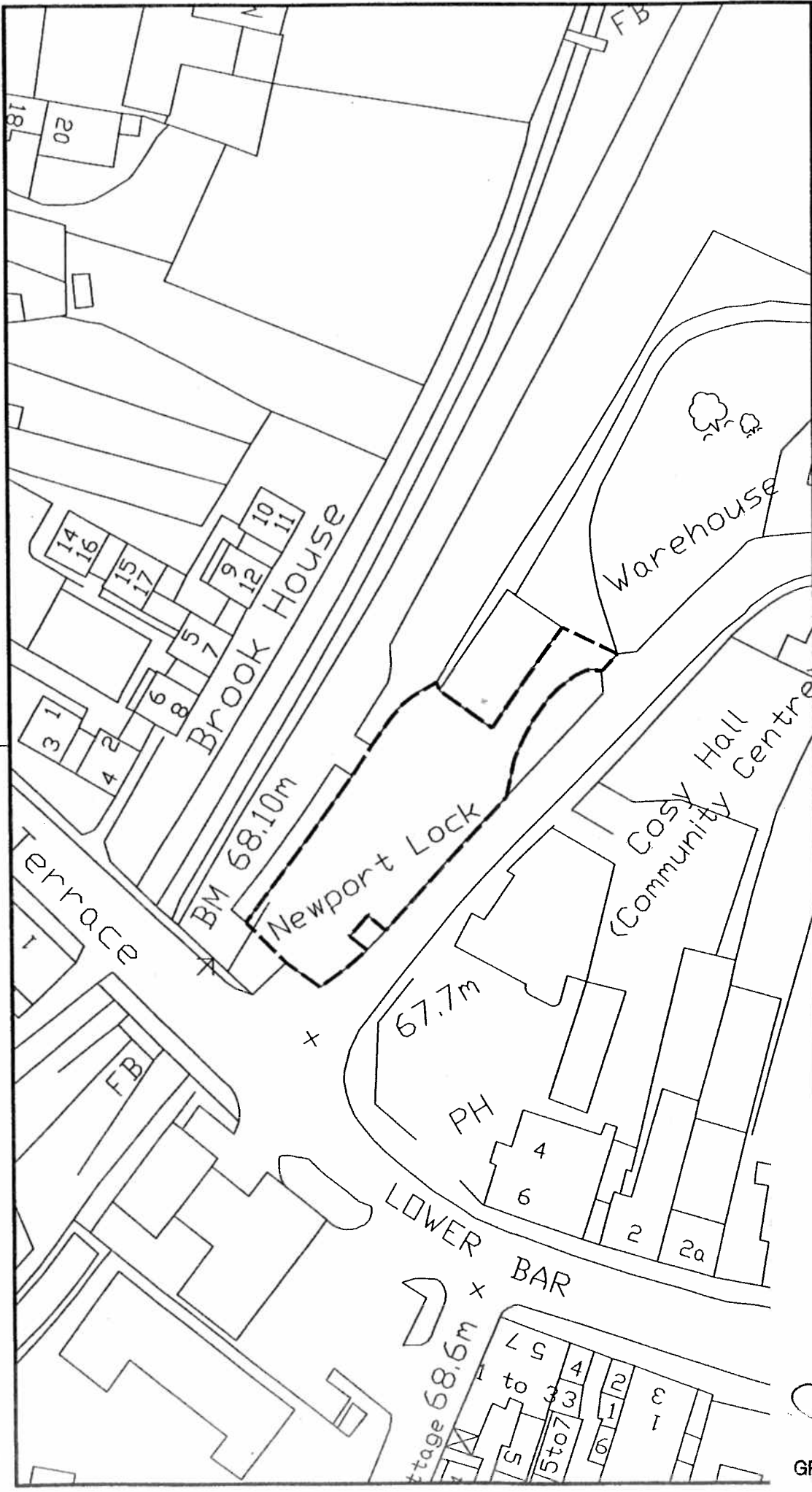


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PROJECT	Car Park Charges
DRAWN	CJC
SCALE	1:500
DATE	02/08/04
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(c) shall not place or Permit to be placed on the Vehicle not being a Motor Cycle, any cover of the type normally used to protect the exterior of a Vehicle from the weather during storage in the open air; or

(d) for the purpose of servicing or washing any Vehicle or part thereof other than is reasonably necessary to enable that Vehicle to depart from that Parking Place

18. Direction signs to be observed

Where in a Parking Place signs are erected or surface markings are laid for the purpose of:

(a) indicating the entrance to or exit from the Parking Place; or

(b) indicating that a Vehicle using the Parking Place shall proceed in a specified direction within the Parking Place; or

(c) indicating that Vehicles of a specified type may be parked within a designated area

No person shall drive or cause to permit to be driven any Vehicle (i) so that it enters the Parking Place otherwise than by an entrance, or leaves the Parking Place otherwise than by an exit, so indicated, or (ii) in a direction other than that specified, or (iii) parking in an undesignated area, as the case may be

19. Car park full

The Driver of a Vehicle shall not take or attempt to take a Vehicle into a Parking Place if either a sign indicates or a Parking Inspector states that it is full

20. Damage to fabric or equipment

No person shall wilfully or carelessly damage or interfere in any way with the fabric or structure or equipment of the Parking Place which for the absence of doubt shall include the Apparatus or Device situated thereon.

21. Prohibition of Caravans and Trailers

No person shall bring any Trailer, or Caravan into the Parking Place except with the consent of the Council

22. General Use Restriction

No person shall except with the written consent of the Car Park Manager, drive any vehicle other than a Vehicle as defined at Article 3 to this Order in a Parking Place

23. Emergency Vehicles

No provision of this Order will have the effect of prohibiting or restricting access to any Parking Place for Emergency Vehicles or imposing any charge on such vehicles for use of Parking Places

SCHEDULE

Parking Places which are the subject of the Order as shown on drawings attached hereto

Wellington – Parking Places at the Parade (shown on Drawing No. ei068-07), the Health Centre (Victoria Road (South)) (shown on Drawing No. ei068-08), Wrekin Road (shown on Drawing No. ei068-10), Belmont/Tan Bank (shown on Drawing No. ei068-05), Swimming Pool (West) (shown on Drawing No. ei068-09), Swimming Pool (East) (shown on Drawing No. 29) Ten Tree Croft (shown on Drawing No. ei068-06), Victoria Road (North) (shown on Drawing No. ei068-11);

Newport – Parking Places at Stafford Street (shown on Drawing No. ei068-12), and New Street (shown on Drawing No. ei068-13); Water Lane (West) (shown on Drawing No. 27) and Water Lane (East) (shown on Drawing No. 28)

The Common seal of
Borough of Telford & Wrekin
was hereunto affixed in the
presence of



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Dated 12th July 2007

