

**NORTH DORSET (OFF-STREET)
PARKING PLACES ORDER 2010**

Issue No.

One

**NORTH DORSET (OFF-STREET) PARKING
PLACES ORDER 2010**

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The North Dorset District (Off-Street) Parking Places Order 2010

The North Dorset District Council (hereinafter referred to as "The Council") in exercise of the powers under Section 35 of the Road Traffic Regulation Act 1984 as amended (which Act of 1984 is hereinafter referred to as "The Act of 1984") the Special Parking Area created pursuant to Section 43 and Schedule 3 of the Road Traffic Act 1991 ("The Act of 1991"), Part 6 of the Traffic Management Act 2004 and paragraph 21 of The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 and of all other powers them enabling in that behalf and with the consent of the council of the County of Dorset given under Section 39(3) of the Act of 1984 and after consultation with the Chief Officer of Police in accordance with Section 124 and paragraph 20 of Schedule 9 to the Act of 1984, hereby makes the following Order –

- Part I General**
- Part II Definitions**
- Part III Use of Parking Places**
- Schedule**
- Maps**

PART I

1. General

1.1 This Order shall come into operation on day of 2010 and may be cited as the North Dorset District (Off-Street) Parking Places Order 2010

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PART II

2. Definitions

2.1 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.

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

“*authorised vehicle*” means a vehicle specified in column 2 of the Schedule;

“*caravan*” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer);

“*charging hours*” means any period specified in column 4 of the Schedule in respect of which a charge is specified in article 5;

“*Civil Enforcement Officer/Parking Attendant*” means a person authorised by or on behalf of the Council to supervise any parking place;

“*coach*” means a vehicle adapted to carry more than 8 passengers exclusive of the owner/driver as defined in Section 2 of the Transport Act 1980;

“*council*” means the North Dorset District Council;

“*day*” means a period from midnight for twenty-four hours;

“*disabled person’s vehicle*” means a motor vehicle which is displaying a ‘Blue Badge’ issued by virtue of and used in accordance with Regulations made under Section 21 of the Chronically Sick and Disabled Person Act 1970 so long as the vehicle is:

- being used by or for the benefit of a person suffering from sickness or disability by reason of which the Blue Badge has been issued, and

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- parked in a parking bay, and
- displaying a Blue Badge and Parking Disc (which has been set to indicate the time of arrival in the car park) on the dashboard or fascia panel of the vehicle so that the date of expiry of the badge is legible from the outside of the vehicle

“driver/owner” 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 and for the purposes of this Order and any enforcement proceedings taken under this Order if on the date and vehicle is left in the parking place a person is shown to have been the registered owner or keeper thereof by notification in writing from the appropriate authority he shall be deemed to have been the owner/driver of the vehicle on that date

“heavy commercial vehicle” means any goods vehicles which has an operating weight exceeding 7.5 tonnes

“motor car” means a vehicle defined in Section 136(2) of the Act of 1984 (not being a goods vehicle or a public service vehicle) and not drawing a trailer;

“motor cycle” means a vehicle defined in Section 136(4) of the Act of 1984, not having a trailer attached thereto;

“owner” has the same meaning as in Section 101 of the Act of 1984;

“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;

“Parking Disc” means the disc issued with the Blue Badge which is used for the purpose of indicating the time of arrival of the vehicle at the parking place;

“parking place” means any areas of land referred to in column 1 of the Schedule provided by the Council for use as a parking place which said areas of land are shown for the purposes of identification only on the attached plans;

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“permit” shall mean such written authorisation to use a specified parking place or places as the Council shall in its absolute discretion issue whether on payment of a fee or not and subject to such conditions and or stipulations as the Council in its absolute discretion may deem appropriate;

“public service vehicle” means a vehicle as defined in the Public Passenger Vehicles Act 1981;

“relevant position” means:

- 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
- in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or near side of the vehicle;

“ticket machine” means an apparatus or device designed to issue parking tickets indicating the payment of a charge and the date and time on which the charge was paid in respect of the parking of a vehicle in a parking place.

“trailer” means a vehicle not being self propelled the only or main method of propulsion of which is by means of being towed or otherwise propelled by another vehicle and for the purpose of this

2.3 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

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PART III

3. Use of Land and Parking Place

3.1 The areas of land specified by name in column 1 of the Schedule may be used, subject to the following provisions of this Order, as parking places for such classes of vehicles, in such positions on such days and during such hours, and on payment of such charges or displaying a permit as are specified in relation to that area in the Schedule.

3.2 The driver/owner of a vehicle shall not wait or park on any yellow line or hatched area or cause an obstruction or permit it to wait in a parking place other than in a parking bay and for this purpose, except with the permission of the Council and Civil Enforcement Officer/Parking Attendant, every part of the vehicle must be within the limits of the parking bay and not more than one vehicle shall occupy any one such parking bay.

3.3 The driver/owner of a vehicle shall not permit it to wait in a parking place or part thereof that has been reserved by means of a sign or surface marking specifically for use by disabled persons, parent and child or motorcycles unless:

Use of a disabled bay

- a) the vehicle is displaying a disabled person's badge and the disabled persons clock is set at the time of arrival; and
- b) the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking bay and that person (whether the driver or a passenger) is the person to whom the badge was issued.

Use of motor cycle bay

- c) the vehicle is a solo motorcycle

3.4 When a vehicle has left a parking bay after waiting therein the driver thereof shall not within the time specified in the Schedule after its leaving permit it to wait again in that parking place as specified in the Schedule.

3.5 Insofar as a vehicle is left in a parking place during the charging hours the owner/driver thereof shall pay such charge or charges as are specified in the following provisions of this Order or

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3.6 Shall display in the relevant position at all times while the vehicle is parked in a parking bay a permit that is in force in respect of that vehicle.

3.7 No vehicle (whether an authorised vehicle or not) other than a disabled persons vehicle or an invalid carriage shall be parked or otherwise left unattended for any period or for any reason in any parking bay or any other part of a parking place which is marked or otherwise indicated by the Council as being reserved for disabled persons vehicles and invalid carriages.

4. Maximum period of waiting

4.1 Subject to Articles 5.7 and 27 the owner/driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for that parking place and shown in Column 5 of the Schedule.

5. Payment of Charges

5.1 Subject to Articles 6.1 and 27 the owner/driver of a vehicle using any part of a parking place shall:-

5.1.1 if there is a ticket machine in that parking place, on leaving the authorised vehicle in a parking bay proceed immediately on foot to such machine and pay the appropriate charge for that parking place in accordance with the Scale of Charges specified in Column 3 of the Schedule and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provisions of this Article, or

5.1.2 if there is no ticket machine in that parking place, on leaving the authorised vehicle in a parking bay, proceed immediately on foot to such ticket machine as may be specified by a notice displayed in that parking place, and pay the appropriate charge for that parking place in accordance with the Scale of Charges specified in Column 3 of the Schedule and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provision of this Article, or

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5.1.3 in any other case, shall pay to the Council on demand in writing from a person authorised by the Council the appropriate charge in accordance with the Scale of Charges specified in Column 3 of the Schedule

provided that no additional charge shall be payable by the owner/driver of a vehicle left in a parking place who displays in accordance with paragraph 5.8 of this Article a valid season parking permit or permit issued in respect of that vehicle in accordance with the provision of paragraph 5.7 of this Article.

5.2 Where in any parking place referred to in the Schedule in which there is a ticket machine no charge has been paid in accordance with the scale of charges specified in the Schedule in respect of a vehicle, a Penalty Charge as specified in the Schedule shall become due in respect of each period for which a parking ticket is required and a notice shall be attached to the vehicle in a conspicuous position which shall include the particulars referred to in 5.3 below;

5.3 Where in any parking place referred to in the Schedule a vehicle is parked without displaying a valid season parking permit or permit in accordance with paragraph 5.8 of this Article a Penalty Charge as specified in the Schedule shall become due in respect of the parking of that vehicle for each charging period the said vehicle remains so parked and a Penalty Charge Notice shall be attached to the vehicle in a conspicuous position which shall comply with the provision of Section 43 and Schedule 3 to the Act of 1991 and all orders and guidance issued thereunder

5.4 Where there is a ticket machine in a parking place the charges referred to in this article shall be payable by the insertion of an appropriate coin or coins or banknotes into the apparatus or device provided for which a parking ticket showing the amount so paid shall be issued and which said ticket shall constitute evidence of payment for the purpose of Article 10 herein and no coins or banknotes other than coins or banknotes of the realm shall be inserted in the said apparatus or device

5.5 For the purpose of this Order a parking ticket is a ticket purchased either from a person authorised by the Council as herein mentioned or from a ticket machine at a parking place or at such place as may be prescribed in this Article for one or more parking

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periods where applicable at the charge or charges specified in relation to that parking place in Column 3 of the Schedule

5.6 A parking ticket shall be valid for a parking place if and only so long as the following conditions are satisfied

5.6.1 A parking ticket is exhibited on the vehicle:

5.6.1.1 in the case of a vehicle which is fitted with a transparent windscreen by either sticking the parking ticket to the inside surface of the windscreen or by displaying the parking ticket on the dashboard of the vehicle so that it is facing forwards and can be easily seen through the windscreen at the front of the vehicle;

5.6.1.2 in the case of a vehicle which is not fitted with a transparent windscreen by affixing one half of the parking ticket (torn vertically) on the front of the vehicle so that it is facing forwards and can be easily seen from the front of the vehicle, the other half of the parking ticket to be retained by the owner/driver and produced on demand;

5.6.1.3 so that time shown on the front of the ticket is clearly visible to a person standing at the front or near side of the vehicle.

5.6.2 the period applicable to the parking ticket, calculated from the date and time of purchase indicated on the parking ticket, has not expired;

5.6.3 the parking ticket, which is transferable to other Parking Places as specified in column 1 of the Schedule annexed, is used for the parking of one vehicle only (being the original vehicle for which it was purchased) and is displayed at all times that the ticket is valid.

and in the event that any or all of the said conditions are not satisfied, it shall be deemed that no charge has been paid in accordance with the schedule of charges specified in the Schedule and a Penalty Charge as specified in the Schedule shall become due in respect

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of the parking of that vehicle in a conspicuous position which shall comply with the provision referred to in 5.3 herein

5.7 The owner/driver of a vehicle may on application to the Council and the Council may at its discretion issue subject to such conditions as it may deem appropriate a parking permit in respect of the parking of that vehicle in such a parking place as may be specified in the Schedule as being available for permit holders for a charge ascertained by reference to column 3 of the Schedule and that parking permit shall, subject to the provisions of this Article be valid only during the period for which it is issued.

5.8 The owner/driver of a vehicle using a parking place in accordance with paragraph 5.7 of this Article shall exhibit in a conspicuous position on the vehicle the parking permit valid for use in that parking place, such permit to be affixed to the said vehicle in accordance with the provision of paragraph 5.6 of this Article.

6. Liability to and amount of Penalty Charge

6.1 If there is a ticket machine in that parking place and the charge which has been paid is not in accordance with the Scale of Charges specified in the schedule in respect of a vehicle then a Penalty Charge as specified in the Schedule shall become due in respect of each period for which a parking ticket is required and a notice shall be attached to the vehicle in a conspicuous position which shall comply with the provision referred to in Article 5.3.

6.2 If a Penalty Charge has become due under Articles 5.3, 5.6 and 6.1 above and if the Penalty Charge is paid within 14 days of its issue date, the sum payable shall be reduced.

7 Value Added Tax

7.1 The charges referred to in this order wherever they may occur shall unless otherwise stated be deemed to include Value Added Tax where appropriate.

8 Payment of Penalty Charge

8.1 The owner/driver of a vehicle in respect of which the Penalty Charge has been incurred shall pay the said charge as directed by instructions on the Penalty Charge Notice.

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9 Maximum Period for which a vehicle may be left after Penalty Charge incurred

9.1 The period for which a vehicle may be left in a parking place after the Penalty Charge has been incurred shall not exceed the maximum hours of permitted parking referred to in column 5 of the Schedule and the owner/driver of the vehicle shall not leave it in a parking place for longer than the said period.

9.2 If a vehicle is left in a parking place for more than the said maximum period of parking after the Penalty Charge has been incurred a Civil Enforcement Officer/Parking Attendant may attach to the said vehicle in a conspicuous position a new Penalty Charge Notice which shall be issued in respect of and relate to the next and/or each of any subsequent charging period or periods.

10 Restrictions on Removal of Tickets and Penalty Charge Notices

10.1 When the ticket or parking permit has been displayed on an authorised vehicle in accordance with Article 5 hereof no person shall remove the ticket or parking permit from the authorised vehicle until the authorised vehicle is removed from the parking place.

10.2 Where a Penalty Charge Notice has been attached to an authorised vehicle in accordance with the provisions of Article 6 hereof no person not being the owner/driver of the authorised vehicle or person duly authorised by the Council shall remove the Penalty Charge Notice from the vehicle unless authorised to do so by the owner/driver and in any event the said notice shall not be removed from the authorised vehicle until immediately prior to the authorised vehicle is removed from the parking place.

11 Indications by ticket machines and tickets as evidence

11.1 If at any time while an authorised vehicle is left in a parking place no ticket is displayed on that authorised vehicle indicating the payment of the appropriate charge in accordance with Article 5 hereof it shall be presumed unless the contrary is proved that the charge specified in that Article has been duly paid for the authorised vehicle and that the period for which payment was made by the charge has already expired.

11.2 If at any time while an authorised vehicle is left in a parking place there is displayed on the authorised vehicle a ticket issued by a ticket machine indicating the day and the time of issue of the ticket and the time indicated on the ticket machine clock shows that the period for which the ticket is valid has expired it shall be presumed unless the contrary is

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proved that the charge specified in Article 5 hereof has been duly paid for the authorised vehicle and that the period for which the payment was made by the charge has already expired.

11.3 If at any time while an authorised vehicle is left in a parking place there is displayed on the authorised vehicle a ticket indicating the day and the time of issue of the ticket and the time indicated on the ticket machine clock is more than twenty four hours later than the time on the ticket those indications shall –

11.3.1 in any procedures or proceedings for enforcement of failure to pay a Penalty Charge in contravention or non compliance with paragraph 1 of Article 8 hereof be evidence that the vehicle was left in the parking place for longer after the Penalty Charge had been incurred than the time authorised by that paragraph;

11.3.2 in any enforcement procedures or proceedings for failing duly to pay the Penalty Charge be evidence that the charge was incurred.

12 Use of vehicle engines

12.1 The owner/driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking place, and shall not start the engine except when about to depart from that parking place.

13 Prohibition of sales etc

13.1 No person shall use a vehicle while it is in a parking place in connection with the sale or hire of any article to persons in or near that parking place or in connection with the selling or offering for hire of his skill or services.

13.2 No person shall in a parking place sell or hire any article to persons or sell or offer for hire his skill or services or that of any other person or do any other thing other than as authorised by this Order otherwise than in accordance with a written consent of the Council expressed to be given in accordance with this paragraph of this Article.

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14 Removal and disposal of vehicle

14.1 Removal of vehicle

Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions 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 the parking place in contravention of the provision of Article 3 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. The owner/driver of the vehicle shall be liable to pay to the Council such reasonable charges that the Council has incurred in altering the position of the vehicle in order that its position shall comply with the said provision set out in Article 3.

14.2 Manner of removal of vehicles from parking places

Any person removing or altering the position of a vehicle by virtue of this Article may do so by towing or driving the vehicle or in such other 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.

14.3 Safe custody of vehicles removed from parking places

When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of this Article hereof he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle but neither he nor the Council shall be liable for any damage which a vehicle may sustain in the course of such removal or retention in custody.

14.4 Disposal of vehicle removed from parking places

14.4.1 After a vehicle has been removed from a parking place in accordance with the foregoing provision of this Order the Council may dispose of the said vehicle in accordance with the provisions of Sections 101 and 102 of the Act of 1984

14.4.2 Where any sum may be payable to the owner of a vehicle pursuant to Section 101(5) of the Act of 1984 and that sum of money is not claimed within the period of one year as therein provided the said sum shall be paid into the general fund of the Council;

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15. Service of notices

15.1 Where under the foregoing provisions of this Article a notice is required to be or may be sent to a person, it is deemed adequate under Part 6 of the Traffic Management Act 2004 that the despatching of such a notice by first class post shall be sufficient.

16 Vehicle to be licensed

16.1 The owner/driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 or any statutory re-enactment thereof and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the provisions of the Road Traffic Acts.

17 Sounding of Horn

17.1 The owner/driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to depart from that parking place.

18 Driving of vehicle in parking place

18.1 No person shall, 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 provisions of this Order or for the purpose of departing from that parking place.

19 Making Noise

19.1 No person shall, in a parking place, operate any loud speaker whether it be fitted in or fixed or connected to an authorised vehicle or not, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of that parking place or residents or premises in the neighbourhood thereof.

20 Breach of Peace

20.1 No person shall, in a 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 of the peace is likely to be occasioned or conduct himself in such a manner as to offend public decency.

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- 21** No person shall use any part of a parking place or any vehicle left in a parking place –
- 21.1 For sleeping or camping purposes, without the written consent of the Council;
- 21.2 For eating, cooking or sanitary purposes;
- 21.3 For the purpose of servicing, maintenance or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from that parking place; or
- 21.4 For playing or participating in any sport or recreation.
- 22** In a parking place no person shall –
- 22.1 Erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
- 22.2 Install tables, chairs, benches or other similar items without the written consent of the Council.
- 22.3 Light or cause or permit to be lit any fire; or
- 22.4 Affix or attach posters, bills or any advertising material whatsoever to either the walls or structure of that parking place or to any vehicle parked in that parking place.
- 23** Failure to comply with any provision of this Order will render the person liable to enforcement pursuant to the guidance issued under Part 6 of the Traffic Management Act 2004.
- 24 Removal in Emergency**
- 24.1 A Civil Enforcement Officer/Parking Attendant or any other person duly authorised by the Council may move or cause to be moved, in the case of an emergency, to any suitable place any such vehicle.
- 25** The owner/driver of a vehicle using a parking place shall upon being requested to do so by a Civil Enforcement Officer/Parking Attendant either show to him the parking ticket or other receipt issued to him in respect of the parking of the vehicle at that parking place for

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the current period or pay the charge specified in the Scale of Charges, Column 3 of the Schedule hereto.

26 Charging Period

26.1 The charges specified in Column 3 of the Schedule shall apply in respect of each arrival of a vehicle at a parking place and if the vehicle remains in that parking place longer than the period for which a charge has been paid, the said charges shall apply as if there had been an arrival of the vehicle at that parking place at the commencement of each subsequent charging period of day or night.

26.2 Nothing in this Order shall prevent or otherwise restrict the power of the Council to suspend to the public the whole or any part of any charges either (as the Council shall determine) temporarily or permanently.

27 Closure of Parking Places

27.1 Nothing in this Order shall prevent or otherwise restrict the power of the Council to close to the public the whole or any part of any parking place either (as the Council shall determine) temporarily or permanently.

27.2 An owner/driver shall not use a parking place when that parking place or any part thereof has been closed by the Council in accordance with this Article.

28 Speed limit in Parking Place

28.1 No person shall in any parking place drive or cause or permit to be driven any authorised vehicle at a speed that exceeds ten miles per hour.

29 Where in a parking place signs are erected or surface markings are laid for the purpose of:

29.1 Indicating the entrance to or exit from; or

29.2 Indicating that a vehicle using that parking place shall proceed in a specified direction within that parking place.

29.3 No person shall drive or permit to be driven any vehicle:

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29.3.1 So that it enters that parking place otherwise than by an entrance so indicated or leaves that parking place otherwise than by an exit so indicated or

29.3.2 In a direction other than so specified.

30 Revocation

The North Dorset District (Off-Street Parking Places) Order 2008 (as varied) is hereby revoked.

Dated this day of 2010

THE COMMON SEAL of
NORTH DORSET DISTRICT COUNCIL

In the presence of:-

.....
DESIGNATED OFFICER FOR AND ON BEHALF OF
NORTH DORSET DISTRICT COUNCIL