

**THE CAMELFORD TOWN COUNCIL**  
**(OFF-STREET PARKING PLACES) ORDER 2011**

The Camelford Town Council (hereinafter referred to as "the Council") in exercise of their powers under Sections 35, 57 and 59 of [ , and Part IV of Schedule 9 to,] 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, and with the consent of the Cornwall Council given under Section 59 of the Act of 1984, hereby make the following Order:-

1. [(1)] This Order shall come into force on the First day of September 2011 and may be cited as "The Camelford Town Council (Off-Street Parking Place/Places) Order 2011.

[(2) All/any previous Camelford Town Council (Off-Street Parking Place/Places) Orders are hereby revoked.

2. In this Order:

(a) any reference to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated or re-enacted by, or as having effect by virtue of, any subsequent enactment;

(b) "the Act of 84" means the Road Traffic Regulation Act 1984

(c) "Invalid Carriage" has the same meaning as in section 20 of the Chronically Sick and Disabled Persons Act 1970

(d) "enactment" means any enactment whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

(e) "motor car" has the same meaning as in section 136 of the Act of 1984

(f) "motor cycle" has the same meaning as in sections 136 and 137 of the Act of 1984

(g) "parking place" means any area of land specified by name in column 1 of the Schedule to this Order provided by the Council under Section 57 of the Act of 1984 for use as a parking place;

(h) "parking bay" means a space in a parking place which is provided for the leaving of a vehicle;

(i) "vehicle" includes motor car or van;

(j) "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;

(k) "parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place;

(l) "disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982;

(m) "relevant position" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions from Disabled Persons) (England and Wales) Regulations 1986; and

(n) "owner" has the same meaning as in Section 111 of the Act of 1984.

(o) "permitted vehicles" means those vehicles indicated in the schedule.

3. Each area of land specified by name in column 1 of the Schedule to this Order may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicle, in such positions, on such days, during such hours as are specified in relation to that area in the said Schedule.

4. Where in the Schedule to this Order a parking place is described as being available for vehicles of a specified class or permitted vehicles or in a specified position, the driver of a vehicle shall not permit it to wait in that parking place -

(a) unless it is permitted or of a class so specified; or

(b) in a position other than that specified.

5. The driver of a vehicle shall not permit it to wait in a parking place -

- (i) for longer than the maximum period permitted for waiting specified in relation to that parking place in the Schedule to this Order; or
- (ii) if a period of less than 1 hour has elapsed since the termination of the last period of waiting (if any) of the vehicle in that parking place (ie No return within one hour of leaving)
- (iii) nothing in (i) or (ii) above shall apply to any vehicle displaying a disabled person's badge in the relevant position

6. (1) Where any vehicle is left in a parking place for an additional period following the initial period an excess charge of twenty five pounds (inclusive of V.A.T.) shall be payable for the said additional period during which the vehicle is so left.

(2) In the case of a vehicle in respect of which the said excess charge has been incurred, a parking attendant shall 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 used under a trade licence, the number of the trade plate carried by the vehicle;
- (b) the date and time at which it was noticed that the said excess charge had been incurred;
- (c) a statement that an excess charge of twenty five pounds (inclusive of V.A.T.) is required to be paid;
- (d) the manner in which, and the time within which, the said excess charge should be paid; and
- (e) a statement that it is an offence under Section 35A of the Act of 1984 for the driver of a vehicle who has left the vehicle in the parking place for any period to fail duly to pay any charge or charges incurred in respect of such period.

(3) Where a notice has been attached to a vehicle in accordance with paragraph (2) of this Article, no person, other than a parking attendant, shall remove the notice from the vehicle until the vehicle is removed from the parking place.

(4) The driver of a vehicle in respect of which the said excess charge has been incurred, or some other person on his behalf, shall pay the said excess charge to the Parking Contractor by cheque, banker's draft, money order or postal order payable to the Parking Contractor which shall be delivered or sent by post so as to reach the Parking Contractor not later than the fourteenth day following the day on which the said excess charge was incurred

7. Nothing in Article 6 shall apply to an invalid carriage parked in the designated parking bays.

8. No person shall, except with the permission of the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

9. 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,

no person shall drive or cause or 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,

as the case may be.

10. The driver of a motor 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.

11. No person shall use a parking place as a means of passage from one road to another.

12. The 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 Vehicle Excise and Registration Act 1994, 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 Part VI of the Road Traffic Act 1988.

13. The driver of a motor 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.

14. No person shall without the prior written consent of the Council 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 of his skill or services.

15. No person shall use any part of a parking place or any vehicle left in a 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.

16. 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.

17. No person shall in a parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

18. 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.

19. Where any vehicle is standing in a parking place in contravention of the provision of Article 4(b) of this Order, a parking attendant may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.

20. Where a parking attendant is of the opinion that any of the provisions contained in Articles 4, 5 or 11 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

21. Any person contravening any of the provisions of this Order is liable to be subject to a Penalty Charge indicated in the Schedule.

22. Where the driver of a vehicle is alleged to have contravened any of the provisions of this Order the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of the Council, and any other person shall if required as aforesaid give any information which it is in his power to give which may lead to the identification of the driver.

GIVEN under the Seal of the Council this

day of

2011.

## SCHEDULE

Name of Parking Place	Position in which vehicles may wait	Permitted classes of vehicles	Days of Operation of parking	Hours of operation of parking	Maximum period for which vehicles may wait	Scale of Charges
Churchfield Car Park	As directed by the attendant so authorised by the Council or wholly within a parking bay	Motor Cars Motor Cycles Invalid Carriages	All	24	23 Hours No return within 1 hour	All cars, light vans and motorcycles - Free Disabled Tax Class - Free
Market Place Camelford and Fore Street.	As directed by the attendant so authorised by the Council or wholly within a parking bay	Motor Cars Motor Cycles Invalid Carriages	All	24	1 Hour. No return within 3 hours	All cars, light vans and motorcycles – Free Disabled Tax Class - Free
<p><b>PENALTY :</b> For parking in contravention of the any of the Provisions of this Order – £25 reduced to £10 if paid within 14 days of issue</p>						

Town Clerk : Esther Greig, Town Clerk, Camelford Town Council

