WOODBURY PARISH COUNCIL
(OFF STREET PARKING PLACES) ORDER 2023

FLOWER STREET CAR PARK, WOODBURY



WOODBURY PARISH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023

Woodbury Parish Council ("the Council") in exercise of its powers under Section 35 and 35(A) of the Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and of all other enabling powers with the consent of the County Council of Devon in accordance with Section 39(3) of the 1984 Act and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:

This Order is made on the 22nd May 2023 and may be cited as the Woodbury Parish Council (Off-Street Parking Places Order) 2023.

Interpretation

1. (1.1) 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 1 to this Order.

(1.2) In this Order:-

(i) The "1984 Act" means the Road Traffic Regulation Act 1984, and any statutory re- enactment, amendment or replacement thereof;

(ii) The "2004 Act" shall mean the Traffic Management Act 2004 and any statutory re- enactment, amendment or replacement thereof;

(iii) "Civil Enforcement Officer" means a person authorised by or on behalf of the Council to supervise the Parking Places and enforce the restrictions imposed by this order;

(iv) "Council" means Woodbury Parish Council;

(v) "Disabled Persons Vehicle" means a disabled persons vehicle as defined by the Local Authority Traffic Order (Exemption for Disabled Persons)(England and Wales) Regulation 1986 which is displaying a badge (making sure it is legible from outside the vehicle) of a description prescribed by Regulation 3(1) or the Disabled Person (Badges for Motor Vehicles) Regulations or which is exempt from vehicle excise duty under clauses 18, 19 and 20 of Schedule 2 to the Vehicle Excise and Registration Act 1994 and which is displaying an exempt vehicle excise license issued for that Vehicle;

(vi) "Driver" means the person responsible for the control of the Vehicle at the time when a breach of any of the Articles occurs and 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" is the person recorded as the registered keeper.

(vii) "Motorhome" means a motor vehicle designed or adapted for human habitation; "Campervan" means a motor vehicle designed or adapted for human habitation; "Caravan" means a vehicle designed or adapted for human habitation being Towed;
"Trailer" means any sized wheeled base attached to a vehicle;

(viii) "Obstruction" means any part of the Vehicle including temporary or permanent additions such as tow hitches, bike racks etc. obstructing, impeding, blocking a (non- exhaustive list of) roads, passages, entrances, pavements, access ways;

(ix) "Parking" means leaving a Vehicle in a Parking Place for any period of time, whether the Vehicle remains occupied or not, whether the engine is disengaged or not and "park" and "parked" shall be interpreted accordingly;

(x) "Parking Bay" means any area of a Parking Place which is provided for the leaving of a Vehicle and indicated by kerbs and other markings on the surface or perimeter of the Parking Place;

(xi) "Parking Place" means any area of land specified by name in the Schedule provided by the Council under Section 32(1) of the 1984 Act for use for the Parking of Vehicles;

(xii) "Passenger Vehicle" means any vehicles whether motorised or otherwise and any class or description of vehicle within the provisions of Section 136 (2) (a) of the 1984 Act and without prejudice to the generality of the foregoing shall include;

(xiii) "Goods Vehicle" means a vehicle which is constructed or adapted for the use for carriage of goods or burden of any description, the overall height of which does not exceed 1.85m and the unladen weight of which does not exceed 2540 kg and is not drawing a trailer;

(xiv) "Light Goods Vehicle" means a motor vehicle constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1525kg;

(xv) "Heavy Goods Vehicle" means a motor vehicle constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which exceeds 1525kg;

(xvi) "Motor Cycle" refers to a solo motorcycle only and excludes any motor cycle which has a side car.

DESIGNATOIN AND USE OF LAND AND PARKING PLACES

(2.1) Each area of land specified by name in the Schedule may be used as a Parking Place for such classes of Vehicles in such positions, during such hours and such period as are specified in relation to that area and as specified in the Schedule subject to this Order and any conditions displayed on any signs within the Parking Place. Provided always that the use of the said Parking Place by the Vehicle, the driver and any passengers and belongings or goods carried by such Vehicle shall be entirely at the risk of the driver.

(2.2) No person shall except with the permission of a person authorised by the Council in that behalf drive or permit to be driven any Vehicle in a Parking Place for any purpose other than the purpose of leaving that Vehicle in the Parking Place in accordance with the provision of this Order or for the purpose of departing from the Parking Place.

(2.3) 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.

(2.4) 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

(2.5) 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, offering for hire or advertising of their skill, services or products.

(2.6) No person shall use any part of a Parking Place or any Vehicle parked in a Parking Place:

i) for sleeping

ii) for camping

iii) for cooking

iv) playing ball games

v) 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.

(2.7) The Driver of a Vehicle using a Parking Place shall not sound any horn or other similar instrument nor cause any nuisance or annoyance to other users of the Parking Place, any employees of the Council or any adjoining landowner.

(2.8) A person using the Parking Place shall not cause or suffer any animal belonging to them or in their charge to enter or remain in the Parking Place unless such animal continues to be under proper control and effectively restrained from causing annoyance to anyone. Vehicles are to be sufficiently ventilated as to cause no harm or distress to the animal, no animal is to be left in the vehicle for a long period and in the event an animal is in distress the Council or authorised person has the right to enter the car by any means to remove the animal. Any cost resulting from damage to the vehicle is entirely covered by the driver/owner of the vehicle.

(2.9) No person shall without the consent of the Council erect or cause or permit to be erected any tent, booth, stand, building or other structure on a Parking Place

(2.10) All vehicles using a Parking Place must be insured, taxed, mot'd and be road worthy.

(2.11) The Parking Place cannot be used for the storage of vehicles or for commercial use.

(2.12) No trailers, watercraft or caravans are permitted to be in the car park.

(2.13) Maximum stay: 23 hours in any 24-hour period

CLASS AND POSITION OF VEHICLE

(3.1) Unless otherwise indicated in the Schedule to this Order in relation to a specific Parking Place, no person shall cause or permit a Vehicle to park in a Parking Place unless it is;

i) Passenger Vehicle

ii) Motor Cycle

iii) Vehicle displaying in the relevant position a valid Disabled Person's Badge.

(3.2) Where within a Parking Place there is a sign or surface marking which indicates that a Parking Bay is available only for a Disabled Person's Vehicle, the driver of a Vehicle shall not permit it to wait in that Parking Bay unless it is a Disabled Person's Vehicle.

(3.3) The Driver of a Vehicle must park the Vehicle wholly within a Parking Bay and must not park a Vehicle other than within a Parking Bay and must not park a Vehicle so as to cause obstruction to other users of the Parking Place and surrounding areas, pavements or access ways.

(3.4) If at any time in or adjoining a Parking Place there is displayed a notice to the effect that a particular Parking Bay is reserved for the leaving of a particular class of Vehicle or for Vehicles being driven by authorised employees of the Council no person shall leave a Vehicle in any such Parking Bay other than a Vehicle of a class or type so specified.

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

i) indicating the entrance to or exit from the Parking Place;

ii) indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place.

(3.6) Electric vehicle parking bays, should any in the future be located in the car park then there will be a sign or surface marking which indicates that a parking bay is available only for an electric vehicle. No person shall cause or permit a vehicle to wait in that parking bay unless it is an electric vehicle which is connected to the charging point and being charged.

DESIGNATED PARKING BAYS FOR DISABLED PEOPLE

(4) Each disabled bay is for the use of those who hold and display a valid Disabled Person's Badge. No person shall cause or permit a Vehicle to park in a Parking Bay marked for a disabled person.

DESIGNATED MOTOR CYCLE / CYCLE PARKING BAYS

(5) No person shall cause or permit a Vehicle to park in a Parking Bay marked for a Motor cycle or pedal bike or cause an obstruction so the area can not be accessed.

POWER OT CLOSE OR SUSPEND PARKING ORDERS

General

OTHER PROVISIONS

(6.1) If a Vehicle is left in a Parking Place in a position other than in accordance with the provisions of this Order a person authorised by the Council in that behalf may alter or cause to be altered the position of the Vehicle so that its position is in accordance with the said provisions.

(6.2) If a Vehicle is left in a Parking Place in contravention of any of the foregoing provisions of this Order a person authorised by the Council in that behalf may remove the Vehicle from that Parking Place or arrange for such removal.

(6.3) For the purpose of meeting the requirements of an emergency a person authorised in that behalf by the Council or the emergency services 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.

(6.4) The Vehicle contravening this order will have notices placed on the car giving 15-day notice period before the vehicle is removed. This excludes abandoned cars and those that are not taxed or has an MOT, in this case only 3 clear days will be give before the vehicle is removed. The registration number will be advertised on the Parish Council Social Media platforms for the owner to contact the Parish Council.

(6.5) Any person altering, or causing the alteration of the position of a Vehicle by virtue of paragraph (1) of this Article or removing or causing the removal of a vehicle by virtue of paragraphs (2) or (3) of this Article may do so by towing or driving the Vehicle or in such other manner as they may think reasonably necessary to enable the position of the Vehicle to be altered or the Vehicle to be removed.

(6.6) When arrangements are made for the removal of a Vehicle from a Parking Place by virtue of not complying with this Order, they shall make such arrangements as may be reasonably necessary for the safe custody of the Vehicle. Neither the Council nor any person authorised on its behalf shall be liable for any damage caused or inflicted or any costs, damages, expenses or disbursements incurred by any person in respect of their property as a result of any action that may be taken in accordance with this Order.

(6.7) Any costs associated with the removal and storage of Vehicles shall be payable by the Owner prior to the vehicle being returned and within 28 days of demand.

(6.8) Disposal of Vehicles abandoned in the Parking Places may be sold or otherwise disposed of by Woodbury Parish Council or those they contract any of the proceeds of the sale will go towards the costs incurred.

EXEMPTIONS

6. The Council may at its discretion suspend the operation of this Order by notice displayed at or near the Parking Place in relation to the whole or part of any Parking Place at any time and for whatever purpose it deems fit and may also at its discretion allow plant or machinery or other Vehicles to park within the car park.

7. The Council may by notice displayed at or near the Parking Place or bays close any Parking Place or any Parking Bay or Bays either permanently or temporarily.

8. The provision of this Order shall not apply to any Vehicle which is used for emergency purposes only.

ENFORCEMENT

9. Any contravention of this Order shall be deemed to be an offence and shall be enforceable under the relevant legislation including the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and any Regulations made there under or any statutory amendment or replacement thereof.

Liability

10. Woodbury Parish Council accepts no responsibility for the loss or damage to any vehicle or belonging and those that use this car park do so at their own risk.

SCHEDULE 1

The permitted classes of vehicle are as follows:-

(i) Solo motorcycles
(ii) Motorcycle combinations
(iii) Motor cars (including Hackney Carriages and Private Hire Vehicles)
(iv) Vehicles especially adapted for use by disabled persons within height restrictions
(v) Motor vehicles not exceeding 2 Tonnes maximum gross weight
(vi) Motor vehicles exceeding 5 Tonnes maximum gross weight (Excluding Motor Homes)
(vii) Coaches (Excluding scheduled service vehicles)
(viii) Trailers and Caravans
(ix) Caravans only
(x) Motor Homes
(xi) Motor cars and trailer combinations
(xii) Electric vehicles

CAR PARKS	PERMITTED CLASS OF VEHICLE	CHARGE
Flower Street Car Park	'(i), (ii), (iii), (iv), (v), (xii)	FREE Short Stay Car Park Maximum stary 23 hours in a 24-hour period

THE COMMON SEAL OF
WOODBURY PARISH COUNCIL
was hereunto affixed in the presence of