

NORTH EAST LINCOLNSHIRE BOROUGH COUNCIL



The Borough of North East Lincolnshire (Consolidation of Orders made for On-Street Parking Places) (Grimsby) (No. 07-06) Order 2007

The Council of the Borough of North East Lincolnshire, hereinafter referred to as "**the Council**" in exercise of the powers confirmed on the Council under Sections 1, 2, 4 and 35 and Parts III and IV of Schedule 9 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 of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order



The Borough of North East Lincolnshire
(Consolidation of Orders made for
On-Street Parking Places)
(Grimsby) (No. 07-08)
Order 2007

The Council of the Borough of North East Lincolnshire, hereinafter referred to as "the Council", in exercise of the powers conferred on the Council under Sections 1, 2, 3 and 5E and Parts III and IV of the Council (Local Authorities) 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 to the Act of 1984 hereby makes the following Order

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PART I

General

1 Title

- 1.01 This Order shall come into operation on the *12th* day of *March*, 2007 and may be cited as The Borough of North East Lincolnshire (Consolidation of Orders made for On-Street Parking Places) (Grimsby) (No. 07-06) Order 2007
- 1.02 The Orders specified in Column 1 of Schedule 1.01 to this Order are hereby revoked to the extent shown in Column 2 of the said Schedule.

2 Definitions

- 2.01 In this Order all expressions, except as otherwise herein provided, shall have the meanings assigned to them by the Act of 1984 :
- (1) **"disabled person's badge"** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - (2) **"disabled person's vehicle"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (3) **"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;
 - (4) **"goods"** includes postal packets of any description, and **"delivering"** and **"collecting"** in relation to any goods includes checking the goods for the purpose of their delivery or collection;
 - (5) **"parking bay"** means a space in a parking place which is provided for the leaving of a vehicle;
 - (6) **"parking disc"** means a disc issued by a local authority, complying with the requirements of the British Standards Specification for Parking Discs (B.S. No. 6571-7:1997) coloured blue, and capable of showing the quarter hour period during which a period of waiting begins;
 - (7) **"parking place"** means any part of a road authorised by this Order to be used as a parking place;
 - (8) **"permit holder"** means a person to whom a permit has been issued under the provisions of Section 17 to this Order;
 - (9) **"permitted hours"** in relation to a parking place means the period specified in Column 6 of Schedule 14.01 to this Order relating to that parking place;
 - (10) **"protective cover"** means a protective cover issued by the Council under the provisions of Article 17.04(2) to this Order;
 - (11) **"telecommunications apparatus"** has the same meaning as defined in the Telecommunications Act 1984.

2.02 For the purposes of this Order a vehicle shall be regarded as displaying :-

- (1) a disabled person's badge in the "**relevant position**" when :-
 - (a) 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;
 - (b) 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;
- (2) a parking disc in the "**relevant position**" when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest the kerb.

PART II

Authorisation and Use of Parking Places

PART II
A. Authorization and Use of Parking Places

3 Authorisation

- 3.01 (1) Each of the parts of road specified in Column 1 of Schedule 3.01 to this Order is authorised to 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 are specified in relation to that part of the road in the said Schedule.
- (2) Nothing in paragraph (1) of this Article shall restrict the power of the Council for preventing obstruction of the streets, by order on occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any parking place.

4 Use of Parking Place

- 4.01 Nothing in Article 3.01 of this Order shall apply so as to restrict any vehicle from waiting, for so long as may be necessary, while the vehicle is in actual use in connection with the collection or delivery of goods.
- 4.02 Where in Schedule 3.01 to this Order a 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 :
- (1) unless it is of the specified class; or
- (2) in a position other than that specified.
- 4.03 A driver of a vehicle shall not use a parking place :
- (1) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance;
- (2) when for preventing obstruction of the streets, the Council shall by order made on the occasion of any public procession, rejoicing or illumination or whether the streets are thronged or liable to be obstructed have closed that parking place and exhibited notice of such closing on or near the parking place.
- 4.04 (1) The driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting, if any, specified in Schedule 3.01 to this Order in relation to that parking place.
- (2) When a vehicle has left a parking place after waiting thereon, the driver thereof shall not within the time, if any, specified in Column 7 of Schedule 3.01 to this Order, after its leaving permit it to wait again upon that parking place.
- 4.05 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.
- 4.06 No person shall use a vehicle, while 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 his skills or services.

5 Exemption from Limitations

5.01 Except where the class of vehicle permitted to use a parking place specified in Column 4 of Schedule 3.01 to this Order is exclusively defined as a “disabled person's vehicle displaying in the relevant position a disabled person's badge” or “any vehicle using the area solely for the loading or unloading of goods”, the following vehicles left during the permitted hours specified under Article 4.04 to this Order shall be exempt from any limitation on time specified in that Article

- (1) a disabled person's vehicle displaying in the relevant position a disabled person's badge;
- (2) a vehicle which displays in accordance with the provisions of Article 10.01 to this Order a valid permit which authorises the leaving of that vehicle in that place.

5.02 Nothing in Article 3.01 to this Order shall render it unlawful to cause or permit any vehicle to wait in the roads or in any length or sides of road referred to in that Article as the case may be for so long as may be necessary to enable the vehicle :

- (1) if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely :
 - (a) building operation or demolition purposes;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of the said lengths of road or sides of road;
 - (d) the laying, erection, alteration or repair in, or in land adjoining to the said lengths of road or sides of road or any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus;
- (2) if it cannot be conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
- (3) to wait at or near to any premises situated on or adjacent to the said length of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
- (4) to be used for fire brigade, ambulance or police purposes.

6 **Removal of Vehicle**

- 6.01 Subject to the proviso hereto, when a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 4.01, 4.02 and 4.03 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 provision of Article 4.02 (2) 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.*

- 6.02 Any person removing a vehicle or altering its position by virtue of Article 6.01 to this Order 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.

- 6.03 When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 6.01 of this Order, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

PART III

Issue and Display of Permits

The following Articles (7 to 10 inclusive) relate only to the
Commuter Control Parking Zone schemes operating in the town of
Grimsby

PART III

Issue and Display of Permits

The following Article (7) is to be added to the
City of Chicago Code, Chapter 4-10, Article 1, Section 1-1, as follows:

7 Issue of Permit

- 7.01 Any person whose usual residence is specified in Column 1 of Schedule 4.01 to this Order may apply to the Council for the issue of a permit, for parking within the street specified opposite in Column 2 of the said Schedule, in respect of the residence, the address of which shall be specified in the application and any such application shall be made on a form issued by and obtainable from the Council and shall include the particular information and authentication required by such form to be supplied.
- 7.02 The Council shall not issue a permit under Article 7.01 of this Order to a household :
- (1) if in issuing the said permit the maximum number of permits issued to that household exceeds the number specified for that address as specified in Schedule 4.02 to this Order;
 - (2) unless the appropriate payment for the issue of the permit as specified in Schedule 4.03 to this Order is made by the applicant.
- 7.03 The Council may at any time require the applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they reasonably call for to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably call for to verify that the permit is valid.
- 7.04 Upon receipt of an application duly made under Articles 7.01, 7.02 and 7.03 of this Order, the Council may issue to the applicant :
- (1) a permit for the leaving during the permitted hours in the parking place specified thereon a vehicle;
 - (2) a protective cover for the display therein of the permit.

8 Surrender of Permit

- 8.01 A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any of the events set out in Article 8.03 of this Order in accordance with the provisions of Article 8.05 of this Order.
- 8.02 The Council may by notice in writing serve on the permit holder by sending the same by recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in Article 8.03(1), 8.03(2) or 8.03(3) of this Order has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
- 8.03 The events referred to in Article 8.01 and 8.02 of this Order are :-
- (1) the applicant ceases to be a resident of the address referred to in Article 7.01 to this Order;
 - (2) the withdrawal of such permit by the Council under Article 8.02 of this Order;
 - (3) the revocation of the designation of the parking place in respect of which the permit was issued;

(4) the issue of a revised permit or a duplicate permit by the Council under the provisions of Article 9.01 of this Order;

(5) the permit ceasing to be valid pursuant to the provisions of Article 8.04 of this Order.

8.04 Without prejudice to Article 8.01, 8.02 and 8.03 of this Order a permit shall cease to be valid at the expiration of the period specified thereon (which period shall not exceed a period of 1 year) or on the occurrence of any one of the events set out in Article 8.03 of this Order whichever is the earlier.

8.05 Nothing in Articles 8.01, 8.02, 8.03 and 8.04 of this Order shall effect the validity of or require the surrender of or enable the Council to withdraw the permit or not renew it if the permit holder has duly applied to the Council for the permit to be amended pursuant to Article 8.06 or Article 8.07 of this Order.

8.06 If a permit is mutilated or accidentally defaced or the figures or particulars thereon have been made illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon receipt of the permit, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

8.07 If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

8.08 The provision of this Order shall apply to a revised permit or duplicate permit and an application therefor as if it were a permit or as the case may be.

9 Details of Permit

9.01 A permit shall be in writing and shall include the following particulars :

- (1) the period during which, subject to the provisions of Article 8.04 of this Order, the permit shall remain valid;
- (2) the distinguishing letter and location of the parking place to which the permit relates;
- (3) an indication that the permit has been issued by the Council;
- (4) the hours during which the vehicle in respect of which the permit has been issued may be left in a parking place.

10 **Display of Permit**

- 10.01 At all times during which a vehicle is left in a road referred to in Schedule 14.01 of this Order in accordance with Article 8.04 of this Order during the permitted hours the driver thereof shall cause to be displayed in a protective cover on the front or near side of the vehicle a valid permit issued in respect of that vehicle and relating to that parking place so that all the particulars referred to in Article 9.01 of this Order are readily visible from the front or near side of the vehicle.
- 10.02 Where a permit has been displayed on a vehicle in accordance with the provisions of this Order, no person, not being the driver of the vehicle, shall remove the permit from the vehicle unless requested to do so by the driver of the vehicle.

PART IV

Miscellaneous

PART IV
MISCELLANEOUS

11 **Miscellaneous**

11.01 **Non Derogation of Restrictions or Requirements**

The restrictions imposed by this Order shall be in addition and not in derogation of the provisions of any regulations made or having effect as if made under the Act of 1984 or under any other enactment.

11.02 **Interpretation Act**

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

11	<u>Effectiveness</u>
(1.01)	Non-Compliance of Restrictions on Requirements
	The provisions of the Act shall be in addition and not in derogation of the provisions of any regulation made by the Minister or any other authority.
(1.02)	Interpretation Act
	The Interpretation Act 1978 shall apply for the interpretation of the Order as it applies for the interpretation of an Act of Parliament.