

## NORTH LANARKSHIRE COUNCIL

### PROPOSED OFF-STREET PARKING ORDER \*\*\*\*

North Lanarkshire Council, in exercise of the powers under Sections 32, 35(1) and (3), 3(A), 35A, 35B and part IV of Schedule 9 of The Road Traffic Regulation Act 1984, as amended, and of the Road Traffic Act 1991, and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to The Road Traffic Regulation Act 1984, hereby makes the following Order:-

1. This Order shall be cited as "The North Lanarkshire Council (Off-Street Parking) Order \*\*\*\*", and shall come into operation on \*, the \*\*\* day of \*\*\*, \*\*\*\*.

#### Definitions

2. The following expressions have the meanings hereby assigned to them except where the context otherwise requires:-

“1984 Act” refers to The Road Traffic Regulation Act 1984, as amended;

“1991 Act” refers to the Road Traffic Act 1991;

“bus” or “buses” means a motor vehicle constructed or adapted to carry more than eight passengers exclusive of the driver;

“Council” means North Lanarkshire Council or its successor and includes any authorised person or agent to exercise all or any functions of the Council under this Order;

“disabled person” means the disabled driver of or a disabled passenger in a vehicle, being such a disabled person as is described in Regulation 4 of the Disabled Persons (Badges for Motor Vehicles)(Scotland) Regulations 2000, as amended, in respect of whom any Council have issued a disabled person’s badge;

“disabled persons’ badge” has the same meaning as in Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

“disabled person’s vehicle” means a vehicle lawfully displaying a Disabled Person’s Badge;

“dispensation certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances;

“driver” means the person driving the vehicle at the time it was left in the parking place;

“electric vehicle” means a plug-in electric vehicle or plug-in hybrid vehicle;

“electric vehicle charging bay” means a parking bay which has been marked and signed for the exclusive use of an electric vehicle whilst that vehicle is being charged by means of an electric vehicle charging point;

“electric vehicle charging point” means a purpose built unit designed specifically for charging electric vehicles;

“emergency service vehicles” means a vehicle being used by the Police, Fire Service or Ambulance services;

“expiry date” means the date after which a parking permit is no longer valid;

“goods” include postal packets of any description; and delivering and collecting in relation to any goods include checking the goods for the purpose of their delivery or collection;

heavy goods vehicle” means a motor vehicle, primarily constructed or adapted for use for the carriage of goods or burden of any description, weighing not less than 3.5 tonnes;

“light goods vehicle” means a motor vehicle, primarily constructed, or adapted, for use for the carriage of goods or burden of any description, weighing not more than 3.5 tonnes;

“motor cycle” has the same meaning as that in Section 136 of the 1984 Act;

“motor cycle parking bay” means a part of a parking place authorised for use as a parking bay for bicycles propelled by mechanical power and not having a sidecar attached thereto;

“motorhome” is a motorised vehicle classed as a motorhome by the Driver Vehicle Licensing Agency, which can only be parked in bays provided for their use;

“Order” means the North Lanarkshire Council (Off-Street Parking) Order including the Schedules attached thereto;

“owner” means the person who is recorded as the registered keeper with the Driver and Vehicle Licensing Agency; on the date on which the vehicle was parked in the parking place in question;

“park” and “parked” refer to the stopping of a vehicle and it remaining at rest, whether or not the driver is still in the vehicle, and a vehicle shall be deemed to be parked for any period in the same parking place or parking bay if any part of it is below the vehicle or the vehicles load whether or not the vehicle moved during that period;

“parking bay” means an area of a parking place which is provided for the leaving of a vehicle of a class specified and indicated by signs or road markings;

“parking place” means the areas of land respectively shown on the drawings annexed hereto for the purpose of parking of vehicles and not closed (in part or whole) by a notice erected thereon by authority of the Council;

“passenger vehicle” means a motor vehicle other than a motor cycle, constructed, or adapted, solely for the carriage of not more than eight passengers, exclusive of the driver;

“penalty charge” means the charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the 1991 Act, or any such legislation so enabling;

“penalty charge notice” means a notice issued or served by a person authorised by the Council pursuant to the provisions of Section 43 and Section 66 of the 1991 Act;

“permit” means any permit being a resident, business, carer, or any other permit issued by the Council under the provisions of this Order;

“permit holder” means a person to whom a permit has been issued under the provisions of this Order;

“plug-in electric vehicle” means a vehicle which utilises rechargeable batteries, or another energy storage device that can be restored to full charge by connecting a plug to an external power source;

“plug-in hybrid electric vehicle” means an electric drive vehicle using one or more electric motors for propulsion which may also contain a combustion engine either for exclusive use or supplying energy to recharge the power source and / or supplying motive power;

“prescribed hours” means the hours specified in the Schedules to this Order;

“relevant position” means, in respect of a parking permit, pay and display ticket, season ticket, or disabled person’s badge, that these are exhibited in a conspicuous position so that all the particulars are clearly visible from outside the vehicle;

“season ticket” means a season ticket issued by the Council, or any other person authorised by the Council to do so, to a person under the provisions of this Order;

“traffic sign” means a sign of any size, colour and type prescribed by, or authorised under, or having the effect, as if prescribed by or authorised under the Traffic Signs Regulations and General Directions 2016;

“trailer” means a non-motorised carrier designed to be pulled by a vehicle and includes a caravan, or boat;

“virtual” refers to a permit or season ticket issued electronically;

Insofar as this Order may not provide explicit definition of any term, that term shall be interpreted in accordance with any definition of it in the Act, or otherwise, according to common usage.

### **Designation**

3. Each area of land as shown on the Schedules attached hereto may be used, subject to the provisions of this Order, as a place to park vehicles of such classes, in such positions, on such days, during such hours and as specified in the Schedules to this Order (as varied from time to time).

### **Class and Position of Vehicles**

4. Where by position at a parking place, and in terms of this Order a parking place, or any parking bay within the parking place, is described as available for vehicles of specified class, or vehicles to be parked within a specified location, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place; i) unless it is of the specified class, ii) beyond the parking bay markings, iii) in a position other than that specified, or iv) for a purpose other than provided for in this Order.

### **Classes of Vehicles**

5. No person shall cause or permit a vehicle to be parked in a parking bay unless it is a passenger vehicle, a light goods vehicle, a vehicle displaying a valid disabled person’s badge in a relevant position, a motor cycle or a class specifically prescribed in the Schedules to this Order, or as advertised at the parking place.

### **Disabled Persons Parking Bays**

6. No person shall cause or permit a vehicle to be parked in a parking bay marked or signed for disabled persons unless the vehicle displays a valid disabled person’s badge in the relevant position and immediately before, or after, the act of parking the parking the vehicle has been or is about to be used by the person(s) in respect of whom the disabled person’s badge has been issued.

### **Permit Parking Bays**

7. No person shall cause or permit a vehicle to park in a parking bay marked or signed for season ticket or permit holders unless the vehicle is displaying a, or holds a, virtual, season ticket, or permit valid for the that time, that parking place, or that parking bay.

### **Electric Vehicle Parking Bay**

8. No person shall cause or permit a vehicle to be parked in an area marked or signed as an electric vehicle parking bay unless the vehicle is an electric vehicle. At all times whilst an electric vehicle is parked in an electric vehicle parking bay, the driver shall cause the vehicle to be connected via a recharging lead to the charging post installed in respect of the parking bay.

### **Motor Cycle Parking Bays**

9. No person shall cause or permit a vehicle to be parked in an area marked or signed for motor cycles unless the vehicle is a motor cycle.

### **Hours of Operation and Maximum Periods of Stay**

10. Where in the Schedules to this Order, and as advertised at the parking place or any parking bay within the parking place is being described as being in operation on specific days, during specified hours or for a maximum period of stay, no person shall cause or permit a vehicle to be parked in that parking place or in any parking bay within the parking place on any day, during such hours or for any period longer those specified.

### **Period of No return**

11. Where in the Schedules to this Order, a parking place is described as having a period within which a vehicle may not return, no person shall cause or permit a vehicle to be parked again in that parking place on any day, during such hours within which the vehicle is excluded from waiting in the parking place.

### **Power to Close or Suspend Parking Places**

12. Nothing in this Order shall prevent the Council by notice, sign, or barrier displayed or erected in a parking place i) from closing a parking place or any part thereof for any period; and / or ii) from setting aside a parking place or any parts thereof on all days or on certain days, or during certain parts of days, for use only by particular vehicles or organisations.
13. Any person closing or suspending the use of a parking place or any part thereof shall thereupon place or cause to be placed in, or adjacent to that parking place or that part thereof, a notice or traffic sign indicating that that parking place, or that part thereof, is closed or the use is suspended and that parking by vehicles, or specified classes, is prohibited.
14. No person shall cause or permit a vehicle to be parked in a parking place, or any part thereof, during such periods that the parking place, or part thereof, is closed, or the use is suspended or during such period as there is a notice or traffic sign indicating the closure or suspension placed by, or on behalf of, the Council.

### **Sale of Goods**

15. No person shall in a parking place without the express permission of the Council, use a vehicle in connection with the sale of any article, including the vehicle itself, to any person in connection with the selling, or offering for hire, of services.

### **Parked with Engine Running**

16. No person shall in a parking place continue to run the engine when the vehicle is in the parking bay and shall not start the engine except when about to depart the parking place.

### **Parked Causing an Obstruction**

17. No person shall in a parking place park the vehicle in such a manner or place where it causes an obstruction to any other users of the parking place.

#### **Season Tickets / Parking Permits**

18. Season tickets or parking permits may be made available by the Council at the appropriate fee, for a vehicle of a specific class and for a specific parking place subject to conditions determined by the Council.
19. If introduced, a season ticket or parking permit is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the date of expiry applicable to the season ticket or parking permit.
20. The driver shall abide by the terms stipulated by the Council for the use of the season tickets or parking permits.

#### **Display of Season Tickets / Parking Permits**

21. If not issued with a virtual permit or season ticket, then the permit or season ticket shall be displayed in the relevant position on the vehicle on which it was issued at all times during which the vehicle is parked in the parking place.

#### **Restriction on removal**

22. When a season ticket or parking permit or pay and display ticket has been exhibited on a vehicle in the relevant position no person shall remove the season ticket or parking permit from the vehicle until the vehicle is removed from the parking place.

#### **Emergencies**

23. A person authorised by the Council, or a police officer in uniform, may, using such measures as appropriate, move or cause to be moved in the case of an emergency to any place they see fit, any vehicle parked in a parking place.

#### **Contraventions in Suspended Parking Places**

24. A person authorised by the Council, using such measures as appropriate, move or cause to be moved to any place they see fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

#### **Safe Keeping**

25. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

#### **Disposal of Vehicles Abandoned in Parking Places**

26. The Council may sell or otherwise dispose of, in accordance with current legislation, a vehicle which has been, or could at any time be, removed from a parking place if the vehicle appears to have been abandoned.

#### **Contraventions**

27. If a vehicle is parked in a parking place without complying with the requirements of this Order, and does not have a valid parking permit, season ticket or dispensation certificate, a contravention shall have occurred, and a penalty charge shall be payable. A penalty charge notice may then be issued and served, and / or the vehicle may be removed from the location

at the owner's expense. A penalty charge shall be payable on any contravention on each calendar day. All enforcement action shall be in terms of legislation and subsequent amendments.

### **Manner of Payment of Penalty Charge**

28. The penalty charge shall be paid in accordance with the instructions contained on the penalty charge notice.

### **Other provisions**

29. The driver of a vehicle shall not permit it to park in a parking place for longer than the maximum stay permitted for parking specified in the Schedules hereto in relation to that parking place.
30. No person shall leave an unlicensed, unroadworthy, or broken down, vehicle in a parking place.
31. No person shall leave a trailer in a parking place.
32. No person shall leave a caravan or other vehicle adapted for sleeping in a parking place.
33. No person shall, while a vehicle is in the parking place, permit the carrying out of any work of maintenance or repair thereto, except such repair as may be necessary to enable the vehicle to be removed from the parking place.

### **Liability**

34. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies, save for that arising from the negligence of the Council.

Given under the Seal of the North Lanarkshire Council and subscribed for them and on their behalf by Archie Aitken, Chief Officer (Legal and Democratic), at Motherwell on \*\*\*, the \*\*\* day of \*\*\*, Two thousand and \*\*\*.

SCHEDULE I PARKING PLACES

Car Park Ref	Location of Parking Place	Name of Parking Place	Special Classes of Vehicle Permitted	Period that Parking Controls in Operation and maximum stay
AI3	North of Hallcraig Street and west of Upper Mill Street, Airdrie	Hallcraig Street (West) Car Park	N/A	24 hours 7 days a week No maximum stay
CO14	South of Forge Drive and west of Heritage Way, Coatbridge	Summerlee (West) Car Park	N/A	24 hours 7 days a week No maximum stay
CO15	South of Forge Drive and east of Heritage Way, Coatbridge	Summerlee (East) Car Park	N/A	24 hours 7 days a week No maximum stay
KI2	South of King Street and west of Duntreath Terrace, Kilsyth	King Street (South) Car Park	N/A	24 hours 7 days a week No maximum stay
KI3	North of King Street and west of Charles Street, Kilsyth	King Street (North) Car Park	N/A	24 hours 7 days a week No maximum stay
MT4	West of Pollock Street and south of Hope Street, Motherwell.	Pollock Street (West) Car Park	N/A	24 hours 7 days a week No maximum stay
MT13	North of Hope Street and east of Muir Street, Motherwell	Motherwell Station Park and Ride Car Park (East)	N/A	24 hours 7 days a week No maximum stay
MT14	West of High Road and north of Hamilton Road, Motherwell	Motherwell Station Park and Ride Car Park (West)	N/A	24 hours 7 days a week No maximum stay