

Amended
409

THE ARGYLL AND BUTE COUNCIL
(OFF STREET PARKING PLACES AND CHARGES)
(ROTHESAY) ORDER 1999

The Argyll and Bute Council in exercise of the powers conferred upon them by section 32 and 35 of the Road Traffic Regulation Act, 1984, and of all other powers enabling them in that behalf, and after consultation with the Chief Constable in accordance with the provisions of the Act, hereby make the following order :-

Citation and Commencement

- 1. This order may be cited as "The Argyll and Bute Council (Off Street Parking Places and Charges) (Rothesay) Order 1999", and shall come into operation on the Twenty Second Day of November Nineteen Hundred and Ninety-Nine.

Interpretation

- 2.(i) In this Order, "Council" means the Argyll and Bute Council;
 "motor car" means a mechanically propelled vehicle constructed or adapted to carry not more than seven passengers exclusive of the driver, or any other vehicle, the weight of which, unladen, does not exceed one ton and a half;
 "disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1975;
 "disabled person's vehicle" has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) (Amendment) Regulations 1975;
 "relevant position" has the same meaning as in section 4 of the Local Authorities Traffic Order (Exemptions for Disabled Persons) (Scotland) Regulations 1971;
 "motor cycle" and "invalid carriage" have the same meanings respectively as in section 190 of the Road Traffic Act 1972;
 "parking attendant" means a person authorised by the Council to supervise any parking place;
 and
 "ticket parking meter" means an apparatus designed to indicate the time of days, and to issue tickets indicating the payment of charge, the period in respect of which it has been paid, the day and time at which that charge was paid, and having a mark which enables the issuing ticket parking meter to be identified.
- (ii) Any reference in this order to any enactment is a reference to that enactment as amended by any subsequent enactment.

Designations of Parking Places

- 3. Each car park described in Schedule 1 to this order shall be a parking place where, subject to the provisions of this order, drivers may leave vehicles.

Power to Suspend Parking Places

- 4.(i) Any person duly authorised by the Council may suspend the use of a car park or any part of a car park when he reasonably considers that necessary, and shall use suitable means to indicate that the use of the parking bay or parking place is suspended;

- 4(ii) No person shall cause or permit any vehicle to wait in any part of a parking place which has been suspended in accordance with this article, except with the permission of a person authorised by the Council.

Manner of Standing in Parking Places

- 5.(i) No motor vehicle, caravan, trailer or other vehicle may be parked in a car park unless it is a motor car, van (of not more than thirteen hundredweight maximum gross weight), motor cycle, invalid carriage or a vehicle of any other class authorised by Schedule I to this order in relation to that car park.
- (ii) No vehicle may be parked which has a caravan or other trailer unless in a car park where this is authorised by Schedule I to this order.
- (iii) Every vehicle left in a parking place shall so stand that every part of it is within a parking bay marked out by the Council, but if the length of any vehicle precludes it from standing wholly within the limits of a parking bay, that vehicle shall so stand in the parking bay that as much of the vehicle as possible is within the limits of the parking bay and that such portion as is beyond the limits of the parking bay does not constitute a danger or obstruction to other users of the car park.
- (iv) If a bay is marked by the Council as being specially provided or reserved for disabled drivers, no driver may leave a vehicle in it which is not a disabled persons' vehicle which displays in the relevant position a disabled persons' badge.

Initial Charges at Parking Places

6. Every person leaving or parking a vehicle in a car park shall immediately pay the initial charge appropriate to the time for which he wishes to leave it, in accordance with Schedule I to this order, by inserting coins (or a card or other token issued or approved by the Council for this purpose) in a ticket parking meter provided at that car park by the Council, or by payment to a parking attendant, in return for a ticket. The ticket shall be displayed on the vehicle facing forwards on the glass of the windscreen behind the glass, so that the time shown on the ticket is clearly visible to a person standing beside the vehicle.

Excess Charge, No Ticket Charge and Irregular Parking Charge.

- 7.(i) If a vehicle is left in any car park after a time for which the initial charge has been paid and the ticket displayed, the excess charge shall be payable, in accordance with Schedule 2 to this Order, in addition to the initial charge.
- (ii) If a vehicle is left in a car park without the initial charge having been paid or without the ticket being displayed as required by this order, the no ticket charge shall be payable, in accordance with Schedule 2 to this Order, in addition to the initial charge.

- 7(iii) If a vehicle is left in any car park for more than Twelve hours after an excess charge has been incurred a no ticket charge, in accordance with Schedule 2 to this Order, shall also become due.
- (iv) Once a no ticket charge has been incurred the vehicle may be left for Twenty four hours, at the end of which time a further no ticket charge shall be incurred, and so on for successive periods of Twenty four hours.
- (v) If a vehicle is parked contrary to Article 5 of this order the irregular parking charge shall be incurred, in accordance with Schedule 2 to this Order, in addition to the other charges incurred.
- (vi) When a parking attendant notices that an excess charge, no ticket charge or irregular parking charge has been incurred, the parking attendant may attach to the vehicle in a conspicuous position, a notice which shall include for following particulars :-
- (a) The registration mark of the vehicle, or where the vehicle is being used under a trade licence, the number of the trade plate;
 - (b) The day and time at which he first noticed that the charge had been incurred;
 - (c) A statement that an excess charge, a no ticket charge or irregular parking charge as the case may be, is required to be paid; and
 - (d) A statement that it would be an offence under Sub-section 4 of Section 35 of the Road Traffic Regulation Act, 1984, to fail duly to pay the charge; and
 - (e) The amount of the charge, the time within which the charge is to be paid and the place and manner of payment.
- (vii) Where a notice has been attached to a vehicle in accordance with this order, no person, not being the driver of the vehicle or a person duly authorised by the Council, shall remove the notice from the vehicle.
- (viii) Any excess charge or no ticket charge shall be paid by the driver who left the vehicle in the car park, at the office of the Council stated on the notice, not later than the seventh day following the day on which the charge was incurred, or if the said seventh day is a day on which the office is closed, the next day on which it is open.

Exemptions from Charges

- 8.(i) A disabled person's vehicle which displays in the relevant position a disabled person's badge shall be exempt from any charge but not from any other provisions of this order, but if it is parked in a bay marked by the Council as being provided or reserved for disabled persons' vehicles the driver shall not leave it for longer than 3 hours.
- (ii) A solo motor-cycle in any part of a car park at which the Council have placed a sign indicating that that part of the car park is for motor-cycles shall be exempt from any charge but not from any other provisions of this order.

- 8(iii) A vehicle on which a valid season ticket issued by the Council for this purpose is displayed in such a position that the front side of the ticket or permit is clearly visible to any persons standing at the front or near the side of the vehicle shall be exempt from any charge but not from any other provisions of this order.
- (iv) At a car park where there is no ticket parking meter, drivers shall be exempt from all charges but not from any other provisions of this order.

Restriction of Use of Parking Places

- 9.(i) No person shall use any vehicle in a car park in connection with the sale of any article or the selling or offering for sale of his skill in handicraft or his services in any other capacity other than with the written consent of the Council.
- (ii) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repairs to a vehicle while it is in a car park, except to make such repairs as may be essential for the purpose of enabling the vehicle to be towed or driven away from the car park.
- (iii) No person shall light or cause or permit to be lit any fire in the car park.
- (iv) No person shall cause litter to be dropped in the car park or fuel oil or diesel spilled.
- (v) No person shall wilfully remove or destroy any sign, marking, notice or notice board within the car park or any fastening or equipment used for the purpose of exhibiting or displaying such sign, marking, notice or notice board.
- (vi) No person shall wilfully or negligently deface or destroy any part of the car park.
- (vii) No person shall use a vehicle or trailer as sleeping accommodation while it is upon a car park between the hours of 11.00 pm and 7.00 am.
- (viii) No person shall use a vehicle or trailer for residential purposes while it is upon a car park between the hours of 11.00 pm and 7.00 am.
- (ix) No person shall use the parking place for the purpose of splitting loads or transferring plant between vehicles or for loading or unloading goods in association with a commercial concern.
- (x) No person shall use the car park for the parking of trailers or caravans separately from their motor vehicles.
- (xi) No person shall erect or cause to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
- (xii) No person shall carry on any business within the limits of the car park without the written consent of the Council.

9(xiii) While a vehicle is in a car park it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire either directly or via remote radio control.

Removal of Vehicles from Parking Places

10. When a parking attendant or any other person authorised by the Council is of the opinion that any of the provisions of this order have been contravened or not complied with in respect of a vehicle left in a parking place or that a vehicle has been abandoned, he may remove or cause the vehicle to be moved within the car park or removed from the car park, and if it is so removed, shall provide for the safe custody of the vehicle.

Power to Dispose of Abandoned Vehicle

11. The Council may, in respect of a vehicle which has been removed from car park in pursuance of this order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle.

Movement of Vehicles in Car Parks in Emergencies.

12. A parking attendant or any other person authorised by the Council may, in an emergency, move or cause to be moved to any place he thinks fit, vehicles left in a parking place.

Sealed with the Seal of the Argyll and Bute Council and subscribed for them and on their behalf by Susan Mair, their Head of Legal Services at Lochgilphead on the Fourth Day of October Nineteen Hundred and Ninety-Nine.

Susan Mair

SCHEDULE 1

<u>Location of Off Street Parking Place</u>	<u>Charges and Periods of Operation</u>
<u>Guildford Square, Rothesay</u> Situated East of High Street and South of Guildford Square, Rothesay and shown coloured red on map 1 annexed and signed and sealed as relative hereto	1 st January to 31 st December 8 am to 6 pm Monday to Saturday Up to 1 Hour £0.20 Up to 2 Hours £0.50 Up to 4 Hours £1.00 Up to 6 Hours £2.00 Up to 8 Hours £3.00 Up to 10 Hours £4.00

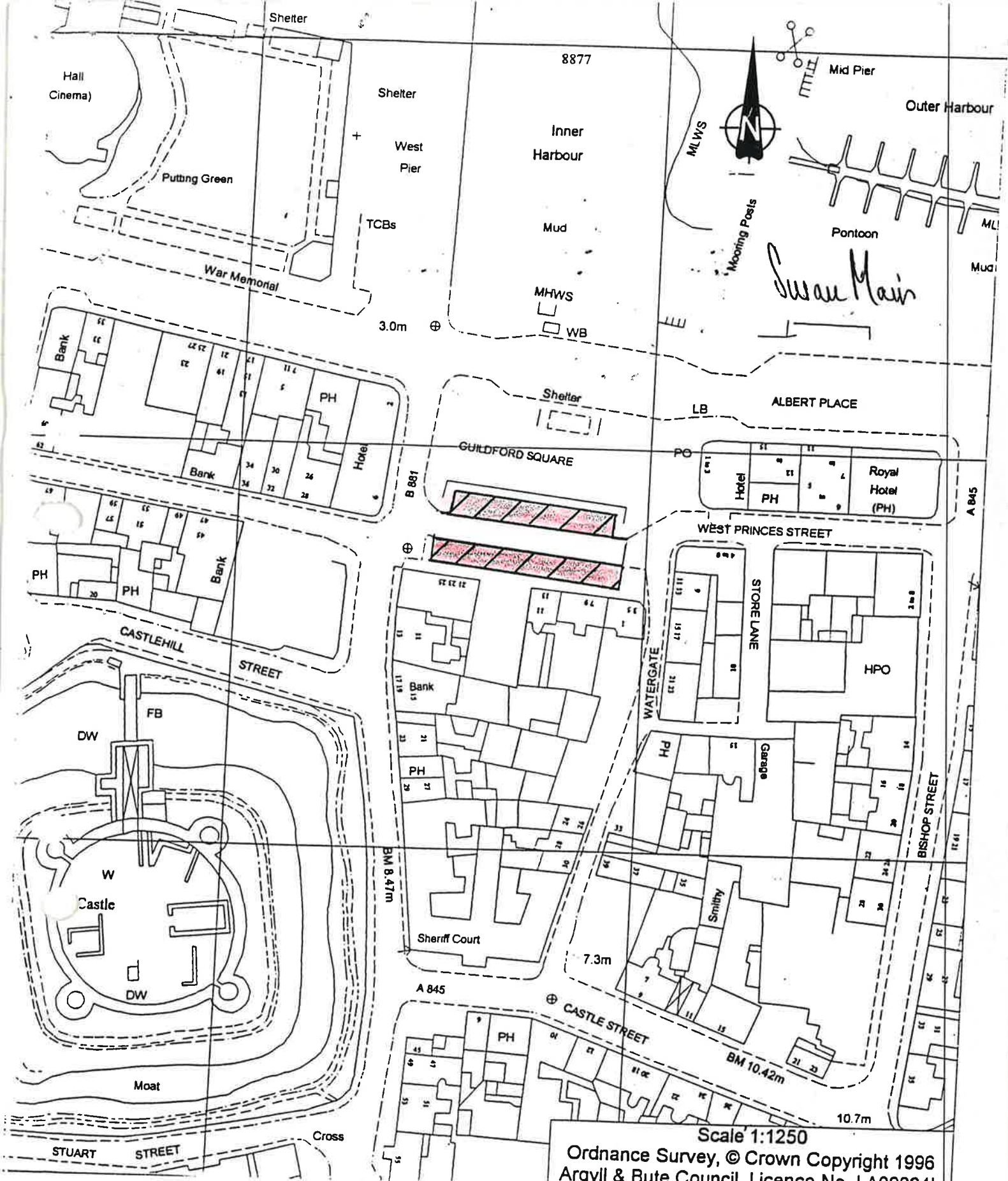
SCHEDULE 2

AMOUNT OF EXCESS CHARGE, NO TICKET CHARGE

AND IRREGULAR PARKING CHARGE

EXCESS CHARGE	£20.00
NO TICKET CHARGE	£30.00
IRREGULAR PARKING CHARGE	£30.00

Susan Main



Scale 1:1250
 Ordnance Survey, © Crown Copyright 1996
 Argyll & Bute Council, Licence No. LA09024L

TITLE.
(Off Street Parking Places and Charges)(Rothesay) Order 1999
Guildford Square Map No 1

HEAD OF TRANSPORTATION SERVICES
 MANSE BRAE, LOCHGILPHEAD PA31 8RD

DESIGN OFFICE.

ARGYLL & BUTE COUNCIL
 TRANSPORTATION & PROPERTY

Director: Alistair Gow

SCALE: 1:1250 DATE: September 1999

FILE REF. 58.40BC

DRAWING No TM 378/11