

**BOROUGH OF DOUGLAS**

**Road Traffic Regulation Act 1985  
Road Traffic Act 1985**

**DOUGLAS BOROUGH COUNCIL**  
**OFF-STREET PARKING PLACES ORDER 2015**

**WHEREAS**

- I Sections 10 to 14E of the Road Traffic Regulation Act 1985, as amended, and with reference to the Road Traffic Act 1985 as amended, empower a local authority to provide and maintain parking places for vehicles on any land within its district and to make regulations as to the use of such parking places.
- II Douglas Borough Council has resolved to provide and regulate certain parking places for vehicles within the Borough of Douglas and has identified certain areas of land, within its ownership or held by it under lease or licence, for that purpose.

**NOW THEREFORE** the MAYOR, ALDERMEN AND BURGESSES of the BOROUGH OF DOUGLAS (Douglas Corporation, hereinafter referred to as “the Council”) hereby make the following ORDER

**Part 1 – General**

(1) This Order may be cited as the “Douglas Borough Council Off-Street Parking Places Order 2015”, and shall come into effect on 1<sup>st</sup> December, 2015

(2) The Douglas Borough Council Off-Street Parking Places Order 2015 is hereby revoked

(3) In this Order,

“Attendant” means any car park attendant, Borough Warden, officer of, or other person duly authorised to act on behalf of, the Council in relation to the operation of any parking place;

“Charges” means the charges set by the Council from time to time and indicated, where applicable, by publication giving advance notice of at least one week and by signs at each parking place;

“Excess Parking Charge” means a penalty incurred by the driver of a vehicle contravening any provision within this Order; Notice of Excess Parking Charge shall be construed accordingly, and shall include:-

- a reference number; date and time of issue;
- registration number and brief description of the vehicle;
- reason for issue of the notice;
- time of initial observation, if relevant;
- amount of excess charge payable;
- methods of acceptable payment;
- place where payment may be made and to which any queries should be addressed;

“Car” means a mechanically propelled vehicle which is constructed solely or principally for the carriage of people.

“Motor cycle” means a mechanically propelled motor cycle, motor tricycle or motor cycle combination, which is constructed solely or principally for the carriage of one or more people;

“Light Van” means a mechanically propelled vehicle which is constructed to carry a load and/or passengers, and excludes any vehicles greater than 5.00 metres in length, 2.00 metres in height or 2.30 metres in width.

“Contract holder” means any person who has entered into an agreement with the Corporation, and upon payment of a fee, has reserved the use of a particular parking bay or contract space within any parking place;

“Driver”, in the context of this Order, means the person driving or riding any vehicle at the time it is left in a parking place;

“Owner” in relation to any vehicle means the Registered Owner according to the records of the Isle of Man Government or other recognised authority in which jurisdiction the vehicle is registered;

“Official Disabled Badge” means a badge issued by the Isle of Man government or other competent agency appropriate to the jurisdiction in which the vehicle is registered;

“Parking Bay” means any part of a parking place which is provided for the parking of a single vehicle and is so indicated by markings on the surface of the parking place;

“Parking Place” means a car park or any other area of land named and described in the Schedules to this Order; such description shall include details of the type of parking place.

## **PART 2 – Use of Parking Places**

(1) Each area of land specified in the Schedules may be used as a parking place for vehicles of such class as specified in relation thereto, on such days and for such hours as specified, and where applicable on payment of the specified charges and subject to all provisions of this Order.

(2) Where in the Schedules a parking place is described as available for vehicles of a specified class, the driver shall not park a vehicle in that parking place unless it is of that class.

(3) Where any conditions are set out in the Schedules in relation to any parking place, those conditions shall be observed as if they formed part of the body of this Order.

(4) Where, in any parking place, signs are erected or surface markings are displayed reserving any parking bay for disabled people, no driver shall park in such space except if the vehicle displays an official Disabled badge issued for use by the driver or a passenger.

(5) Where, in any parking place, signs are erected or surface markings laid to indicate the position in which vehicles should park, no vehicle shall be parked other than in an indicated position.

(6) Where any parking bay is marked or otherwise indicated to be reserved for use by a contract user, or other designated user, no driver

of any vehicle other than the contract holder, a person authorised or designated shall permit a vehicle to park in that bay.

(7) The driver of any vehicle shall not leave it on any car park unless there is displayed in or on the vehicle in the prescribed manner, a valid vehicle licence issued by the Isle of Man Government under the Licensing and Registration of Vehicles Act 1985, or by some other agency appropriate to the jurisdiction in which the vehicle is registered.

(8) The driver of any vehicle shall not leave it on any car park 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 Schedule 5 to the Road Traffic Act 1985.

(9) The driver of any vehicle parked in a parking place shall not without the written consent of the Council carry out or permit to be carried out any work, cleaning, maintenance or repair of the vehicle, except the minimum work required to enable the vehicle to be removed in case of it having broken down. This clause, in respect of cleaning the vehicle, shall not apply to parking places mentioned in Schedules 2 and 3 to this Order unless specified.

(10) The driver of any vehicle using any parking place shall have regard to the safety of other drivers and pedestrians and their property and shall drive with care, observing and complying with all signage and speed restriction indicators.

(11) The driver of any vehicle using any parking place shall stop the engine thereof as soon as it is in position in a parking bay and shall not restart it until immediately prior to changing the position of the vehicle or removing it from the parking place.

(12) No vehicle whilst in any parking place shall be used for domestic purposes, for sleeping or as a place of habitation, without prior consent of the Council.

(13) The driver of any vehicle using any parking place shall not without the written consent of the Council previously obtained:

- (a) use the vehicle or permit it to be used in connection with the sale or offering for sale of any article or service, nor for the display of articles for sale or publicity material in connection with any business;

- (b) advertise the vehicle for sale in the parking place;
- (c) ply for hire or accept passengers for hire or reward, or any similar purposes,

but this provision shall not preclude the parking in any parking place of any vehicle bearing any business or company livery.

(14) No person shall in any parking place erect or cause to be erected any tent, booth, stand or other structure, without the written consent of the Council previously obtained.

(15) No person other than an attendant, Officer or duly authorised agent of the Council shall affix any notice or advertisement to any part of a parking place, including any wall or fence forming part of the enclosure of such parking place, nor to any vehicle parked in the parking place, without the written consent of the Council previously obtained.

(16) No person shall in any parking place unnecessarily sound the horn of any vehicle, nor make any loud noise by mechanical means or otherwise which may cause disturbance to other users of the parking place or to the occupiers of properties in the neighbourhood, without consent of approval of the Council.

(17) No person shall wilfully or carelessly damage or interfere with the fabric, structure or equipment of any parking place or any apparatus or device installed therein.

(18) No person shall bring any trailer or caravan into the parking place except with prior written consent of the Council or with approval of the parking attendant.

(19) No person shall take into any parking place any dangerous, explosive or inflammable substance, other than fuel contained within the fuel tank of a vehicle.

(20) No person shall, in any parking place, light or cause to be lit any fire.

(21) Where in any parking place surface markings indicate the parking bays in which vehicles may park, the driver of any vehicle shall ensure

that the vehicle is parked entirely within a marked parking bay and that no part of it straddles the markings separating parking bays.

(22) The driver of any vehicle arriving at any parking place shall, if the parking place is full and there is no parking bay immediately available for use, remove the vehicle from the parking place.

(23) The driver of any vehicle using any parking place shall comply with all directional and guidance signage and surface markings and with any directions or guidance issued by an attendant.

(24) No person shall bring any vehicle or cause any vehicle to be brought into any parking place save for the purpose of parking that vehicle in that parking place in accordance with the provisions of this Order.

(25) No vehicle may be parked in any parking place for longer than the maximum stay set out in relation to that parking place in the Schedule hereto and indicated by signs displayed at or in the parking place.

(26) Removal of vehicles

(i) It shall be lawful for an attendant, for any reasonable cause, to remove a vehicle from the parking place or move it from one parking bay to another, whether or not the driver is present;

(ii) The Council may remove or cause to be removed any vehicle from the parking place

- (a) in the event that there are two or more Notices of Excess Parking Charge, issued in accordance with Part 4 and/or 5, outstanding after 14 days from the date of issue, or
- (b) which, by its position, condition or in such circumstances, it appears to have been abandoned, or
- (c) parked or left in contravention of any clause or article contained in this Order;

(iii) the Council may recover the costs of removal and storage of vehicles removed in accordance with sub-clause (ii) above, from the owner.

**PART 3 – Charges and Tickets for Pay on Foot (barrier controlled) Parking Places as detailed and shown in Schedule 1**

(1) Except under the provisions contained in Part 6 (Penalties and Exemptions) no person shall park a vehicle in any Pay on Foot (barrier controlled) parking place set out in Schedule 1 hereto unless

- (i) a ticket is obtained to allow access past the raised barrier,
- (ii) a pre-paid card is offered to the entry barrier to allow access or
- (iii) a Contract card is so used;

once access is gained all other provisions of this Order must be fulfilled.

(2) Should no available parking space or bay be available, the driver of the vehicle must leave the parking place.

(3) Drivers of vehicles having obtained a ticket to gain access must, upon returning to the parking place, first attend a pay station, insert their ticket and pay the charge specified by the machine, retrieve their ticket and then proceed with their vehicle to the exit barriers, which upon insertion of the validated ticket, will raise to allow egress.

(4) Drivers in possession of Contract Cards must offer their cards to all barrier machines when making their way to their allocated parking spaces. Contract holders must not park other than in their allocated spaces.

(5) Holders of Pre-paid cards must ensure they hold sufficient credit in order for them to allow their cards to be used to exit the parking place.

(6) Should drivers fail to present to, pay for and receive their ticket from a pay station and drive directly to the exit barriers, they must not obstruct the exit barrier whilst returning to the pay station otherwise an Excess Parking Charge may be incurred.

(7) Should any person evade or attempt to evade due payment of any parking charges, an Excess Parking Charge will be incurred.

(8) In every Pay on Foot parking place, the Council shall provide and maintain sufficient Pay Station machines to enable payment for parking. Such payment machines shall be maintained in good order, regularly checked, and the clocks set to the correct time. Alongside every such machine the Council shall display a notice of charges, the major conditions of use and the place to which any queries should be addressed.

(9) Failure to include any specific provision of this Order shall not invalidate any proceedings under that provision or any excess parking charge issued under the provisions of this Order.

#### **PART 4 – Other Parking Places as detailed and shown in Schedule 2**

(1) All parking places provided by the Council, excluding those detailed and shown in Schedules 1 and 3 attached hereto, may be regulated and controlled and major restrictions or regulations pertaining to them will be clearly displayed on Notices erected in those parking places.

(2) In every parking place, except those restricted solely to contract parking bays shall display a notice of the major conditions of use and the place to which any queries should be addressed.

(3) Failure to include any specific provision of this Order shall not invalidate any proceedings under that provision or any excess parking charge issued under the provisions of this Order.

#### **PART 5 – Charges and Tickets for Pay and Display Parking Places as detailed and shown in Schedule 3**

(1) Except under the provisions contained in Part 6 (Penalties and Exemptions) no person shall park a vehicle in any Pay and Display parking place unless the appropriate charge as set out in the Schedule has been paid and all other provisions of this Order are fulfilled.



- (2) The driver of any vehicle using any parking place shall either:
- (i) if the authorised user of a contract space, park on that space and display in the front windscreen of the vehicle the appropriate permit issued by the Council; or
  - (ii) purchase for the appropriate fee and display in the front windscreen of the vehicle a parking ticket from a ticket machine at the parking place.
- (3) The expiry time shown on any parking place ticket shall be presumed, unless the contrary is proven, to be the time allotted according to the fee paid.
- (4) No person other than an Attendant or the driver or a person authorised by the driver, may remove a notice of excess parking charge from a vehicle once it has been attached thereto.
- (5) In any case where a notice of excess charge has been issued and within fourteen days of the issue of the notice, the driver or registered owner produces a valid ticket showing that the appropriate fee had been paid or that the vehicle was authorised to be parked in the relevant parking bay, the excess charge shall be cancelled.
- (6) In every Pay and Display parking place, except those restricted solely to contract parking bays, the Council shall provide and maintain sufficient ticket machines to enable purchase by users of parking tickets. Such ticket machines shall be maintained in good order, regularly checked, and the clocks set to the correct time. Alongside every such ticket machine the Council shall display a notice of charges, the major conditions of use and the place to which any queries should be addressed.
- (7) Failure to include any specific provision of this Order shall not invalidate any proceedings under that provision or any excess parking charge issued under the provisions of this Order.

## **PART 6 – Penalties and Exemptions**

(1) Any person acting in contravention of, or failing to comply with, the provisions of this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500. But no proceedings shall be taken for any such offence if an Excess Parking Charge, incurred in respect thereof, has been settled.

(2) Any person claiming to have lost their ticket will incur a minimum charge of £10.00 which must be paid to allow egress from a pay on foot parking place; lost ticket issues can only be resolved during normal working hours at the Borough Treasurer's Department counter at Douglas Town Hall.

(3) Any person who claims that their ticket has been damaged and cannot be used, and it is found that the damage was deliberate or could have been easily avoided, will incur a minimum charge of £10.00 before being provided with a replacement ticket; damaged ticket issues can only be resolved during normal working hours at the Borough Treasurer's Department counter at Douglas Town Hall.

(4) If any information provided under subsection (1) by a registered owner is false or defective in any material particular, the registered owner shall be guilty of an offence.

(5) The provisions of this Order shall not apply to:

- (i) emergency services' vehicles attending any incident within a parking place or using any parking place to gain access to an incident;
- (ii) vehicles being used for or on Council business.

## **PART 7 – Variations of Provisions**

(1) The Council may suspend the use of any parking place on giving reasonable notice in a prominent position at the parking place, and may in emergency suspend use without notice.

(2) The Council may amend the layout of parking bays and facilities within any parking place at any time subject to the provision of adequate signage, either temporary or permanent, to guide users.

(3) The Schedules may be amended at any time by Council resolution, and any such amendment shall take effect as if it were embodied in this Order. Notification of such amendments will be by publication, which may be published in a newspaper and by signs in the affected parking places.

Made under the Seal of Douglas Borough Council this 18<sup>th</sup> day of December, 2015.

.....  
K.J. RICE,  
CHIEF EXECUTIVE

.....  
S.D.A. HACKMAN  
MAYOR