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**THE LANCASHIRE COUNTY COUNCIL (BOROUGH OF
BURNLEY) (TOP O' THE TOWN) (RESIDENTS ONLY
PARKING) TRAFFIC REGULATION ORDER 2003**



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(TRO/03/0021EC)

BURNLEY BOROUGH COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE LANCASHIRE COUNTY COUNCIL (BOROUGH OF BURNLEY) (TOP
O' THE TOWN) (RESIDENTS ONLY PARKING) TRAFFIC REGULATION
ORDER 2003**

POWERS

The Council of the Borough of Burnley (hereinafter referred to as "the Council") pursuant to arrangements made under Section 101 of the Local Government Act 1972 with the Lancashire County Council, in exercise of the powers conferred on that County Council under Sections 1, 2, 45 and 46 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and after consultation with the Chief Officer Of Police in accordance with Part III of Schedule 4 of the 1984 Act and in accordance with the provisions of Part IV of Schedule 9 of the 1984 Act and of all other enabling powers hereby makes the following Order:

REVOCAION OF PREVIOUS ORDERS

The Lancashire County Council (Borough of Burnley) (Various Roads) (Consolidation of Prohibition, Waiting Restrictions and One-Way Traffic Etc.) Order 1999 is hereby revoked insofar as it relates to Schedules One and Two to this Order.

INTRODUCTION OF RESTRICTIONS

- 1) a) Save as provided in Article 2 of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or a traffic warden in uniform, cause or permit any vehicle:
 - i) to wait between the hours of 8.00am and 6.30pm on any day on the length of road specified in Schedule Four to this Order;
 - ii) to wait at any time on the lengths of road specified in Schedule Five to this Order;
 - iii) to load or unload a vehicle at any time on the lengths of road specified in Schedule Six to this Order.
- b) Save as provided in Article 2 of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or a traffic warden in uniform, cause or permit any vehicle to park on the lengths of road specified in Schedule Three to this Order unless that vehicle displays a valid Resident's Parking Permit in the relevant position.

- 2) Nothing in Article 1 of this Order shall render it unlawful to cause or permit any vehicle to wait in the road, or any of the sides of the road, or in any of the lengths of the road referred to in that Article (other than a Parking Place or part of a Parking Place the use of which has been suspended under Article 8 or 9 of this Order), as the case may be, for as long as it may be necessary:
- a) to enable a person to board or alight from the vehicle;
 - b) to enable the vehicle, 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:
 - i) building, industrial or demolition operations;
 - ii) the removal of any obstruction to traffic;
 - iii) the maintenance, improvement or reconstruction of the said lengths of road or sides of road; or
 - iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of road or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic lines as defined in the Telecommunications Act 1984;
 - c) to enable the vehicle, if it cannot be conveniently 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;
 - d) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953, or in connection with the cleaning of telephone kiosks;
 - e) to enable the vehicle to take in petrol, oil, water or air from any garage situated on or adjacent to any of the said lengths of road or sides of road;
 - f) to enable the vehicle to wait at or near to premises situated on or adjacent to the said sides of or any of the said lengths of road for so long as such waiting is necessary in connection with any wedding or funeral;
 - g) to enable a fire engine, ambulance, any vehicle in the service of a local authority or health authority or of a stage or express carriage operator, if it cannot be conveniently used for such purpose in any other road, to be used only in pursuance of statutory duties or powers;
 - h) to enable a vehicle to wait, owing to the driver being prevented from proceeding by circumstances beyond his control, or owing to such waiting being necessary in order to avoid an accident.

Manner of Standing In Parking Places

- 3) Every vehicle left in a Parking Place in accordance with the provisions of Article 1) b) of this Order shall so stand:
 - a)
 - i) if the Parking Place is not in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway;
 - ii) if the Parking Place is in a one-way street, that the left or near side of the vehicle is adjacent to the left hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right hand edge of the carriageway; and
 - iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than twelve inches;
 - b) so that every part of the vehicle is within the limits of a Parking Place.

Nothing contained in Parts a) i), ii) and iii) of this Article shall render it unlawful for a Disabled Person's Vehicle to be parked in contravention of the provisions contained in the said sections of this Article if the vehicle cannot otherwise be parked as to allow easy and safe access for a Disabled Person to exit or board the vehicle.

Alteration Of Position In Parking Places

- 4) Where any vehicle is standing in a Parking Place in contravention of the provisions of Article 3 of this Order, a traffic warden may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicles from Parking Places

- 5) Where a Police Constable or traffic warden in uniform is of the opinion that any provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place, he may remove or cause to be removed the vehicle from the Parking Place, and where it is so removed, shall provide for safe custody of the vehicle.

Movement of Vehicles in Parking Places in Emergencies

- 6) In cases of emergency, a Police Constable or traffic warden in uniform may move or cause to be moved to any place he thinks fit, any vehicle left in a Parking Place designated under this Order.

Vehicle Removal Costs

- 7) a) Except in cases of emergency, any costs incurred in the removal of the vehicle (other than a Resident Permit Holder's vehicle) from a designated Parking Place under the provisions of this Order, including all and any costs or expenses or otherwise associated with the removal of the vehicle shall be the responsibility of the Registered Keeper of the vehicle.
- b) Except in cases of emergency, any costs incurred in the removal of a Resident Permit Holder's vehicle from a designated Parking Place under the provisions of this Order, including all and any costs or expenses or otherwise associated with the removal of the vehicle shall be the responsibility of the Registered Keeper of the vehicle, only in such cases where, after examination of the vehicle at the time of removal, the vehicle cannot clearly be identified as a Resident Permit Holder's vehicle.

Power to Suspend Use of Parking Place

- 8) Any person duly authorised by the Council may suspend the use of a Parking Place or any part thereof whenever he considers such suspension reasonably necessary:
 - a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - b) for the purpose of:-
 - i) any building operation, demolition or excavation in or adjacent to the Parking Place; or
 - ii) the maintenance, improvement or reconstruction of the Parking Place; or
 - iii) the laying, erection, alteration, removal or repair in or adjacent to the Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water, electricity or of any telecommunication apparatus or traffic sign or highway or resurfacing works;
 - c) for the convenience of occupiers of premises adjacent to the Parking Place on any occasion of the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed.
- 9) A Police Constable in uniform may suspend, for not longer than 24 hours, the use of a Parking Place, or part thereof whenever he considers such

suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

- 10) Any person suspending the use of a Parking Place, or any part thereof, in accordance with the provisions of Article 8 or 9 of this Order shall thereupon place or cause to be placed in or adjacent to that Parking Place, or that part thereof, the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.
- 11) No person shall cause or permit a vehicle to be left in any Parking Place, or part of a Parking Place, during such a period as there is in or adjacent to that Parking Place, or part of a Parking Place, a traffic sign placed in pursuance of Article 10 of this Order.
- 12) Nothing contained in Article 11 of this Order shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in this Order to be left in a Parking Place or part of a Parking Place during any such period, or to cause or permit any other vehicle to be so left if that vehicle is left with the permission of: -
 - a) the person suspending the use of the Parking Place or the part thereof in pursuance of Article 8 of this Order;
 - b) a Police Constable in uniform;
 - c) a traffic warden in uniform.

Restriction on Use of Vehicles at Parking Place

- 13) No person shall use any vehicle, while it is in a Parking Place, in connection with the sale of any article to any person in or near the Parking Place or in connection with the selling or offering for sale of his skill or his services in any other capacity.
- 14) The driver of a vehicle using a Parking Place shall stop the engine of the vehicle as soon as the vehicle is in the proper 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.

Waiting of Other Vehicles in Parking Places

- 15) Notwithstanding the foregoing provisions of this order, any vehicle displaying a valid Visitor's Parking Permit in the relevant position may wait or be left in a Parking Place (other than a Parking Place or part of a Parking Place the use of which has been suspended under Article 8 or 9 of this Order) for so long as may be necessary.

Proceedings

- 16) For the purpose of the institution of proceedings in respect of any alleged contravention or non-compliance with the terms of this Order against any person as being the Owner of the vehicle at the Relevant Time, and in any proceedings, in respect of the alleged contravention or non-compliance with the terms this Order brought against any person as being the Owner of the vehicle at the Relevant Time, it shall be conclusively presumed (notwithstanding that any person may not be an individual) that he was the Driver of the vehicle at that time and accordingly that the acts or omissions of the Driver of the vehicle at that time were his acts or omissions.
- 17) For the purposes of the provisions of this Order referred to in Article 16 of this Order, the Owner of a vehicle shall be taken to be the person by whom the vehicle is kept, and for the purposes of determining, in the course of any proceedings brought by virtue of those provisions, who was the Owner of the vehicle at any time, it shall be presumed that the Owner was the person in whose name the vehicle was the Registered Keeper of the Vehicle at that time.
- 18) Notwithstanding the presumption in Article 17 of this Order, it shall be open to the defence in any proceedings to prove that the person in whose name the vehicle was so registered at a particular time was not the person by whom the vehicle was kept at that time, and it shall be open to the prosecution to prove that the vehicle was kept by some other person at that time.
- 19) Notwithstanding the presumptions in Article 17 of this Order and the provisions of Article 18 of this order, Owner, in relation to a vehicle which is the subject of a Hiring agreement or a Consumer Credit Agreement, means the person in possession of the vehicle under that Agreement.
- 20) The presumption in Article 16 of this Order shall not apply in any proceedings brought against any person as being the Owner of the vehicle at the Relevant Time if, in those proceedings, it is proved:
- a) that at the Relevant Time, the vehicle was in the possession of some other person without the consent of the accused; or
 - b) that the accused was not the Owner of the vehicle at the Relevant Time.

INTERPRETATION

- 21) In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them: -
- a) "Driver" - in relation to a vehicle entering, leaving or waiting in a Parking Place or any length of road specified in this Order, means the

person who was driving the Vehicle at the time it was left in the Parking Place.

- b) "Disabled Person's Vehicle" – in relation to Article 3 of this Order has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1986.
- c) "Disabled Person" – in relation to Article 3 to this Order has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1986.
- d) "Owner" – in relation to a vehicle means the person by whom the vehicle is kept.
- e) "Parking Place" – any length of road specified in Schedule 3 to this Order.
- f) "Relevant Time" – in relation to Articles 16 and 20 to this Order means the time at which the alleged contravention or non-compliance with the terms of the Order took place.
- g) "Registered Keeper" – in relation to Article 17 has the same meaning as in the Road Vehicles (Registration and Licensing) Regulations 2002.

22) For the purposes of this Order, a vehicle displays a Resident's Parking Permit or a Visitor's Parking Permit in the relevant position if: -

- a) in the case of a vehicle fitted with a front windscreen, the permit is clearly exhibited thereon on the near side of and immediately behind the windscreen and with its front facing forward so as to be legible from outside the vehicle; or
- b) In the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the vehicle.

23) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

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

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

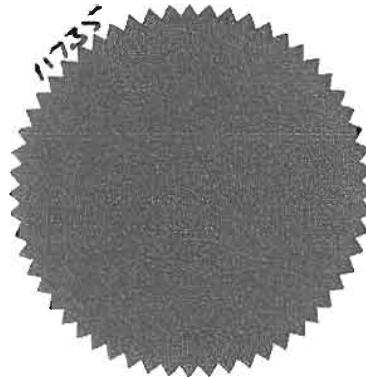
26) Any reference in this Order to the singular shall include the plural and vice-versa.

27) Any reference in this Order to the masculine gender shall include the feminine gender and vice-versa.

DATE OF COMING INTO OPERATION

This Order shall come into operation on the 28th November 2003 and may be cited as 'The Lancashire County Council (Borough of Burnley) (Top O' The Town) (Residents Only Parking) Traffic Regulation Order 2003'.

THE COMMON SEAL of the COUNCIL)
OF THE BOROUGH OF BURNLEY was)
hereunto affixed this 27th November 2003)
in the presence of:)



Nick As.

Director

T. Fordham

Director

SCHEDULE ONE

REVOCATION

1/12/09. That part of the "Lancashire County Council (Borough of Burnley) (Various Roads) (Consolidation of Prohibition, Waiting Restrictions and One-way Traffic Etc.) Order 1999" relating to Item 2 of Schedule 3 "No waiting at any time".

- Deleted:- 1. Hawk Street on both sides from its junction with Brown Square to its junction with Adlington Street.
- Deleted:- 2. Lindsay Street on its south side from a point 10m to the west of its junction with Hawk Street to a point 10m east of that junction.
- Deleted:- 3. Lindsay Street on its north side from its junction with Church Street to a point 10m east of its junction with Hawk Street.
- Deleted:- 4. Ormerod Road on its south easterly side from its junction with Church Street to a point 18m east of its junction with Belvedere Road in an easterly direction.
- Deleted:- 5. Shorey Bank on its north easterly side from its junction with Ormerod Road for a distance of 24m in a north westerly direction.

SCHEDULE TWO

REVOCATION

That part of the "Lancashire County Council (Borough of Burnley) (Various Roads) (Consolidation of Prohibition, Waiting Restrictions and One-way Traffic Etc.) Order 1999" relating to Item 3 of Schedule 3 "No waiting between the hours of 8.00am and 6.30pm on any day".

- Deleted:- 1. Adlington Street on both sides from a point 33m to the east of its junction with Church Street to its junction with Chapel Street.
- Deleted:- 2. Church Street on its easterly side from its junction with back Ormerod Road to a point 50m to the south of its junction with Active Way.
- Deleted:- 3. Dawson Square on both sides from its junction with Church Street for a distance of 6m in an easterly direction.

SCHEDULE THREE

RESIDENT PERMIT HOLDERS PARKING ONLY

- ✓ * 1. Adlington Street on its northerly side from a point 55m to the east of its junction with Church Street for a distance of 15m in an easterly direction. ✓
- ✓ * 2. The Rear of Adlington Street on its southerly side from outside No.4 for a distance of 50m in an easterly direction. ✓
- southerly ✓ 3. Hawk Street on its easterly side from its junction with Hart Street for a distance of 35m in a southerly direction. ✓
- ✓ 4. Hawk Street on its westerly side from a point 5m to the north of its junction with Hart Street for a distance of 6m in a northerly direction. ✓
- ✓ 5. Hawk Street on its westerly side from a point 5m to the south of its junction with Lindsay Street for a distance of 6m in a southerly direction. ✓
- ✓ 6. Hawk Street on its westerly side from a point 5m to the north of its junction with Lindsay Street for a distance of 6m in a northerly direction. ✓

- ✓ 7. Hawk Street on its westerly side from outside No.10 Hawk Street for a distance of 15m in a northerly direction. ✓
- ✓ 8. Hart Street on its northerly side from outside No.8 Hart Street for a distance of 40m in an easterly direction. ✓
- ✓ 9. Hart Street on its northerly side from a point 7m to the east of its junction with Hawk Street for a distance of 75m in an easterly direction. ✓
- ✓ 10. Lindsay Street on its southerly side from a point 25m east of its junction with Church Street for a distance of 55m in an easterly direction. ✓
- ✓ 11. Lindsay Street on both sides from a point 5m east of its junction with Hawk Street for a distance of 90m in an easterly direction. ✓

- ✓ 12. Brown Square on its southerly side from outside No.1 Brown Square for a distance of 40m in a north easterly direction. ✓
- ✓ 13. Church Street on its easterly side from a point 30m to the north of its junction with Ormerod Road for a distance of 25m in a northerly direction. ✓
- ✓ 14. Shorey Bank on its easterly side from a point 10m to the north of its junction with Ormerod Road for a distance of 35m in a north westerly direction. ✓

- ✓ 15. Ormerod Road on its southerly side from a point 80m to the north east of its junction with Church Street for a distance of 45m in a north easterly direction. ✓
- ✓ 16. Ormerod Road on its southerly side from a point 205m to the north east of its junction with Church Street for a distance of 60m in a north easterly direction. ✓
- ✓ 17. Ormerod Road on its southerly side from a point 290m to the north east of its junction with Church Street for a distance of 25m in a north easterly direction. ✓

- ✓ 18. Ormerod Road on its northerly side from a point 145m to the north east of its junction with Church Street for a distance of 45m in a north easterly direction. ✓
- ✓ 19. Rear of Ormerod Road on its northerly side from the rear of No.97 Ormerod Road in a southerly direction for a distance of 300m. ✓

- ✓ 20. Rear of Ormerod Road on its southerly side from the rear of No.2 Lindsay Street for a distance of 40m in a north easterly direction. ✓
- ✓ 21. Dawson Square on its northerly side from a point 10m east of its junction with Church Street for 10m in an easterly direction. ✓

SCHEDULE FOUR

NO WAITING BETWEEN THE HOURS OF 8.00AM AND 6.30PM ON ANY DAY

- ✓ 1. Church Street on its east side from a point 15m south of its junction with Dawson Square to the south of its junction with Active Way. ✓

SCHEDULE FIVE

NO WAITING AT ANY TIME

- ✓ 1. Adlington Street on its northerly side from a point 23m east of its junction with Church Street for a distance of 30m in an easterly direction. ✓
- ✓ 2. Adlington Street on its southerly side from a point 23m east of its junction with Church Street for a distance of 45m in an easterly direction. ✓
- ✓ 3. Hawk Street on its westerly side from its junction with Adlington Street to 5m north of its junction with Hart Street. ✓

- ✓ 4. Hawk Street on its westerly side from a point 11m north of its junction with Hart Street for a distance of 10m in a northerly direction. ✓
- ✓ 5. Hawk Street on its westerly side from a point 5m south of its junction with Lindsay Street to 5m north of that junction. ✓
- ✓ 6. Hawk Street on its westerly side from a point 11m north of its junction with Lindsay Street for a distance of 5m in a northerly direction. ✓
- ✓ 7. Hawk Street on its westerly side from a point 15m north of No. 10 Hawk Street for 15m in a northerly direction. ✓
- ✓ 8. Hawk Street on its easterly side from a point 5m south of its junction with Hart Street in a northerly direction to its junction with Brown Square. ✓
- X (9) Lindsay Street on its northerly side from its junction with Ormerod Road to its junction with Hawk Street. ✓
- ✓ 10. Lindsay Street on its southerly side from a point 5m to the west of its junction with Hawk Street to a point 5m east of that junction. ✓ *Church St*
- ✓ 11. Rear of Ormerod Road on its southerly side from the rear of No. 97 Ormerod Road to the back street of Nos. 10 to 20 Godley Street. ✓
- ✓ 12. Rear of Ormerod Road on its southerly side along the gable end of No. 20 Hawk Street. ✓
- ✓ 13. Ormerod Road on its southerly side from its junction with Church Street for a distance of 80m in a north easterly direction. ✓
- ✓ 14. Ormerod Road on its southerly side from a point 125m north east of its junction with Church Street for a distance of 85m in a north easterly direction. ✓
- ✓ 15. Ormerod Road from a point 10m to the south west of the access road between Nos. 83 and 87 Ormerod Road for a distance of 25m in a north easterly direction. ✓
- ✓ 16. Ormerod Road on its southerly side from a point 45m north east of the access road between Nos. 83 and 87 Ormerod Road for a distance of 35m. ✓
- ✓ 17. Ormerod Road on its northerly side from a point 8m north of its junction with Shorey Bank for a distance of 36m in a north easterly direction. ✓
- ✓ 18. Ormerod Road on its northerly side from a point 125m north of its junction with Shorey Bank for a distance of 145m in a north easterly direction. ✓
- ✓ 19. Ormerod Road from outside No. 99 Ormerod Road for a distance of 60m in an easterly direction. ✓
- ✓ 20. Shorey Bank on its northerly side from its junction with Ormerod Road for a distance of 10m in a north westerly direction. ✓
- ✓ 21. Dawson Square on its southerly side from its junction with Church Street for its entire length. ✓
- ✓ 22. Dawson Square on its northerly side from its junction with Church Street for 8m in a north easterly direction. ✓

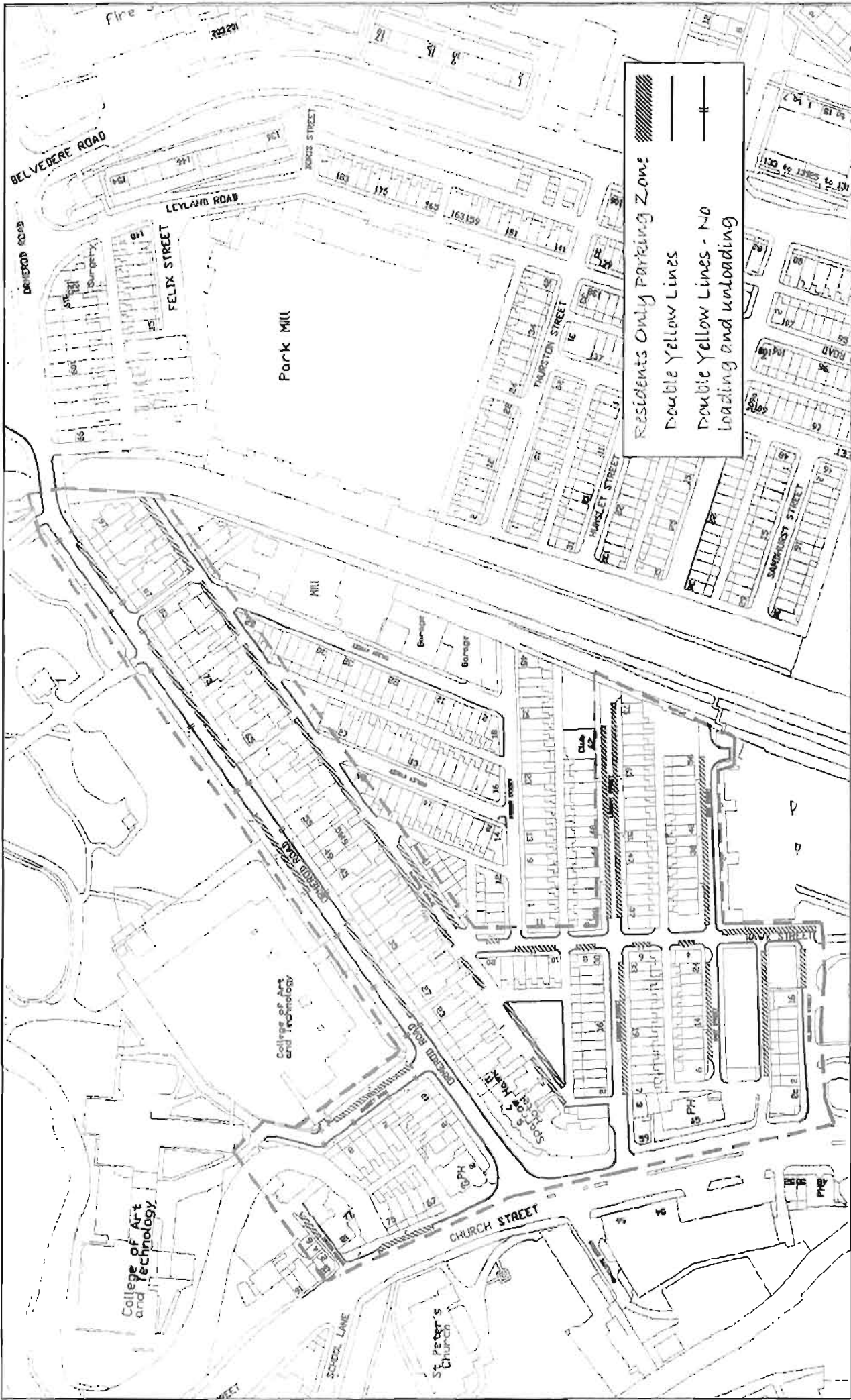
SCHEDULE SIX

NO LOADING OR UNLOADING AT ANY TIME

- ✓ 1. Shorey Bank on its westerly side from its junction with Ormerod Road for its entire length ✓
- ✓ 2. Ormerod Road on its northerly side from its junction with Shorey Bank for a distance of 75m in a north easterly direction. ✓
- ✓ 3. Ormerod Road on its northerly side from a point 125m north east of its junction with Shorey Bank for a distance of 145m in a north easterly direction. ✓
- ✓ 4. Ormerod Road on its southerly side from a point 130m north east of its junction with Church Street for a distance of 85m in a north easterly direction. ✓

Space

5. Ormerod Road on its southerly side from a point 10m to the south west of the access road between Nos. 83 and 87 Ormerod Road for a distance of 25m in a north easterly direction.



Residents Only Parking Zone
 Double Yellow Lines
 Double Yellow Lines - No Loading and unloading

DRAWING NUMBER

Residents Only Parking
 Top Of The Town



Burnley Borough Council
 ENGINEERING SERVICES UNIT
 Head of Engineering
 D.Wood C.Eng. M.I.C.E.

DRAWN
 CHECKED
 SCALES
 DATE

REVISIONS