

In the District of Shepway

**THE DISTRICT OF SHEPWAY
(OFF-STREET PARKING PLACES) ORDER 2009
(AMENDMENT No 2) VARIOUS CAR PARKS ORDER 2009**

The District Council of Shepway (“The Council”) in exercise of its powers under Section 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“The Act”) and of all other enabling powers and with the consent of Kent County Council given under Section 39(3) of The Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to The Act hereby makes the following Order:

COMMENCEMENT AND CITATION

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| 1. | This Order shall come into operation on the 17 th of August 2009, and may be cited as the “The District of Shepway (Off-Street Parking Places) Order 2009 (Amendment No 2) Various Car Parks Order 2009”. |
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INTERPRETATION AND DEFINITIONS

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| 2. | <p>In this Order the following expressions have the meanings hereby respectively assigned to them:</p> <p>“civil enforcement officer” has the same meaning as in Part 6, Section 76 of the Traffic Management Act 2004 and as “parking attendant” as described in Section 63A of the Road Traffic Regulations Act 1984.</p> <p>“disabled person’s vehicle” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1991;</p> <p>“disabled person’s badge” (DPB) has the same meaning as in the Disabled Persons (Badges of Motor Vehicles) Regulations 1991;</p> <p>“driver” in relation to a vehicle waiting in respect in a street parking place, means the person driving the vehicle at the time it was left in the parking place;</p> <p>“owner” has the same meaning as in Section 142 of The Act;</p> <p>“parking place” means any length of road, or area of land, within the public highway designated as a parking place in the Schedules to this Order and provided by the Council under Section 32 of the Act;</p> <p>“relevant position” means:-</p> <ul style="list-style-type: none">i) in the case of a vehicle fitted with a front windscreen, the permit, ticket or DPB is exhibited thereon with the obverse side facing forwards on the nearside of and immediately behind the windscreen, or;ii) in the case of a vehicle not fitted with a front windscreen, the permit, ticket or DPB is exhibited in a conspicuous position on the front nearside of the vehicle so that the DPB can be readily seen by the civil enforcement officer whilst inspecting the parking places; |
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	<p>“Shepway” means the administrative area of Shepway District Council;</p> <p>“traffic sign” has the same meaning as in Section 142 of The Act;</p> <p>“The Act” means the Road Traffic Regulation Act 1984;</p> <p>“the Council” means the Shepway District Council;</p> <p>“The Interpretation Act 1978” shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament;</p> <p>“Vehicle” means a motor vehicle or trailer as in Section 136 of The Act.</p>
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AMENDMENTS AND REVOCATIONS

3.	Article 9 Paragraph (a) of this Order amends the validity of the use of season tickets in the parking place known as Shellons Street in recognition of its status as a short term parking place.
4.	The First Schedule of this Order amends the maximum period for which a vehicle may wait in Mount Street car park, Hythe in the First Schedule of “The District of Shepway (Off – Street Parking Places) Order 2009”
5.	The Second Schedule of this Order revokes the suspension of parking charges in Castle Road car park, Sandgate and amends the Second Schedule of “The District of Shepway (Off-Street Parking Places) Order 2009”
6.	The Third Schedule of this Order amends the season ticket prices and eligibility criteria in Castle Road car park, Sandgate and amends the Third Schedule of “The District of Shepway (Off – Street Parking Places) Order 2009”

PROVISIONS RELATING TO PARKING PLACES

7.	The driver of a motor vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in the First Schedule to this Order in relation to that parking place.
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CHARGES FOR PARKING

8.	<p>(1) The driver of a motor vehicle to be parked in a parking place shall on leaving the motor vehicle in the parking place pay a charge (“the appropriate charge”) for the motor vehicle in accordance with the scale of charges specified in the Table to the Second Schedule of this Order, provided that no charge be payable:</p> <ul style="list-style-type: none"> (i) by the rider of a motor-cycle (ii) by the driver of a disabled person’s vehicle provided that the vehicle is parked wholly within any bay and a valid disabled person’s badge and clock are displayed in the relevant position and that the vehicle remains parked for a no more than 3 hours (iii) by a driver of a vehicle who has complied with Article 8 of this Order (iv) By the driver of a motor vehicle who is engaged in business for, or on behalf of the Council and is clearly displaying a permit issued by the Council.
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	<p>(2) The payment of the appropriate parking charge shall be made on leaving the motor vehicle in the parking place, by the insertion of an appropriate coin or coins for the period required into the ticket machine provided (being a machine, apparatus or device in accordance with Section 35(3) of The Act) to the sum of money representing the appropriate charge.</p> <p>(3) The issue of a ticket by a ticket machine in a parking place shall indicate the payment of the sum of money in accordance with the scale of charges as specified in column 4 of the Second Schedule.</p> <p>(4) Evidence of payment of the appropriate charge by the driver of a motor vehicle shall consist of the display of the appropriate ticket in the relevant position issued by a ticket machine stating the day, time of issue or expiry and vehicle index number.</p>
<p><u>SEASON TICKETS</u></p>	
<p>9.</p>	<p>The owner of a motor vehicle may, on application to the Council, purchase a season ticket in respect of the motor vehicle for the appropriate charge set out in the Third Schedule to this Order and subject to the following provisions:</p> <ul style="list-style-type: none"> (a) a season ticket shall not be deemed valid if such season ticket is used in the parking places known as Pleydell Gardens, Foresters Way, Upper Payers Park, Mount Street, Church Road, West Street and Shellons Street (b) the driver of a motor vehicle parked in a parking place shall attach the season ticket inside the front windscreen of the motor vehicle so that all relevant details are visible from outside the motor vehicle (c) if the season ticket restricts the use to certain parking places, or to certain periods of time, the season ticket shall not be valid for any other circumstances (d) season tickets do not entitle the driver of the motor vehicle to the reservation of an individual parking space <p>in the event of the loss or damage of a season ticket, or change of vehicle, a £5 administration charge shall become payable.</p>

GIVEN under the Common Seal of THE DISTRICT COUNCIL OF SHEPWAY
 Was hereunto affixed in the presence of:

Authorised signatory

FIRST SCHEDULE

MAXIMUM PERIOD FOR WHICH A VEHICLE MAY WAIT

(1) No parking period for a designated parking place referred to in an item in the second column of the Table below shall exceed the maximum length of time mentioned in the corresponding item in the fifth column.

<u>A - SHORT TERM PARKING</u>				
Item	Parking Place	Class of Vehicle	Hours during which a vehicle may wait	Maximum period for which a vehicle may wait
6	Mount Street, Hythe	Cars, light goods vehicles and motor cycles having 3 wheels	All hours	2 hours
	CCTV Coverage	Motorcycles	All hours	2 hours
11	Shellons Street, Folkestone	Cars, light goods vehicles and motor cycles having 3 wheels	All hours	3 hours
		Motorcycles	All hours	3 hours
<u>B - LONG TERM PARKING</u>				
17	Castle Road, Sandgate	Cars, light goods vehicles and motor cycles having 3 wheels	All hours	24 hours
		Motorcycles	All hours	24 hours

SECOND SCHEDULE

PARKING CHARGES

(1) The parking charge and parking period for a vehicle left in a designated parking place referred to in the Schedule or Part of the Schedule referred to in an item in the second column of the Table shall be determined by reference to the corresponding items in the third and fourth columns of the Table.

1	2	3	4	5
17	Castle Road, Sandgate	Up to 1 hour	£1.00	08:00 - 20:00 all days
		Up to 2 hours	£2.00	
		Up to 3 hours	£3.00	
		Up to 4 hours	£4.00	
		Up to 5 hours	£5.00	
		Up to 6 hours	£6.00	
		Up to 12 hours	£7.00	

THIRD SCHEDULE

SEASON TICKETS

Item	Parking Place	Eligibility for purchase	Length of permit	Charge applicable
	All long stay car parks <i>(i.e. all car parks where parking is permitted for more than 3 hours)</i>	All	3 months	£100
			6 months	£200
			12 months	£400
17	Castle Road, Sandgate	All	3 months	£100
			6 months	£200
			12 months	£400