

### The Chelmsford City Council (Parks, Sports and Recreational Grounds)

### (Off Street Parking Places) Order 2016.

Chelmsford City Council (hereinafter referred to as "the Council") in exercise of its powers under Section 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the 1984 Act"), the Traffic Management Act 2004 (hereinafter referred to as " the 2004 Act") and of all other enabling powers and with the consent of Essex County Council given in accordance with Section 39 (3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Paragraph 20 of Part III of Schedule 9 to the 1984 Act HEREBY makes the following Order:

### 1. Commencement and Citation

This Order shall come into operation for all purposes on the 5<sup>th</sup> day of September 2016 and may be cited as The Chelmsford City Council (Parks, Sports and Recreational Grounds) (Off Street Parking Places) Order 2016.

### 2. Interpretation

In this Order, except where stated, the following expressions shall have the following meanings hereby respectively assigned to them:-

"Charge" means a Charge required by Article 3 of this Order to be paid for the use of a Parking Place;

"Charging Hours" means any period for which a Charge is specified in Schedule 2;

"Civil Enforcement Officer" means a person authorised by or on behalf of the Council to enforce the regulations in any Parking Place;

*"Disabled Person's Badge", "Disabled Person's Vehicle" and "Disabled Person's Parking Disc"* have the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

"*Driver*" in relation to a vehicle waiting in a Parking Place means any person driving the vehicle at the time it was left in the Parking Place;

"Maximum Period Permitted" means a period of waiting specified in Schedule 2;

"Motor Car" has the same meaning as defined in Section 136(2) of the 1984 Act;

"Motor Cycle" has the same meaning as defined in Section 136(4) of the 1984 Act;

"Motor Vehicle" has the same meaning as defined in Section 136(1) of the 1984 Act

"Owner" in relation to a vehicle means the person who is recorded as the registered keeper by the Driver Vehicle and Licensing Agency on the date on which the vehicle was parked in a Parking Place in question;

*"Parking Bay"* means any area of a Parking Place, which is provided for the leaving of a vehicle and indicated by markings on the surface of the Parking Place and/or such other markings or signs as deemed appropriate;

*"Parking Permit"* means a permit of a type and design issued by the Council subject to certain conditions, valid for a period of use in Parking Places specified by the Council;

*"Parking Permit Holder"* means a person or company who has been issued by the Council a Parking Permit;

*"Parking Place"* means any off-street area of land so specified by name in Schedule 1 provided by the Council for the leaving of a vehicle under the provisions of this Order;

*"Penalty Charge"* means a charge set out by the Council under the provisions of the 2004 Act;

*"Penalty Charge Notice"* has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Directions 2007;

### "Relevant Position" means -

- (a) in respect of a vehicle displaying a valid Disabled Person's Badge -
  - (i) the badge is exhibited on the dashboard or fascia of the vehicle so that the front of the badge is clearly legible from the outside of the vehicle; or
  - (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.
- (b) in respect of a vehicle displaying a Disabled Person's Parking Disc -
  - (i) the disc is exhibited on the dashboard or fascia of the vehicle; or
  - (ii) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle, so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.
- (c) in respect of a vehicle displaying a Parking Permit -
  - (i) the Parking Permit is exhibited on the inside surface of the windscreen or side window or on the dashboard or fascia so that ALL of the details on the

front of the Parking Permit are clearly visible and be easily seen and read from the outside of the vehicle; or

where the vehicle is not fitted with a windscreen, dashboard, or fascia, the (ii) Parking Permit is exhibited in a conspicuous position so that ALL of the details on the front of the Parking Permit are clearly visible and can easily be read from the outside of the vehicle.

### 3. Area of Car Park and Charges

- Each Parking Place designated in Schedule 1 to this Order may be used, subject (a) to the following provisions of this Order, as a Parking Place to leave vehicles of such classes, in such positions, on such days, during such hours, for such period and on payment of such charges as are specified in relation thereto in Schedule 2 to this Order PROVIDED THAT the Council may individually authorise any vehicle to be left in any Parking Place without compliance with all or any of the Articles in this Order.
- Vehicles may only be parked entirely within the white lines barrier posts or other (b) similar indications marked in the Parking Place (where they are indicated).

### 4. Class and position of Vehicle

Where in the Schedules to this Order a Parking Place whether in relation to the whole or part thereof is described as available for or restricted to use by Permit holders, or it is a Parking Place where no charge applies, or it is a Parking Place where parking is restricted to a specific period of time, or designated as available to motor vehicles of a specified class in a specified position, no person shall permit a vehicle to wait in that Parking Place or in any Parking Bay within a Parking Place:

- unless it is of the specified class; (a)
- unless it is a vehicle displaying in the Relevant Position a Disabled Person's (b) Badge in a Parking Bay so marked for disabled persons;
- unless the vehicle is displaying in the Relevant Position a Parking Permit issued by (c) the Council for that Parking Bay within the Parking Place specified on the permit;
- unless the vehicle has obtained permission from the Council; (d)
- unless the vehicle is parked entirely within the white lines, barrier, posts or other (e) similar indications marked in the Parking Place (where they are indicated);
- in a position other than that specified; or (f)
- for a purpose other than provided for in this Order. (g)

### 5. <u>Classes of Vehicle</u>

No person shall cause or permit a vehicle to be parked in a Parking Place unless it is within the following class that is to say:-

- (a) a Motor Vehicle;
- (b) a Motorcycle or Motorcycle combinations;
- (c) any other class of vehicle specifically prescribed at each Parking Place or Parking Bay

**PROVIDED** that class of vehicle does not exceed 2 tonnes unladen weight or 2.2 metres in height or 5.25 metres in length without the express permission of the Council.

### 6. Days and Hours of Operation

The days and hours of operation of the Parking Places are specified in Schedule 2 to this Order.

### 7. Permit Parking

- (a) Any person, firm or company meeting such criteria as shall from time to time be advised by the Council may apply to the Council for the issue of a Parking Permit for the leaving in a Parking Place, and any such application shall be made on a form issued by and obtainable from the Council and shall include the information required by such form and shall be accompanied by a remittance for such appropriate charge specified in Schedule 2 of this Order.
- (b) A Parking Permit shall be displayed in the Relevant Position on the vehicle in respect of which it was issued or on the vehicle parked by the person in respect of whom it was issued at all times during which the vehicle is parked in the Parking Place.
- (c) Where in the Schedules to this Order a Parking Place whether in relation to the whole or any part thereof is described as available for or restricted to use by Parking Permit Holders then no person shall cause or permit a vehicle to be parked in that Parking Place unless:-
  - (i) it is of the class specified in Article 5 to this Order; and
  - (ii) the appropriate charge specified in Schedule 2 of this Order has been paid to the Council; and
  - (iii) the Parking Permit issued by the Council relates to the Parking Place in respect of which it was issued, for the vehicle in respect of which it was issued or the person in respect of whom it was issued, up to the date and for the time (if any) specified on the Parking Permit; and

- (iv) the driver has complied with the terms stipulated by the Council for the use of a Parking Place.
- (d) A Parking Permit shall remain the property of the Council at all times and must be surrendered on request by the Council. In such instances any refund of charge paid will be provided in accordance with the Council's policies in place at that time.
- (e) If a Parking Permit is damaged, lost or stolen or the particulars on it have become illegible the Parking Permit holder may apply to the Council for the issue of a duplicate Parking Permit and the Council, upon being satisfied as to such damage or loss, shall upon payment of an administration charge issue a duplicate.

### 8. Display of Parking Permit

At all times during which a vehicle is left in a Parking Place requiring the use of a Parking Permit the said permit shall be continuously displayed in the Relevant Position throughout the stay of the vehicle.

### 9. Waiting Period

The Driver of a Motor Vehicle shall not permit it to wait in a Parking Place for longer than the Maximum Period Permitted (if any) for waiting specified in Schedule 2 hereto in relation to that Parking Place except on occasions shall be notified.

### 10. Exemptions for Disabled Badge Holders

- (a) Where a Parking Place is subject to a Maximum Period Permitted for waiting specified in Schedule 2 a vehicle displaying in the Relevant Position a Disabled Person's Badge shall be exempt from compliance with any limitation on time during which the vehicle is left in a Parking Place.
- (b) Where a Parking Bay is specifically marked to indicate a Parking Bay for Disabled Badge Holders only a vehicle displaying in the Relevant Position a Disabled Person's Badge shall be exempt from compliance with any limitation on time during which the vehicle is left in the said Parking Bay.
- (c) Disabled Badge Holders are NOT exempt from parking a vehicle in a Parking Bay specifically marked for Parking Permit Holders only.

### 11. Dispensation

The Council may issue a dispensation notice in respect of the use of a Parking Place in the circumstance outlined below whenever he or she considers such dispensation reasonable necessary:-

- (a) for the purpose of any building operation, demolition, internal or external repair situation within the Parking Place;
- (b) for the purpose of any maintenance or inspection required within the Parking Place.

At all times during which the vehicle is left in a Parking Place there shall be continuously displayed in the front or nearside of the windscreen of the vehicle a valid dispensation notice issued in respect of that vehicle so that all particulars are clearly visible and can be easily seen and read from the outside of the vehicle.

### 12. Penalty Charge

- (a) The Penalty Charges shall be such charges as shall have been approved and published in accordance with Part 3 of Schedule 9 of the 2004 Act. The Penalty Charges applicable at the commencement of this Order are set out in Schedule 3 to this Order.
- (b) A Penalty Charge applies to a vehicle -
  - (i) where the driver does not display in the Relevant Position a Parking Permit valid for that Parking Place;
  - (ii) parked outside of a marked Parking Bay;
  - (iii) parked in a designated Disabled Badge Holder's only Parking Bay without displaying a valid Disabled Persons Badge;
  - (iv) parked for longer than the Maximum Period Permitted for that Parking Place, or re-parked within 2 hours of leaving that same Parking Place;
  - (v) parked in a restricted area in the Parking Place (yellow lines or hatching);
  - (vi) parked in a Parking Place in connection with the sale or offering or exposing for sale goods when prohibited;
  - (vii) parked which exceeds the maximum weight and/or height and/or length permitted in the Parking Place;
  - (viii) parked causing an obstruction;
  - (ix) parked with engine running where prohibited.
- (c) If a Penalty Charge Notice is attached to a vehicle no person not being the driver of the vehicle or the person authorised to do so by the driver or the registered keeper of the vehicle or a person authorised by the Council shall remove the same from the vehicle.
- (d) The payment of the said Penalty Charge in accordance with the requirements set out in the Penalty Charge Notice issued in respect thereof shall entitle the Driver of the Vehicle to which the Penalty Charge Notice was issued to leave the said Vehicle in the Parking Place concerned until 12.00 Midnight on the day on which the said Penalty Charge Notice was attached to the Vehicle, or the time at which the said Parking Place closes on that said day, whichever shall be earlier.

### 13. Suspension or Temporary Closure of Parking Places

- (a) 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; or
  - (ii) from setting aside a Parking Place or any part thereof on all days or on certain days or during certain parts of days for use by particular vehicles or organisations.
- (b) Any person duly authorised by the Council closing or suspending the use of a Parking Place or any part thereof shall 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 is prohibited.
- (c) 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 any part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council.
- (d) Any person duly authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he or she thinks fit, any vehicle parked in a Parking Place or any part thereof which has been closed or suspended by the Council and the cost of movement or removal and safe keeping shall be the liability of the owner of the vehicle.

### **General Provisions**

- 14. The Driver of a vehicle using a Parking Place shall stop the engine as soon as the vehicle is in position in the Parking Place, and shall not start the engine except when about to change the position of the vehicle within or to depart from the Parking Place.
- 15. Where, in any Parking Place, signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the Parking Place, or indicating that a vehicle using the Parking Place shall proceed in a specified direction within the Parking Place, no person shall drive or permit to be driven any vehicle so that it enters or leaves the Parking Place otherwise than by using the entrance or exit indicated, or is driven in a direction other than the specified direction.
- 16. Where a vehicle is within a Parking Place in contravention of the provisions of this Order or is such circumstances that it appears to the Council to have been abandoned, the Council may cause that vehicle to be removed in accordance with the Council's procedure for the removal of abandoned vehicles.

- 17. Any person removing or altering the position of a vehicle by virtue of Article 16 of this Order may do so by towing or driving the vehicle or in such other manner as he or she think necessary and may take such measures in relation to the vehicle as he or she think necessary to enable them to remove it or alter its position, as the case may be.
- 18. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 16 of this Order, he or she shall make such arrangements as may be reasonable necessary for the safe custody of the vehicle.
- 19. Where a vehicle is removed in pursuance of Article 16 of this Order the Council shall be entitled to recover from the Owner of the vehicle such reasonable costs incurred by the Council in the removal storage or disposal of the vehicle and any such sum shall be recoverable as a simple contract debt PROVIDED THAT any such charges shall not exceed any charges prescribed by any regulations for the time being in force by virtue of Section 102 of the 1984 Act.
- 20. The Council may with regard to any vehicle which has been removed from a Parking Place pursuant to Article 16 of this Order dispose of such vehicle subject to and in accordance with the provisions contained in Section 101 and 102 of the 1984 Act.
- 21. If before a vehicle is disposed of in pursuance of Article 20 of this Order a vehicle is claimed by a person who satisfies the Council that he or she is the Owner and pays such sums in respect of its removal, storage and parking costs as shall have reasonably been incurred by the Council, the Council shall permit the Owner to remove the vehicle from its custody within 21 days of payment.
- 22. For the purposes of meeting the requirements of an emergency a person authorised in that behalf by the Council or a Police Constable in uniform or a member of the Fire and Rescue Service or the Ambulance Service may alter or cause to be altered the position of a vehicle in a Parking Place or removal or arrange for the removal of a vehicle from a Parking Place.
- 23. No person or company shall in a Parking Place:-
- (a) play any ball game or game using a ball;
- (b) ride any bicycle, moped, scooter or motorcycle unless proceeding directly to or from an area designated or otherwise permitted to be used for the parking of these vehicles;
- (c) use any roller skates or blades, skate or skate board;

- (d) sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the Parking Place;
- (e) wantonly shout or otherwise make any loud noises to the disturbance or annoyance of users of the Parking Place or occupants of premises in the neighbourhood;
- use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace or whereby a breach of the peace is likely to be occasioned;
- (g) drive or cause to be driven any vehicle onto or over any kerb or verge within the Parking Place;
- (h) remain in a Parking Place after being told to leave by an officer, employee or person engaged by the Council, a Civil Enforcement Officer or Police Officer;
- (i) be in the Parking Place other than for the purpose of parking a vehicle or purposes connected thereto.
- use a vehicle while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or hiring of his or her skills or services unless such person has been authorised by the Council in writing;
- (k) offer a vehicle for sale while in a Parking Place;
- (I) place or cause to be placed on a vehicle while in a Parking Place any leaflet, handbill or advertising material other than a ticket or notice authorised elsewhere in this Order or by or on behalf of the Council;
- (m) light any fire in a Parking Place, or erect any tent, booth, building, or structure in a Parking Place without the written consent of the Council;
- (n) use any part of a Parking Place or any vehicle left in a Parking Place for sleeping or camping or cooking purposes without the written consent of the Council;
- (o) use any part of a Parking Place or any vehicle left in a Parking Place for vending including sales of food and car boot sales without the written consent of the Council;
- (p) use any part of a Parking Place for the flying of objects or drones without the written consent of the Council;

- (q) use any part of a Parking Place as a practice area for learner drivers without the written consent of the Council;
- (r) cause or permit any Caravan or Trailer to be parked in a Parking Place without the written consent of the Council;
- (s) cause or permit any vehicle to park in a Parking Place overnight without the written consent of the Council:
- (t) carry out or permit the carrying out of any work of construction, repair or maintenance (including washing) on or to a vehicle in a Parking Place, except such as may be necessary to enable it to be moved from the Parking Place.
- 24. If a Court, the Department of Transport, the Traffic Penalty Tribunal or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable such declaration shall not invalidate the remainder of the Order.

### 25. Contravention

- (a) If a vehicle is left without complying with any of the requirements of this Order then a contravention will have occurred and a penalty charge shall be payable for each period specified in Schedule 2 which the said vehicle is so parked.
- (b) If a contravention has occurred a penalty charge showing the information required by the 2004 Act may then be issued by a Civil Enforcement Officer.

THE COMMON SEAL of THE CITY OF CHELMSFORD was hereunto affixed 2016 this 13d day of august, in the presence of -Mayor Potnicia fugues. Principal Solicitor . Jelen (william Butcher) 10

### Schedule 1 – List of Car Parks

Please note the car parks are shown on correspondingly numbered plans annexed to this Order.

- 1. Beaulieu Park
- 2. Chancellor Park
- 3. Coronation Park
- 4. Springfield Hall Park
- 5. Andrews Park
- 6. Melbourne Park
- 7. Admirals Park / Tower Gardens
- 8. Lionmede Recreational Ground
- 9. Oaklands Park
- 10. John Shennon Playing Field
- 11. Chelmer Park
- 12. Jubilee Park
- 13. Noakes Park
- 14. Compass Gardens
- 15. Saltcoates Park

Schedule 2 – Parking Places Charges and Waiting Restrictions

No.	Name of Car Park	Opening	Operational	Waiting	Car Park Charge
		limes	limes	rerioa	
-	Beaulieu Park	7.30am-10pm	Mon-Fri	2 hour maximum stay, no return	Parking Permit -
			7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
2	Chancellor Park	8am-10pm	Mon-Fri	3 hour maximum stay, no return	Parking Permit -
1		~	8am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
ო	Coronation Park	All times	Mon-Fri	3 hour maximum stay, no return	Parking Permit -
)			7.30am-6pm	within 2 hours, except Permit	£750.00 per
-			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
4	Springfield Hall	7.30am-Dusk	Mon-Fri	2 hour maximum stay, no return	Parking Permit -
	Park		7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
ഹ	Andrews Park	All times	Mon-Fri	3 hour maximum stay, no return	Parking Permit -
			7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
ဖ	Melbourne Park	All times	None	No limit	No charge
2	Admirals Park /	Mon-Fri 10am -	None	No limit	No charge
	Tower Gardens	Dusk			
		Sat-Sun 9.30am -			
		Dusk			

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C		All times	Mon Cri	2 hour maximum stav no return	Parking Parmit -
0_			7 200m Eam	Litting hours accord Dermit	ETED OD nor
	Kecreational		/ .Juarn-opm	WILTIN Z NOUIS, EXCEPT FEITHIL Holders and Blue Badre Holders in	2130.00 per
	פוסמות		Holidays	designated parking bays.	
ດ	Oaklands Park	10am - Dusk	Mon-Fri	2 hour maximum stay, no return	Parking Permit -
			10am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
10	John Shennon	All times	None	No limit	No charge
	Playing Field				
	Chelmer Park	7.30am-10.30pm	Mon-Fri	3 hour maximum stay, no return	Parking Permit -
			7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
12	Jubilee Park	7.30am-8pm	Mon-Fri	2 hour maximum stay, no return	Parking Permit -
			7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
13	Noakes Park	All times	Mon-Fri	2 hour maximum stay, no return	Parking Permit -
			7.30am-6pm	within 2 hours, except Permit	£750.00 per
			excluding Bank	Holders and Blue Badge Holders in	annum per vehicle
			Holidays	designated parking bays.	
14	Saltcoates Park	7.30am - Dusk	None	No limit	No charge
15	Compass	7.30am - Dusk	None	No limit	No charge
	Gardens				
Cor	vention codes 81	, 86, 89, 92 and 96 st	hown in Schedule :	and 96 shown in Schedule 3 to this Order apply at all times in the Parking Places listed	arking Places listed
above	ve.				

# Schedule 3 – Categories of contravention for Penalty Charge Notice issue

# £70 (discounted to £35 if paid within 14 days of service) Higher Level Contraventions Off-Street

## Code Description

81 Parked in a restricted area in a car park

85 Parked in a Permit Bay without clearly displaying a valid permit

87 Parked in a designated Disabled Person's Parking Place without displaying a valid Disabled Person's Badge in the prescribed manner

89 Vehicle parked exceed maximum weight or height or length permitted in the Parking Place 92 Parked causing an obstruction

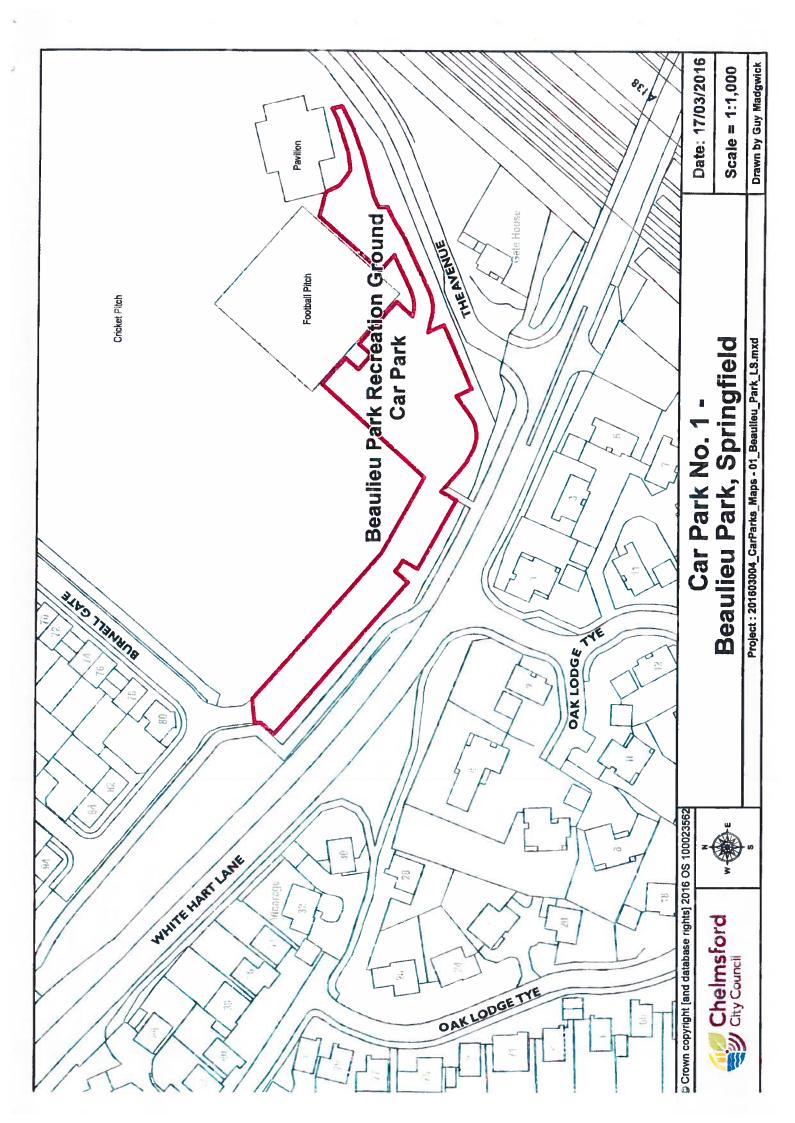
# Lower Level Contraventions Off-Street

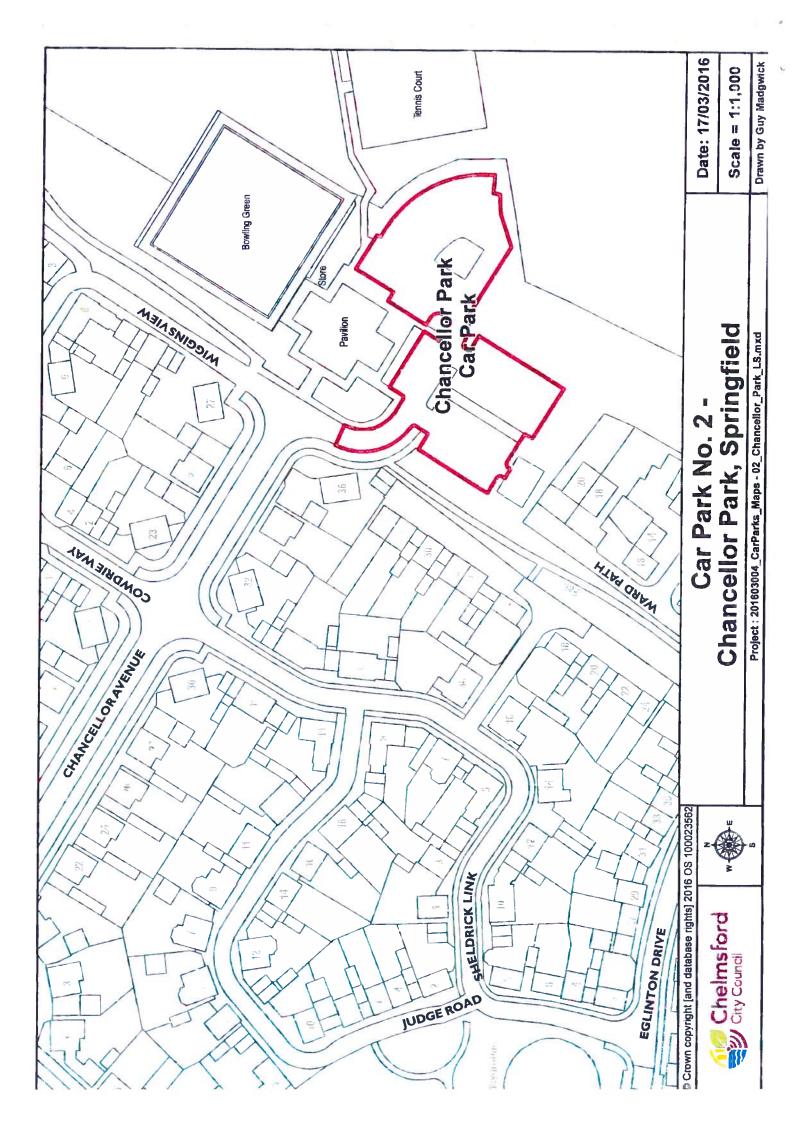
£50 (discounted to £25 if paid within 14 days of service)

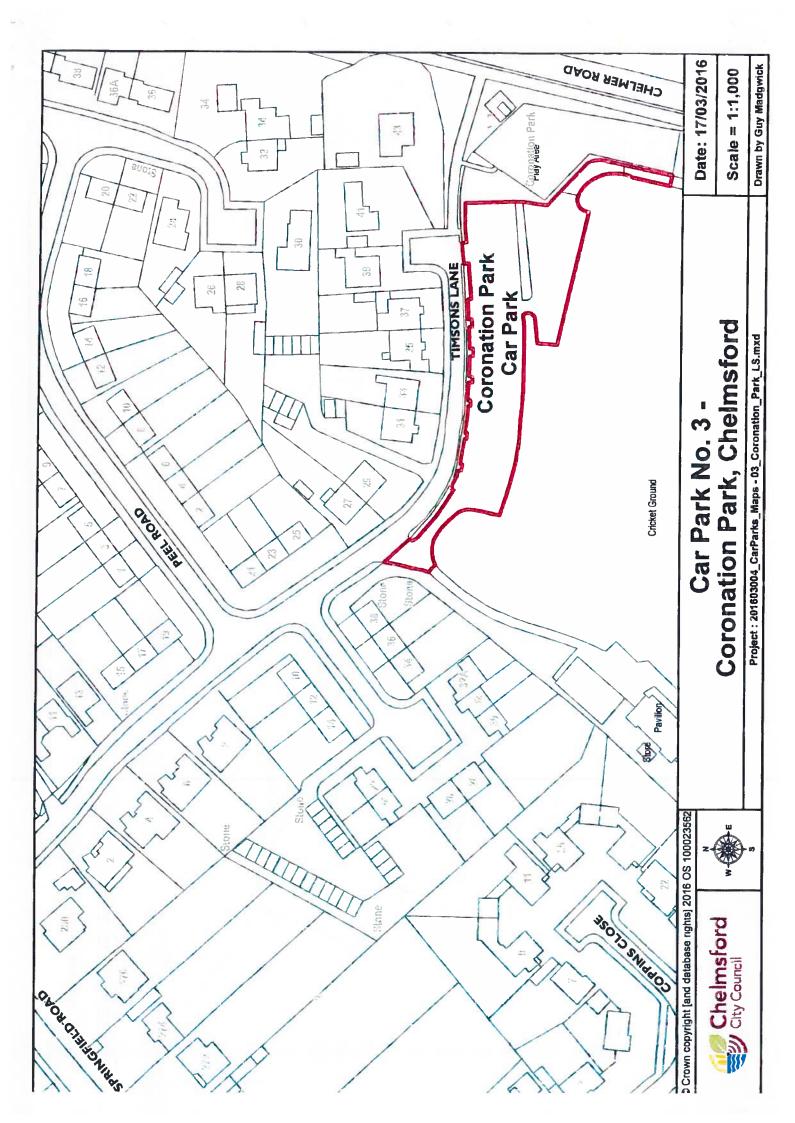
### Code Description

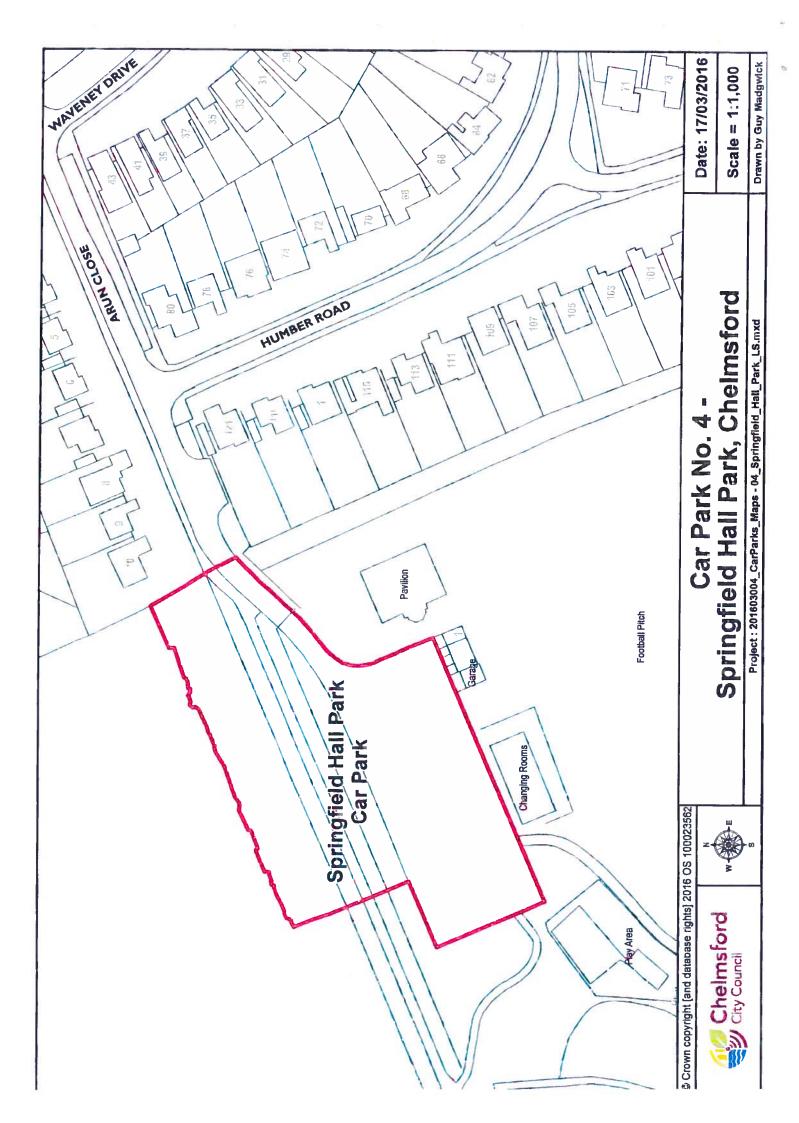
80 Parked for longer than the maximum period permitted

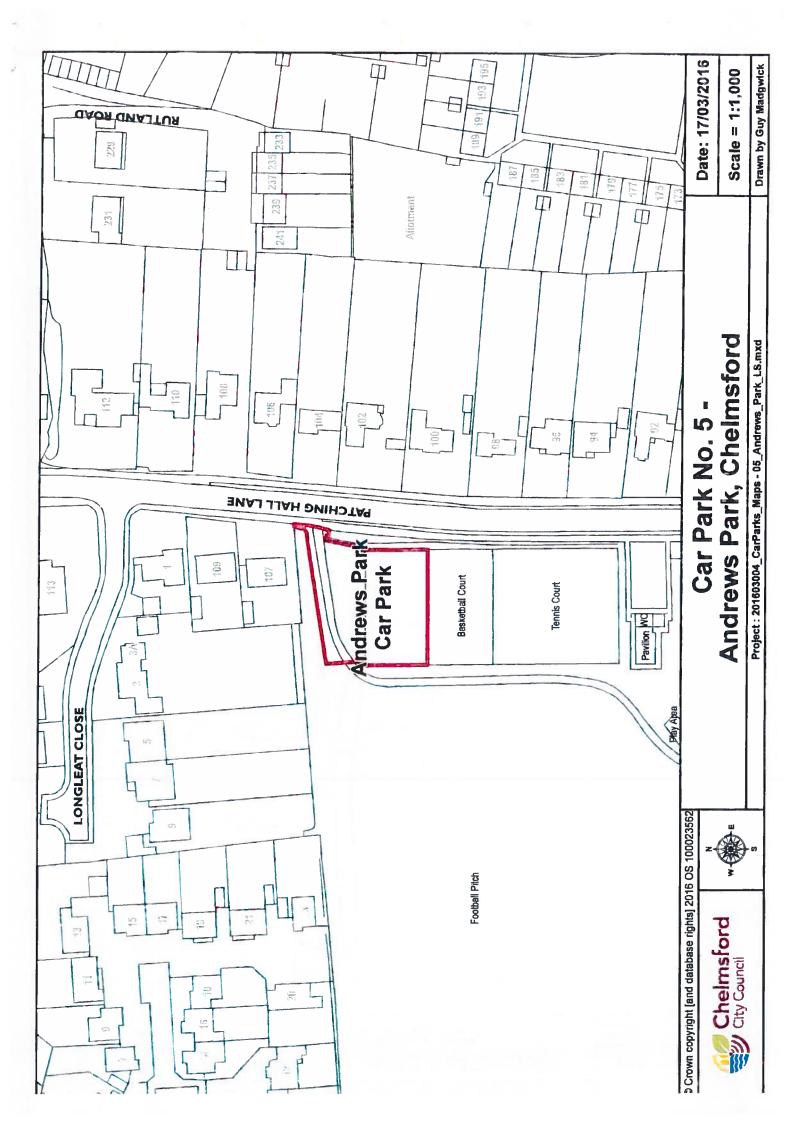
86 Parked beyond the bay markings 90 Re-parked in the same Parking Place within 2 hours of leaving 96 Parked with engine running where prohibited

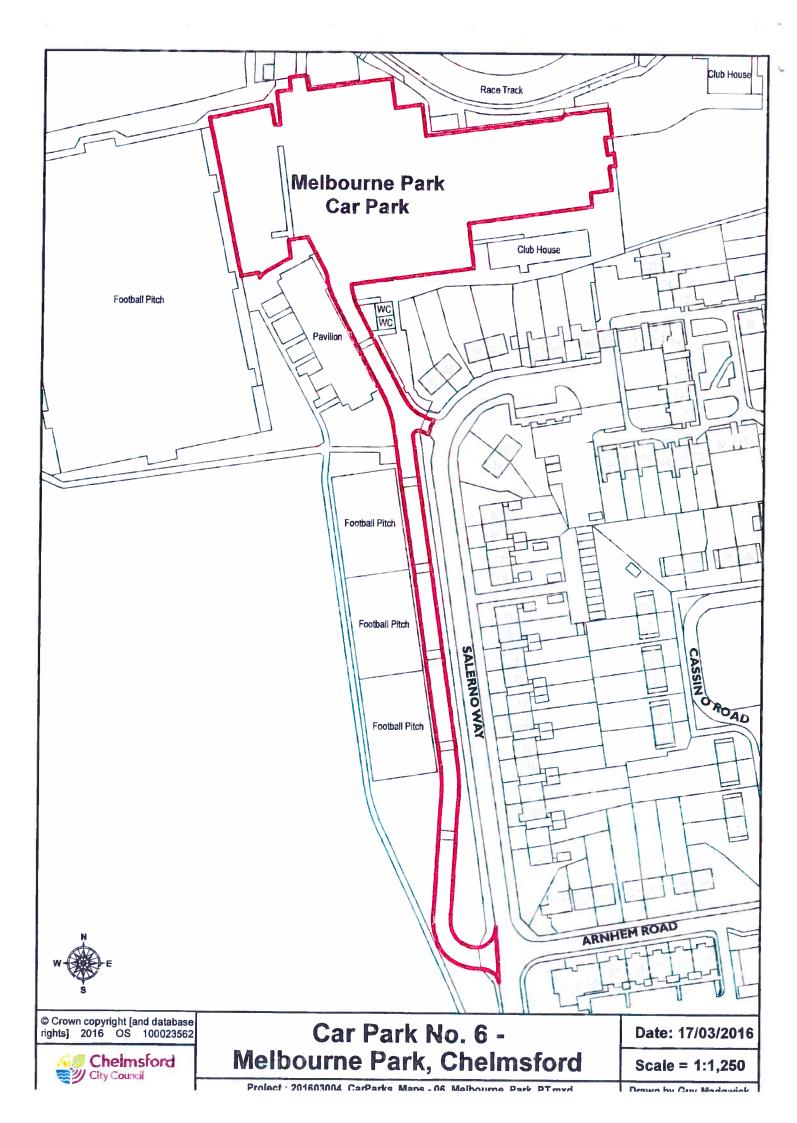


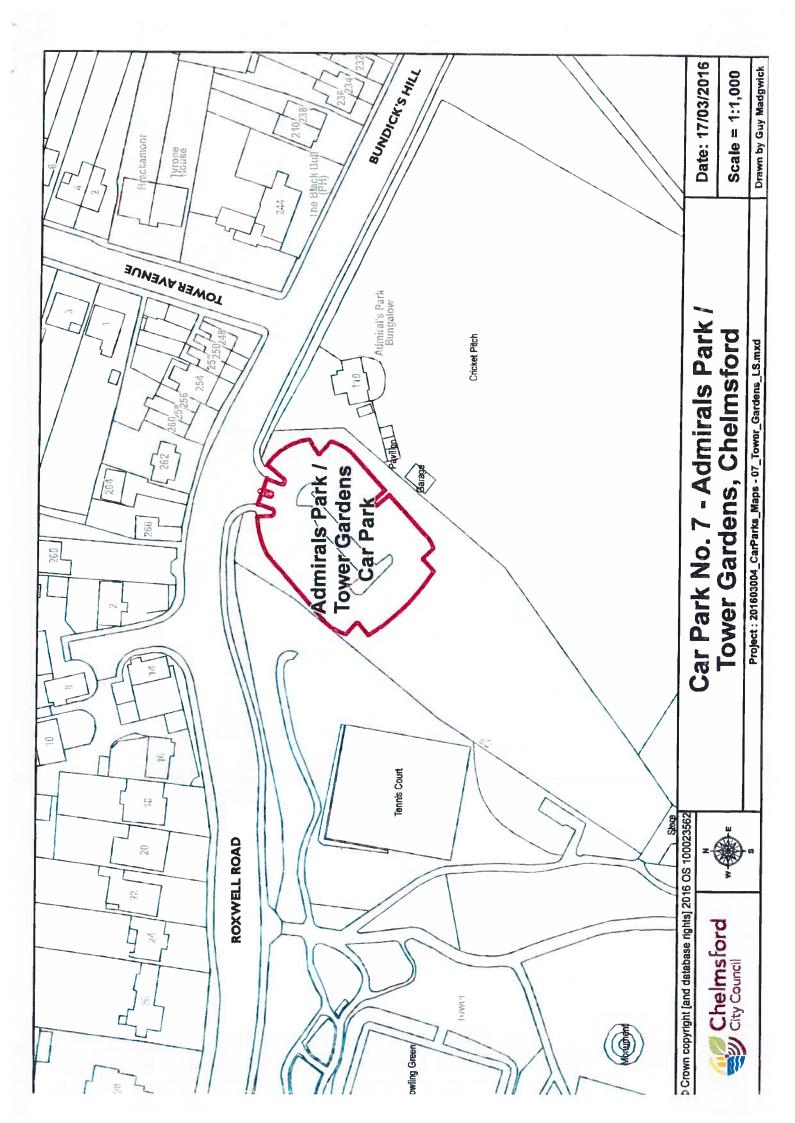


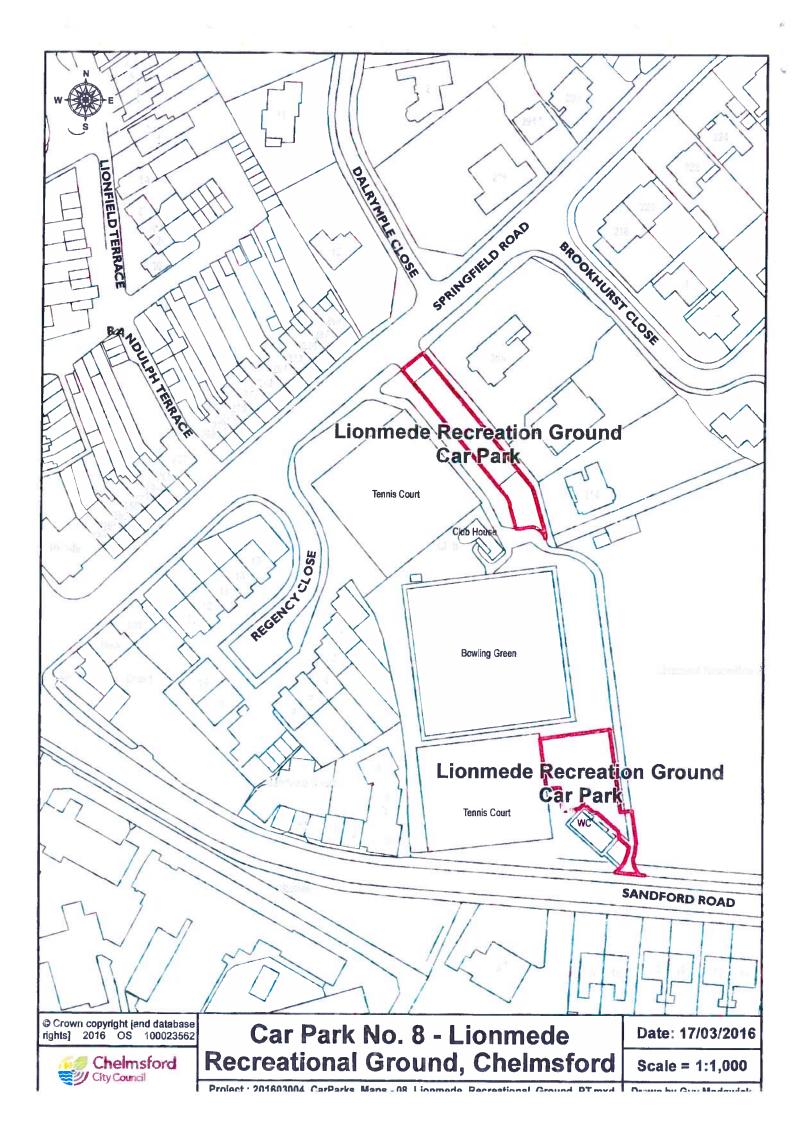


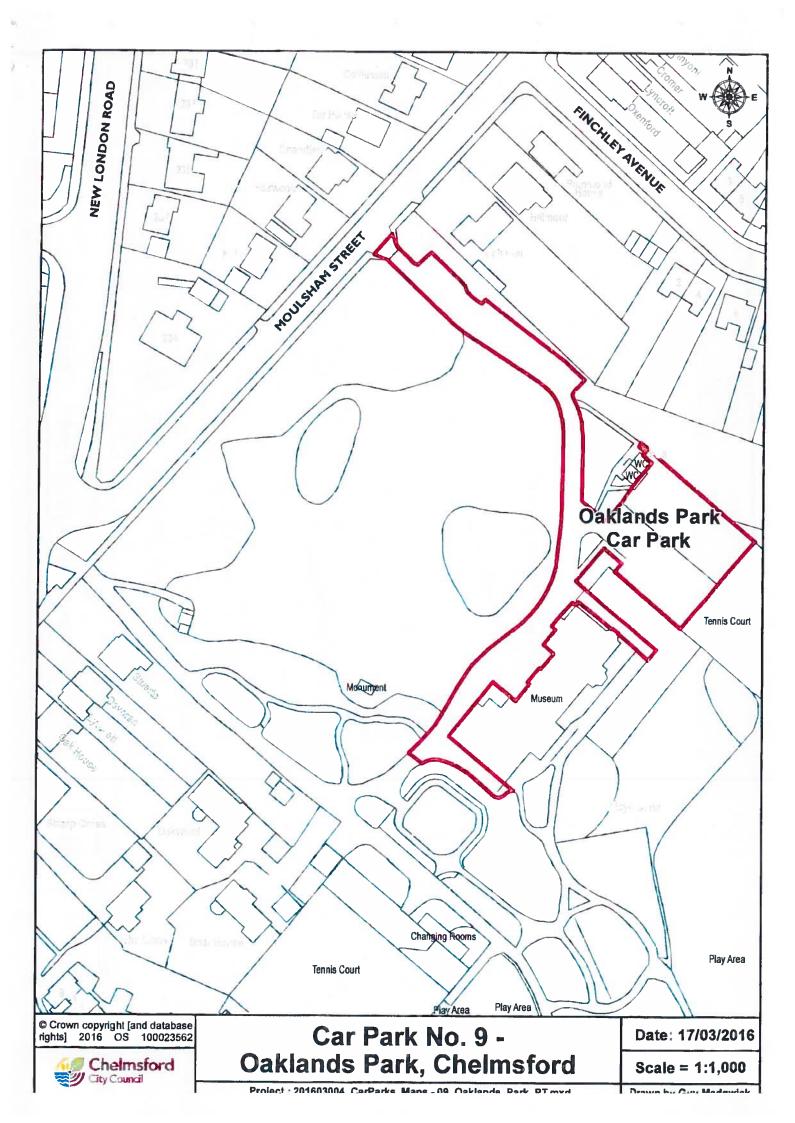


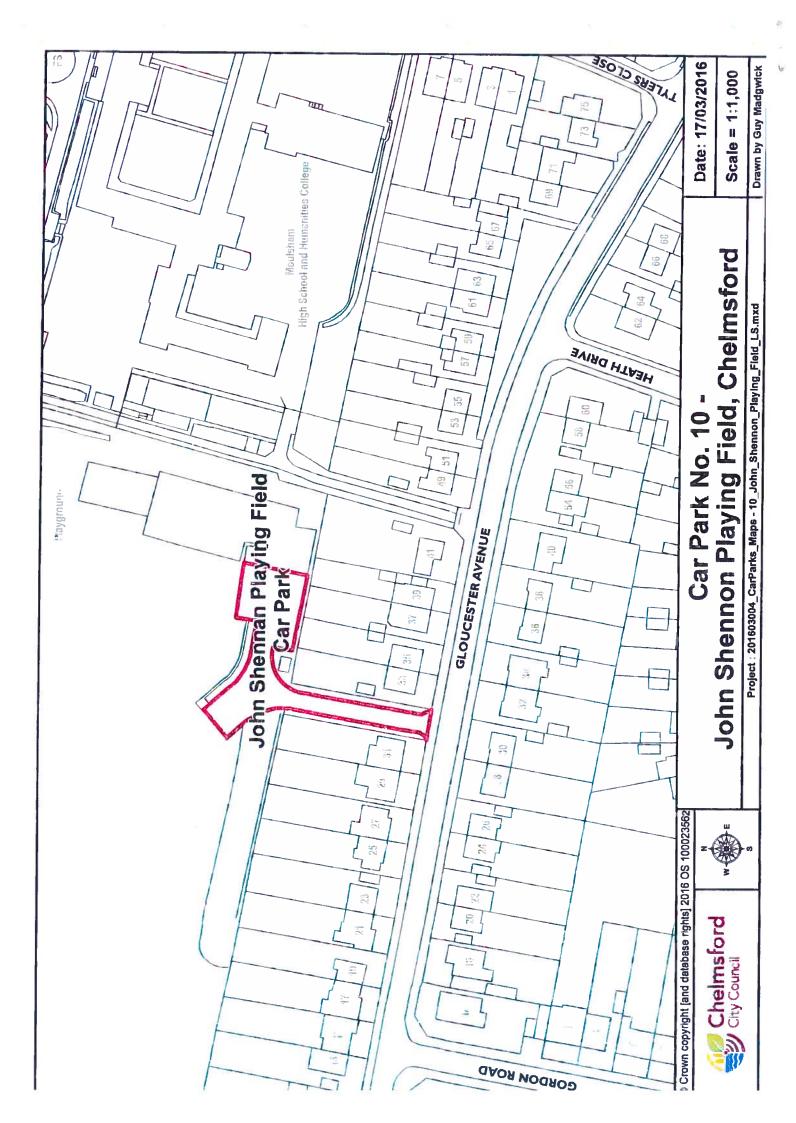


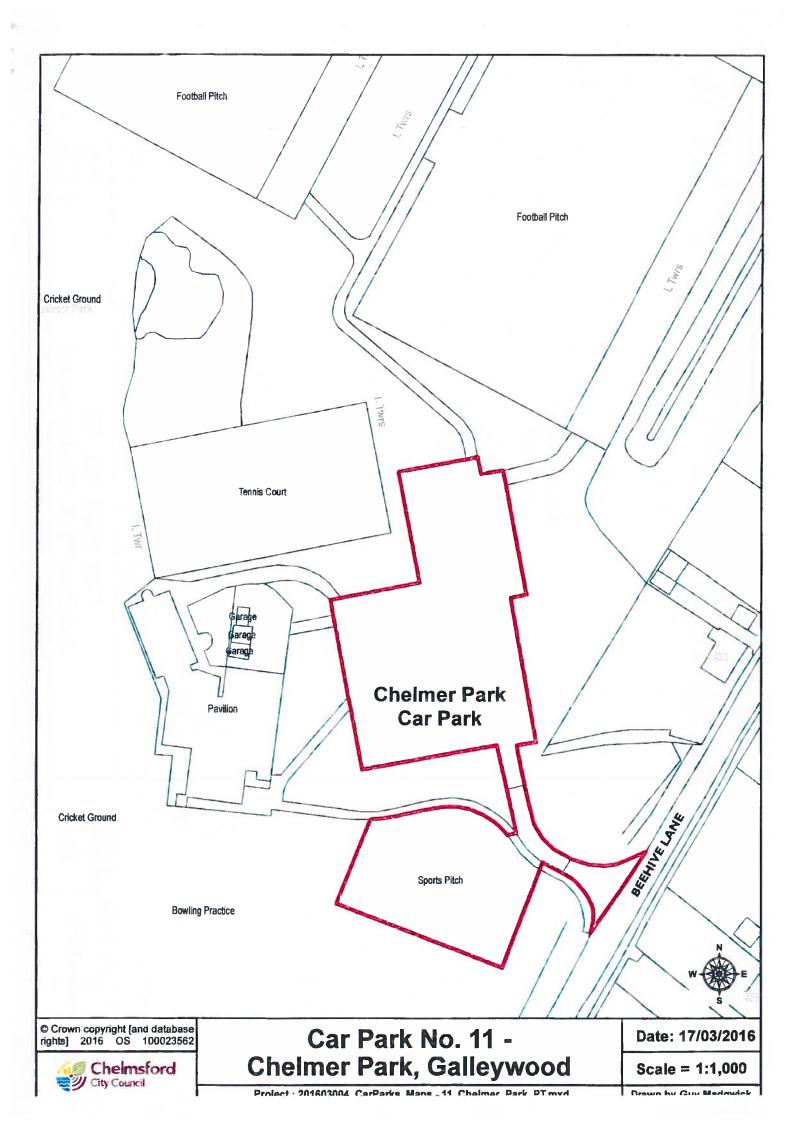


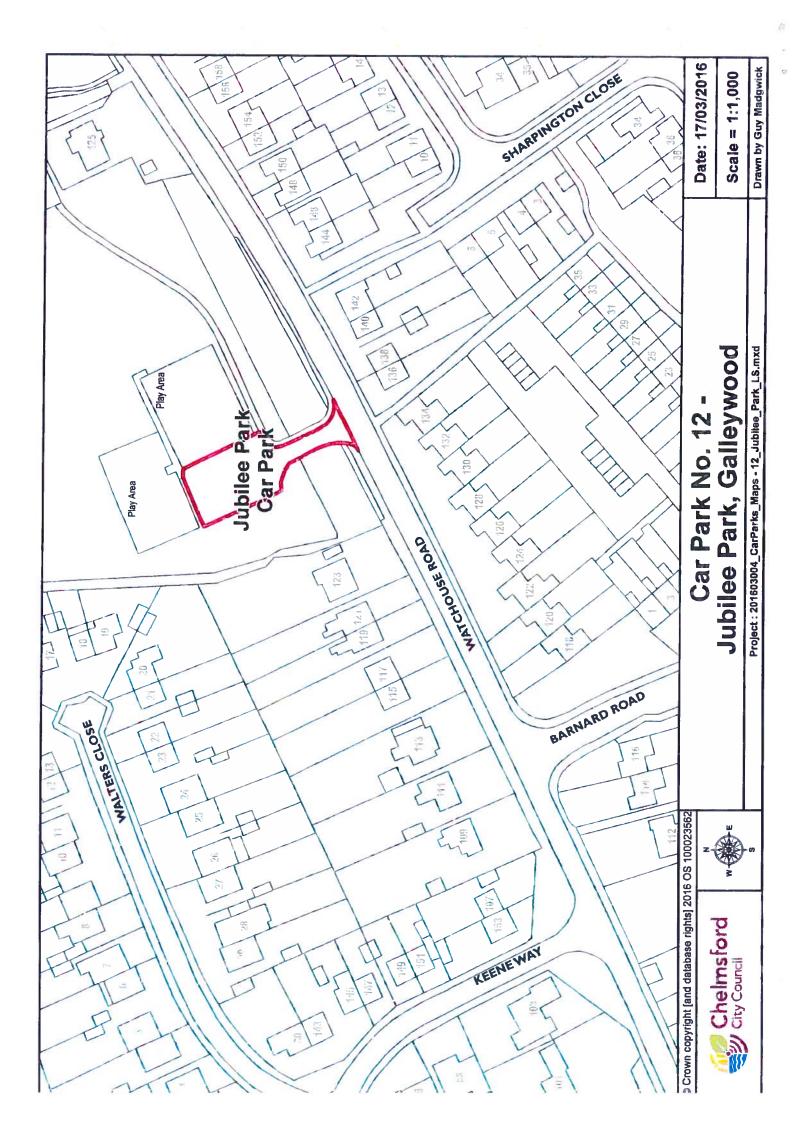


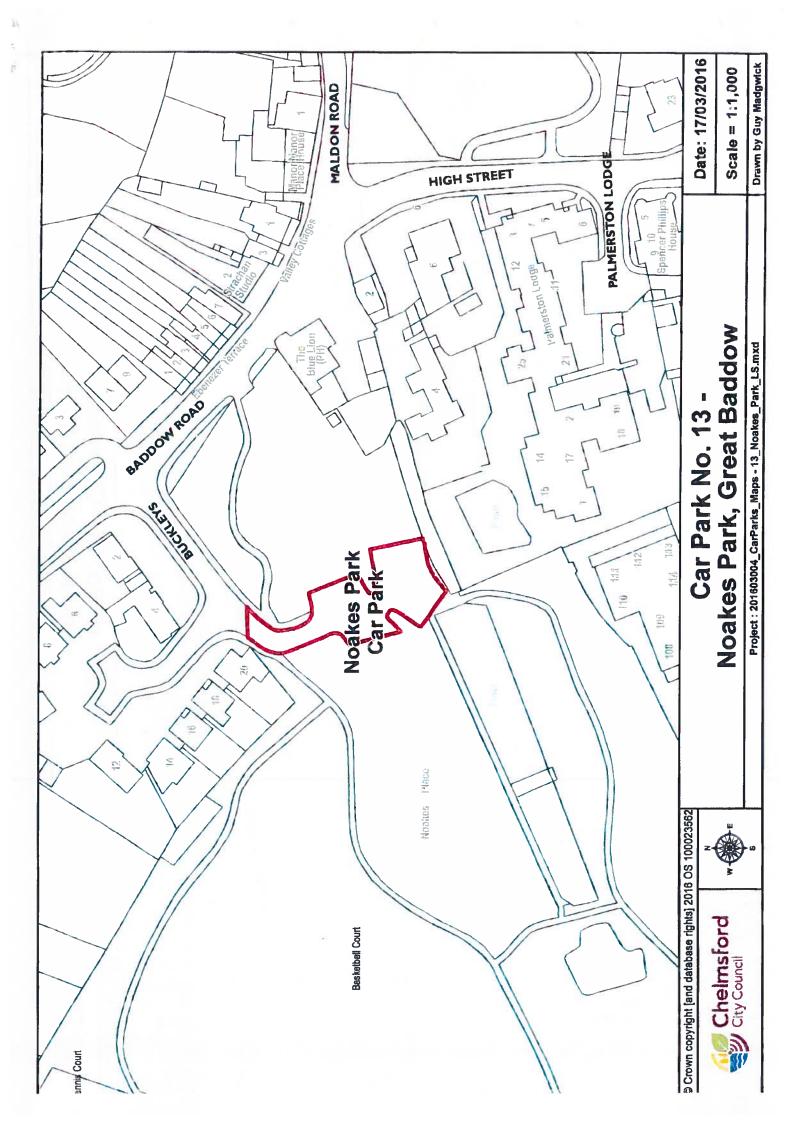


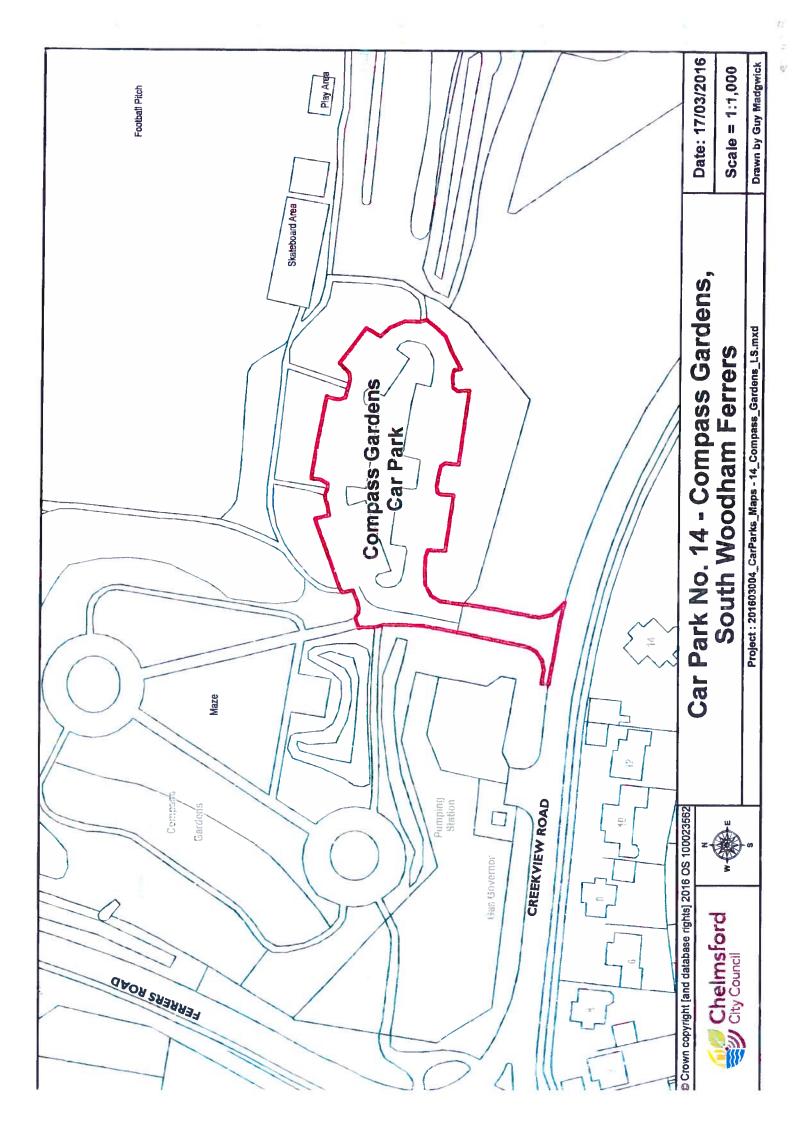


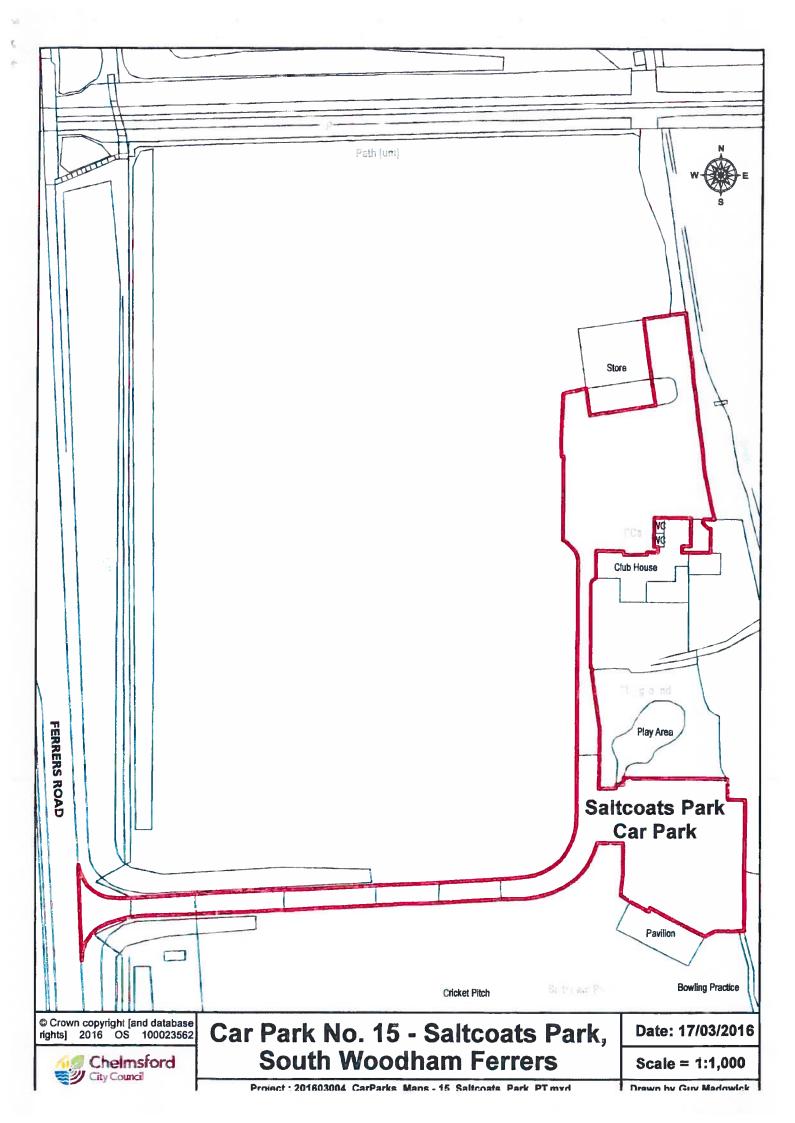












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