

**DATED 13 JUNE 2013**

**THE DERBYSHIRE COUNTY COUNCIL**

**ROAD TRAFFIC REGULATION ACT 1984**

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**(CROW LANE AND FELKIN STREET, CHESTERFIELD)**

**(ON-STREET CHARGING AND PROHIBITION OF WAITING) ORDER 2011**

**J McELVANEY**

**MATLOCK**

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# **DERBYSHIRE COUNTY COUNCIL**

## **THE ROAD TRAFFIC REGULATION ACT 1984**

### **(CROW LANE AND FELKIN STREET, CHESTERFIELD) (ON-STREET CHARGING AND PROHIBITION OF WAITING) ORDER 2011**

Derbyshire County Council in exercise of its powers under Sections 1, 2, 4, 32, 35, 35A, 45, 46, 47, 48, 49, 51, 52, 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("The Act") and all other enabling powers, 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:

1. This Order shall come into operation, as it relates to the lengths of Felkin Street listed in the Schedules to this Order, on the Twenty-fourth day of June Two Thousand and Thirteen, and may be cited as "The Derbyshire County Council (Crow Lane and Felkin Street, Chesterfield) (On-Street Charging and Prohibition of Waiting) Order 2011".

#### **2. INTERPRETATION**

In this Order –

- 2.01 "Bank Holiday" has the same meaning as described in the Banking and Financial Dealings Act 1971.
- 2.02 "Bus" has the same meaning as in Regulation 22 of The 2002 Regulations;
- 2.03 "Carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles, as in Section 329(1) of the Highways Act 1980;
- 2.04 "CEO" means Civil Enforcement Officer and has the same meaning as in Section 76 of the 2004 Act;
- 2.05 "Disabled Person's Badge", "Disabled Person's Vehicle", "Disabled Person", "Disabled Driver" and "Disabled Person's Parking Disc" have the same meanings as in the Local Authorities' Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;
- 2.06 "District Council" means in this Order Chesterfield Borough Council;
- 2.07 "Driver" in relation to a Vehicle waiting in a Parking Place or on a road or length of road, means:-
  - a) the person driving the Vehicle or responsible for the Vehicle at the time it was left in that Parking Place or road or length of road;
  - b) the registered keeper of the Vehicle shall be deemed to have been the Driver unless evidence to the contrary is shown;
  - c) where the Vehicle is a pedal cycle, the person (being a user) riding, pushing by hand or otherwise in charge of the Pedal Cycle at the time it was left in the Parking Place;
- 2.08 "Motor Car" and "Motorcycle" have the same meaning as in section 136 of the Act;
- 2.09 "Owner" in relation to a Vehicle means the person who is named in the Vehicle registration document as the registered keeper of a goods or passenger Vehicle or

who has the use of such a Vehicle in the course of his employment and who is entitled to use such a Vehicle as though he were the registered keeper thereof;

- 2.10 "Parking Bay" and "Parking Space" means a part of a Parking Place marked out or provided for the leaving of a Vehicle of the classes specified in this Order under the provisions of this Order;
- 2.11 "Parking Charge" means the charge applicable as specified in Schedule 2 of this Order;
- 2.12 "Parking Period" means the period in time in respect of which a Parking Charge is applicable as specified in the schedule attached to this Order;
- 2.13 "Parking Place" means a length of road or any area of land authorised to be used as a parking place by this Order, under the provisions defined in the schedule to this Order and indicated by signs and markings prescribed in the Traffic Signs Regulations and General Directions 2002
- 2.14 "Parking Ticket" means a ticket issued by a Ticket Machine, of a type and design authorised by the Secretary of State, installed at a Parking Place;
- 2.15 "Pay and Display Parking Place" means any area of highway specified in Schedule 2 of this Order where a Parking Charge is specified;
- 2.16 "Period of Stay" in relation to a Vehicle left in a Parking Place means the period beginning at the time of arrival or deemed time of arrival of that Vehicle in that Parking Place and extending until the time of its departure;
- 2.17 "Permitted Hours" means the hours specified in the schedule attached to this Order;
- 2.18 "Prescribed Hours" has the meanings ascribed in each particular Part of this Order and shall be construed accordingly;
- 2.19 "Public Service Vehicle" has the meaning ascribed to it by Section 1 of the Public Passenger Vehicles Act 1981, that is to say it shall mean a motor Vehicle (other than a tramcar) which:-
- a) being a Vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
  - b) being a Vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of the business of carrying passengers;
- 2.20 "Relevant Position" in respect of: -
- a) a Disabled Person's Badge or a Permit or a Parking Ticket, means:
    - (i) in the case of a Vehicle fitted with a front windscreen, that the Disabled Person's Badge or Permit is exhibited thereon with the front facing forward on the nearside of and immediately behind the windscreen; or
    - (ii) in the case of a Vehicle not fitted with a front windscreen, that the Disabled Person's Badge or Permit is exhibited on the front or nearside of the vehicle;
  - b) a Disabled Person's Parking Disc, means that the side showing the time is facing forward or outward and immediately behind the windscreen or side window nearest to the kerb;
- 2.21 "Specified Parking Place" means a space which is provided for the leaving of a Vehicle, either of the type of Vehicle specified or displaying a valid Parking Ticket as specified in the Schedule 2 of this Order;

- 2.22 "Specified Position" means, in respect of a Vehicle left in a Parking Place during the Permitted Hours in accordance with the foregoing provisions of this Order, that it shall be caused so to stand:-
- a) in accordance with any special provisions as to the manner of standing of a Vehicle in that place which are specified in the schedule attached to this Order,
  - b) in the case of any other Parking Place, 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;
  - c) so that every part of a Vehicle is within the limits of a Parking Place;
  - d) that no part of the Vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the Vehicle is waiting.
- 2.23 "Specified Hours" means the hours identified for Parking or Unloading places in the schedule attached to this Order;
- 2.24 "Ticket Machine" means a pay and display machine apparatus or device of a type or design approved by the Secretary of State for use on street for the issuing of a Parking Ticket;
- 2.25 "Traffic Sign" means a sign of any size, colour and type prescribed or authorised pursuant to or having the effect as though prescribed or authorised pursuant to Section 64 of the Act;
- 2.26 "Vehicle" means any mechanically propelled Vehicle intended or adapted for use on roads;
- 2.27 "The 2004 Act" means the Traffic Management Act 2004;
- 2.28 "Penalty Charge Notice (PCN)" means a notice issued or served by CEO in accordance with Regulation 8, 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007 No. 3483);
- 2.29 The Interpretation Act 1978 shall apply to its interpretation as it applies to Acts of Parliament
- 2.30 Any reference to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment
- 2.31 Any reference in this order to the masculine gender shall include the female gender and vice versa and any reference to a singular includes the plural and vice versa.

### **3 PROHIBITION OF WAITING**

- 3.1 Save as provided in Articles 4 and 5 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform or a CEO, cause or permit any Vehicle to wait at any time on any day on any length of road specified in Schedule 1 of this Order.

### **4 GENERAL EXEMPTIONS TO PROHIBITION OF WAITING**

- 4.1 Nothing in Article 3 shall render it unlawful for any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable;
- (a) a person to board or alight from a Vehicle or to enable personal luggage to be loaded onto or unloaded from the Vehicle;
  - (b) 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:-

- (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;
- (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or of any Electronic Communications Line:
- (c) 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) the Vehicle of a universal service provider (as defined in Section 4 of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
- (e) the Vehicle to take in petrol, oil, water, or air from any garage situated on or adjacent to the said lengths of road;
- (f) any Vehicle, other than a privately owned Vehicle, which is being used as an official Vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a Church or place of worship.
- (g) the Vehicle to be used for fire brigade, ambulance or police purposes;
- (h) Goods to be Loaded or Unloaded from the Vehicle; unless a loading prohibition is in force.

## **5 DISABLED PERSONS EXEMPTIONS**

- 5.1 Nothing in Article 3.1 of this Order shall render it unlawful for a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge and a Disabled Person's Parking Disc, on which the Driver or other person in charge of the Vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or sides of road specified in Schedule 1 for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same Vehicle in the same length of road or on the same side of road on the same day).

## **6 PAY AND DISPLAY PARKING PLACES**

- 6.1 Subject to the Articles of this Order, the area on the roads or sides of the roads identified and for the periods specified in Schedule 2 under the conditions of use specified in Articles 7, 8 and 12, shall be Pay and Display Parking Places.
- 6.2 Nothing in this Order shall render it unlawful to cause or permit any Vehicle displaying a valid Ticket in accordance with Article 12 of this Order to wait in a Pay and Display Parking Place provided that such a Vehicle is parked in accordance with Article 8 of this Order during the times of operation specified in Column 3, of the classes of vehicles specified in Column 2 of Schedule 2.

## **7 RESTRICTION OF USE OF VEHICLES (Pay and Display Parking Places)**

- 7.1 The Driver of a Vehicle using a Pay and Display Parking Place shall not carry out any work of construction, repair or maintenance to the Vehicle except such as may be necessary to enable the Vehicle to be removed from the Pay and Display Parking Place.
- 7.2 No person shall use a Vehicle, while it is in a Pay and Display Parking Place, in connection with the sale of any article to persons in or near the Pay and Display Parking Place or in connection with the selling or offering for hire of that person's skill or services, unless in connection with a charitable event and having received the

prior permission of the Council. Nothing in this Article shall prevent the sale of goods from a Vehicle if the Vehicle is one which may be left in a Pay and Display Parking Place in accordance with Article 8 of this Order and the goods are immediately delivered at or taken in to premises adjacent to the Vehicle from which the sale is effected.

## **8 MANNER OF STANDING OF VEHICLES (Pay and Display Parking Places)**

8.1 Every Vehicle left in a Pay and Display Parking Place specified, shall so stand, unless the Parking Place is further restricted by additional controls on the manner of standing or restricted to use by a specified class of Vehicle or user, as specified, as follows:

- (i) a Vehicle shall not use a Pay and Display Parking Place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road or a pavement by other persons, or so as to be a nuisance;
- (ii) in the case of a Pay and Display Parking Place in relation to which special provisions as to the manner of standing of Vehicles in that place are specified as to be in accordance with those provisions;
- (iii) in the case of any other Pay and Display Parking Place:
  - a) if the Pay and Display Parking Place is not in a one-way street, that the left or nearside of the Vehicle is adjacent to the left-hand edge of the Carriageway;
  - b) if the Pay and Display Parking Place is in a one-way street:-
    - (i) that the left or nearside of the Vehicle is adjacent to the left hand edge of the Carriageway or that the right or offside of the Vehicle is adjacent to the right-hand edge of the Carriageway; and
    - ii) that the longest side of the Vehicle is parallel to the edge of the Carriageway nearest to the Vehicle, unless additional controls on that Pay and Display Parking Place specify a specific orientation of the Vehicle as identified; and
- (iv) that every part of the Vehicle is within the limits of a Pay and Display Parking Place provided that where the length of any Vehicle being a passenger Vehicle, precludes it from standing wholly within the limits of a Pay and Display Parking Place, such a Vehicle may so stand in that Pay and Display Parking Place and shall be deemed to be wholly within the limits of a Pay and Display Parking Place if the extreme front portion or the extreme rear portion, as the case may be, of the Vehicle is within 1.0 metres of the limits of that Pay and Display Parking Place.

## **9 POWERS TO SUSPEND USE OF PAY AND DISPLAY PARKING PLACES**

- 9.1 (i) A Police Constable in uniform or a CEO may suspend the use of a Pay and Display Parking Place or part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the Pay and Display Parking Place or the maintenance, improvement or reconstruction of the Pay and Display Parking Place or the laying, erection, alteration, removal or repair in or adjacent to the Pay and Display Parking Place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Line or Traffic Sign;
  - (c) for the convenience of occupiers of premises adjacent to the Pay and Display Parking Place on any occasion of the removal of furniture from one

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 public procession, rejoicing or special attraction that any street will be thronged or obstructed;

(e) for the convenience of occupiers of premises adjacent to the Pay and Display Parking Place at times of weddings or funerals or on other special occasions;

(f) for any other purpose which the Council or District Council may from time to time deem appropriate and which has received their prior approval.

- (ii) Any person suspending the use of a Pay and Display Parking Place or any part thereof in accordance with the provisions of paragraph (i) of this Article may thereupon place or cause to be placed, in or adjacent to that Pay and Display Parking Place or the part thereof the use of which is suspended, a Traffic Sign, as described in The 2002 Regulations, indicating that waiting by Vehicles is prohibited.

- 9.2 Nothing in Article 9.1 shall render it unlawful for any Vehicle being used for fire brigade, ambulance or police emergency purposes to be left or any other Vehicle to be so left if that Vehicle is left with the permission of the person suspending the use of the Pay and Display Parking Place.

## **10 GENERAL EXEMPTIONS TO PAY AND DISPLAY PARKING PLACES**

- 10.1 Nothing in Article 6.1 shall render it unlawful for any Vehicle to wait in the lengths of road referred to therein for so long as may be necessary to enable;
- (a) a person to board or alight from a Vehicle or to enable personal luggage to be loaded onto or unloaded from the Vehicle;
  - (b) 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:-
    - (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;
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths of road of any sewer, main, pipe or apparatus for the supply of gas, water, electricity or of any Electronic Communications Line;
  - (c) 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) the Vehicle of a universal service provider (as defined in Section 4 of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail;
  - (e) the Vehicle to take in petrol, oil, water, or air from any garage situated on or adjacent to the said lengths of road;
  - (f) any Vehicle, other than a privately owned Vehicle, which is being used as an official Vehicle for the purposes of a wedding (bridal vehicle) or a funeral (hearse and cortege) at a Church or place of worship.
  - (g) the Vehicle to be used for fire brigade, ambulance or police purposes;
  - (h) goods to be Loaded or Unloaded from the Vehicle;

## **11 DISABLED PERSONS EXEMPTIONS TO PAY AND DISPLAY PARKING PLACES**

- 11.1 Nothing in Article 6.1 of this Order shall render it unlawful for a Disabled Person's Vehicle which displays in the Relevant Position a Disabled Person's Badge and a Disabled Person's Parking Disc, on which the Driver or other person in charge of the

Vehicle has marked the time at which the period of waiting began, to wait in any of the roads, lengths of road or sides of road specified in Schedule 2.

## **12 PAYMENT OF CHARGES**

- 12.1 Each Pay and Display Parking Place may be used, subject to the provisions of this Order, for the leaving, during the times of operation specified in Column 3, of the classes of vehicles specified in Column 2 of Schedule 2
- 12.2 The driver of a Vehicle, other than an exempt vehicle, using a parking place, shall, on leaving the Vehicle in that place, pay the appropriate charge, specified in the scale of charges in Column 4 of Schedule 2, by the insertion, in a Ticket Machine relating to that Pay and Display Parking Place, of coins to the value of the appropriate charge for the intended length of stay.
- 12.3 Payment of the appropriate charge for a vehicle left in a Pay and Display Parking Place shall be indicated by the issue of a Parking Ticket indicating that a charge has been paid for that occasion, and by the display of that Parking Ticket in the Vehicle in a position so as to be legible from outside the vehicle.

## **13 PENALTIES**

- 13.1 If a Vehicle, other than an exempt vehicle, left in a Pay and Display Parking Place during the times of operation specified in Column 3 of Schedule 2 fails to display a valid ticket a Penalty Charge Notice (PCN) may be issued by a CEO.

## **14 DISABLED BADGE HOLDERS ONLY PARKING PLACES**

- 14.1 No person shall, except upon the direction or with the permission of a Police Constable in uniform or a CEO, cause or permit any Vehicle, other than a Disabled Person's Vehicle to park in a Disabled Badge Holders Only Parking Place specified in Schedule 3.
- 14.2 Where there is a sign and surface marking which indicates that the Parking Place is available only for a Disabled Person's Vehicle, the Driver of a Vehicle shall not permit it to wait in that Parking Place unless it is a Disabled Person's Vehicle with a valid and correctly displayed Disabled Persons Badge.
- 14.3 Nothing in this Order shall render it unlawful for a Disabled Person's Vehicle to park in a Disabled Badge Holders Only Parking Place provided that such a Vehicle is parked within the limits of the bay.
- 15. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.



## **SCHEDULE 1**

### **NO WAITING AT ANY TIME**

#### **Felkin Street**

##### **North side**

For its entire length.

#### **Felkin Street**

##### **South west side**

From its north western side in a south easterly direction for a distance of 10 metres.

#### **Felkin Street**

##### **North west side**

For its entire length.

#### **Felkin Street**

##### **East side**

From its junction with Corporation Street in a generally southerly direction for a distance of 37 metres.

#### **Felkin Street**

##### **West side**

From a point 8 metres south of its junction with Corporation Street in a south/south westerly direction for a distance of 18 metres.

## SCHEDULE 2

### PAY AND DISPLAY PARKING PLACES

LOCATION DESCRIPTION 1	VEHICLE CLASSES 2	TIMES OF OPERATION 3	SCALE OF CHARGES 4
<b>FELKIN STREET, CHESTERFIELD</b>	Motor Cars Motor Cycles	Monday to Saturday 8am to 6pm, maximum stay 4 hours, no return within 1 hour.	Up to 30 minutes - £0.70 Up to 1 Hour - £1.30 Up to 2 hours - £1.70 Up to 4 hours - £3.00
<u>South western side</u> – from a point 3 metres west of its south eastern extremity in a north westerly direction for a distance of 27 metres.			

## SCHEDULE 3

### DISABLED BADGE HOLDERS ONLY PARKING PLACES

#### Felkin Street

#### South western side

From its south eastern extremity in a north westerly direction for a distance of 3 metres.

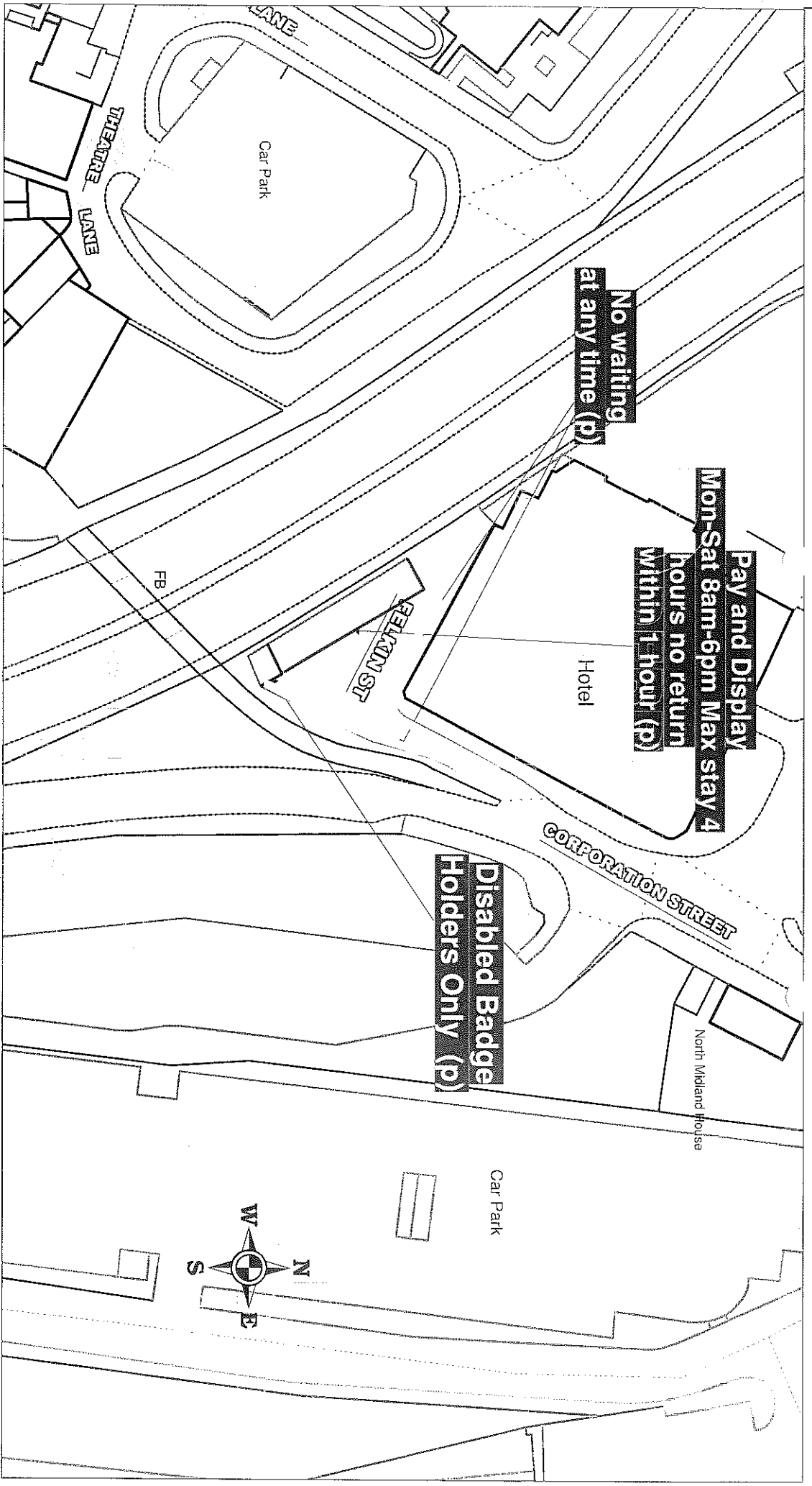
As shown for illustration purposes only on the attached plan.

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto affixed )  
the Thirteenth day of June Two thousand )  
and Thirteen in the presence of:- )

  
Director of Legal Services

Number in Seal  
Book

2013/582



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IAN W. STEPHENSON BSc, Engg, MSc, AMIE  
Strategic Director of Environmental Services

Chesterfield Felkin Street Parking		Pay and Display	
SCALE	1 : 750		
DATE	11/06/2013		
DRAWING No.	NTA/DON/131/11C		
DRAWN BY	DON		



# Prohibition and Restriction of Waiting, On Street Parking and Clearways.

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**DERBYSHIRE**  
County Council  
Improving life for local people

IAN W. STEPHENSON BSc., CEng., MICE, MIHT  
Strategic Director of Environmental Services

DRAWING TITLE

Tile Ref: CS105

SCALE 1 : 1250

DATE 24/06/2013

DRAWING No. 8

DRAWN BY