

THE WAREHAM TOWN COUNCIL (OFF-STREET PARKING PLACES) ORDER 2002

The Wareham Town Council (hereinafter referred to as "The Council") in exercise of the powers under Section 35 of the Road Traffic Regulation Act 1984 as amended (which Act of 1984 is hereinafter referred to as "The Act of 1984") the Special Parking Area created pursuant to Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the Act of 1991") and paragraph 21 of The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 and of all other powers them enabling in that behalf and with the consent of the Council of the County of Dorset given under Section 39(3) of the Act of 1984 and after consultation with the Chief Officer of Police in accordance with Section 124 of and paragraph 20 of Schedule 9 to the Act of 1984, hereby makes the following Order -

PART I

GENERAL

1. This Order shall come into operation on 26th August 2002 and may be cited as the Wareham Town Council (Off-Street Parking Places) Order 2002.

2. **Definitions**

- 2.1 Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

- 2.2 In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them -

"authorised vehicle" means a vehicle specified in column 3 of the Schedule;

"charging hours" means any period specified in column 5 of the Schedule in respect of which a charge is specified in Article 5;

"coach" means a vehicle adapted to carry more than 8 passengers exclusive of the driver as defined in Section 2 of the Transport Act 1980;

"day" means a period of twenty-four hours from midnight to midnight;

"disabled person's vehicle" means a motor vehicle which is displaying a 'Blue Badge' issued by virtue of and used in accordance with Regulations made under Section 21 of the Chronically Sick and Disabled Persons Act 1970 so long as the vehicle is :

- being used by or for the benefit of a person suffering from sickness or disability by reason of which the Blue Badge has been issued, and
- parked in a parking bay, and
- displaying a Blue Badge and Parking Disc (which has been set to indicate the time of arrival in the car park) on the dashboard or fascia panel of the vehicle with the front facing forward so that the name of the Badge Holder and date of expiry of the badge are legible from the outside of the vehicle

"trailer" means a vehicle not being self propelled the only or main method of propulsion of which is by means of being towed or otherwise propelled by another vehicle and for the purpose of this Order shall include caravans;

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

PART II

USE OF PARKING PLACE

3. Use of land and parking place

- 3.1 The areas of land specified by name in column 1 of the Schedule may be used, subject to following provisions of this Order, as parking places for such classes of vehicles, in such positions on such days and during such hours as are specified in relation to that area in the Schedule.

- 3.2 Where in the Schedule a parking place or part thereof is described as available for vehicles of a specified class, in a specified position, or in a space designated for use by permit holders only, a Penalty Charge of Sixty Pounds (£60) shall become due in respect of a vehicle which the driver permits to wait, that is

3.2.1 not of the specified class; or

3.2.2 in a space designated for use by permit holders only (unless the driver is a permit holder for that space)

- 3.3 The driver of a vehicle shall not permit it to wait in any parking place in a parking bay marked with the word "PERMIT" or otherwise marked as being available only for a vehicle in respect of which a permit has been issued unless:

3.3.1 a permit is in force in respect of that vehicle for that parking place, and

3.3.2 the permit is displayed in the relevant position at all times while the vehicle is parked in a parking bay.

- 3.4 Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

- 3.5 No vehicle (whether an authorised vehicle or not) other than a disabled persons vehicle or an invalid carriage shall be parked or otherwise left unattended for any period or for any reason in any parking bay or any other part of a parking place which is marked or otherwise indicated by the Council as being reserved for disabled persons vehicles and invalid carriages.

4. Maximum period of waiting

Subject to Articles 5.7 and 31 the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for that parking place and shown in Column 6 of the Schedule.

5.6 A parking ticket shall be valid for a parking place if and only so long as the following conditions are satisfied

5.6.1 A parking ticket is exhibited on the vehicle:

5.6.1.1 in the case of a vehicle which is fitted with a transparent windscreen either by sticking the parking ticket to the inside surface of the windscreen or by displaying the parking ticket inside the vehicle so that it is facing forwards and can be easily seen through the windscreen at the front of the vehicle and furthermore no expired parking tickets shall be stuck to or displayed upon the vehicle as hereinbefore described except the current valid parking ticket;

5.6.1.2 in the case of a vehicle which is not fitted with a transparent windscreen by affixing one-half of the parking ticket (torn vertically) on the front of the vehicle so that it is facing forwards and can be easily seen from the front of the vehicle, the other half of the parking ticket to be retained by the driver and produced on demand; and furthermore, no expired parking tickets or parts of tickets shall be affixed or be allowed to remain affixed to the vehicle as hereinbefore mentioned except the current valid part of the parking ticket; or the expired ticket if it was the one most recently purchased at that parking place on the day of parking

5.6.2 the period applicable to the parking ticket, calculated from the date and time of purchase indicated on the parking ticket, has not expired;

5.6.3 the parking ticket, which is non-transferable to any other Parking Place specified in column 1 of the Schedule annexed, is used for the parking of one vehicle only (being the original vehicle for which it was purchased)

and in the event that any or all of the said conditions are not satisfied, it shall be deemed that no charge has been paid in accordance with the schedule of charges specified in the Schedule and a Penalty Charge of Sixty Pounds (£60) shall become due in respect of the parking of that vehicle for each charging period the said vehicle remains so parked and a notice shall be attached to the vehicle in a conspicuous position which shall comply with the provisions referred to in 5.3 herein

5.7 The owner or driver of a vehicle may on application to the Council and the Council may at its discretion issue subject to such conditions as it may deem appropriate a permit in respect of the parking of that vehicle in such a parking place as may be specified in the Schedule as being available for season ticket or permit holders for a charge ascertained by reference to Column 7 of the Schedule and that permit shall, subject to the provisions of this Article be valid only during the period for which it is issued

5.8 The driver of a vehicle using a parking place in accordance with paragraph 5.7 of this Article shall exhibit in a conspicuous position on the vehicle the permit valid for use in that parking place, such permit to be affixed to the said vehicle in accordance with the provisions of paragraph 5.6 of this Article

place.

- 10.2 Where a Penalty Charge notice has been attached to an authorised vehicle in accordance with the provisions of Article 6 hereof no person not being the driver of the authorised vehicle or person duly authorised by the Council shall remove the Penalty Charge notice from the vehicle unless authorised to do so by the driver and in any event the said notice shall not be removed from the authorised vehicle until the authorised vehicle is removed from the parking place.

11. Indications by ticket machines and tickets as evidence

- 11.1 If at any time while an authorised vehicle is left in a parking place no ticket is displayed on that authorised vehicle indicating the payment of the appropriate charge in accordance with Article 5 hereof it shall be presumed unless the contrary is proved that the charge specified in that Article has been duly paid for the authorised vehicle and that the period for which payment was made by the charge has already expired;
- 11.2 If at any time while an authorised vehicle is left in a parking place there is displayed on the authorised vehicle a ticket or tickets issued by a ticket machine indicating the day and the time of issue of the ticket or tickets and the time indicated on the ticket machine clock shows that the period for which the ticket or tickets are valid has expired it shall be presumed unless the contrary is proved that the charge specified in Article 5 hereof has been duly paid for the authorised vehicle and that the period for which the payment was made by the charge has already expired;
- 11.3 If at any time while an authorised vehicle is left in a parking place there is displayed on the authorised vehicle a ticket or tickets indicating the day and the time of issue of the ticket or tickets and the time indicated on the ticket machine clock is more than twenty-four hours later than the time on the ticket those indications shall -
- 11.3.1 in any procedures or proceedings for enforcement of failure to pay a Penalty Charge in contravention or non-compliance with paragraph 1 of Article 8 hereof be evidence that the vehicle was left in the parking place for longer after the Penalty Charge had been incurred than the time authorised by that paragraph;
- 11.3.2 in any enforcement procedures or proceedings for failing duly to pay the Penalty Charge be evidence that the charge was incurred.

12. Use of vehicle engines

The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from that parking place.

13. Prohibition of sales etc.

- 13.1 No person shall use a vehicle while it is in a parking place in connection with the sale or hire of any article to persons in or near that parking place or in connection with the selling or offering for hire of his skill or services.
- 13.2 No person shall in a parking place sell or hire any article to persons or sell or offer for hire his skill or services or that of any other person or do any other thing other than as authorised by this Order otherwise than in accordance with a written consent of

the vehicle is licensed in accordance with the provisions of Section 1 of the Vehicles (Excise) Act 1971 or any statutory re-enactment thereof and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the provisions of the Road Traffic Acts.

17. Sounding of Horn

- 17.1 The driver of a motor vehicle using a parking place shall not sound any horn or other similar instrument except when about to change position of the vehicle in or to depart from that parking place.

18. Driving of vehicle in parking place

- 18.1 No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in that parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

19. Making Noise

- 19.1 No person shall, in a parking place, operate any loud speaker whether it be fitted in or fixed or connected to an authorised vehicle or not, wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of that parking place or residents or premises in the neighbourhood thereof

20. Breach of Peace

- 20.1 No person shall, in a parking place, 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 or conduct himself in such a manner as to offend public decency.

21. No person shall use any part of a parking place or any vehicle left in a parking place -

- 21.1 for sleeping or camping purposes;
- 21.2 for eating, cooking or sanitary purposes;
- 21.3 for the purpose of servicing, maintenance or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from that parking place; or
- 21.4 for playing or participating in any sport or recreation.

22. In a parking place no person shall -

- 22.1 erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
- 22.2 install tables chairs benches or other similar items without the written consent of the Council
- 22.3 light or cause or permit to be lit any fire; or

30 Exemptions for disabled persons vehicles and invalid carriages

30.1 The driver of a disabled persons vehicle or an invalid carriage shall be exempt from any limitation of time specified in Article 4 hereof and from any payment specified in Article 5 hereof whilst the said disabled persons vehicle or invalid carriage is parked within a parking bay reserved for disabled persons vehicles.

31 Manner of parking trailers

31.1 The driver of an authorised vehicle drawing a trailer (which expression shall be deemed to include a caravan) shall not permit the authorised vehicle or the trailer to wait in a parking place unless they have been disconnected. For the purposes of this Order the authorised vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles and shall be liable to pay the appropriate charge in accordance with this Order in respect of each vehicle.

32. Revocation

32. The Wareham Town Council (Off-Street Parking Places, Wareham) Order 1998 (as varied) is hereby revoked.

The **COMMON SEAL** of the)
WAREHAM TOWN COUNCIL)
 was hereunto affixed this)
 day of 2002)
 in the presence of:-)

Mayor

Deputy Mayor

THE WAREHAM TOWN COUNCIL (OFF STREET PARKING PLACES) ORDER 2002

NOTICE IS HEREBY GIVEN that the Wareham Town Council ("the Council") proposes to make the above mentioned Order under Section 35 of the Road Traffic Regulation Act 1984, Section 43 and Schedule 3 of the Road Traffic Act 1991 and all other enabling powers.

The Order is a minor order as defined in The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 the purpose of which is to vary the Council's present Off-Street Parking Places Order made in 1998 to provide for decriminalised parking enforcement in consequence of a designation (of a special parking area) order having been made.

The Council also proposes to vary the charges contained within the order at its off-street parking place as set out in the schedules below showing the charges presently payable and those which will be payable when the variation order comes into effect.

The minor order and the variation will come into force on 26th August 2002.

CHARGES PRESENTLY PAYABLE

1.Name of parking place	2.Position in which vehicles may wait	3.Classes of vehicles	4.Days of operation of parking place	5. Maximum periods for which vehicles may wait	6. Scale of charges
Howards Lane, Wareham defined	Wholly within a parking bay	(i) motor cars within the definition of Section 136(2) of the Act 1984	All days	Five hours per charging period	Up to 1 hour 30p 10.00am to More than 1 hour up to 2 hours 50p More than 2 hours up to 3 hours 80p More than 3 hours £1.10p More than 4 hours Up to 5 hours £4.00
	in Section 136				(ii) motor cycles as up to 4 hours
	iii) invalid carriages				
	(iv) trailers (including caravans caravanettes and dormobiles)				
		Permit holders p.a.			£158.86 p.a.

CHARGES PAYABLE AS FROM 26TH AUGUST 2002

1. Name of parking place	2. Position in which vehicles may	3. Classes of vehicles	4. Days of operation of parking place	5. Maximum periods for which vehicles may wait	6. Scale of charges
Howards Lane, Wareham	Wholly within a parking bay	(i) motor cars within the definition of Section 136(2) of the Act 1984	All days	Five hours per charging period	Up to 1 hour 30p 10.00am to More than 1 hour up to 2 hours 60p More than 2 hours up to 3 hours 90p More than 3 hours up to 4 hours £1.20p More than 4 hours
		(ii) motor cycles as defined in Section 136			
		(iii) invalid carriages			
		(iv) trailers (including caravans caravanettes and dormobiles)			
				up to 5 hours £6.00	

PENALTY CHARGE

In any instance where a parking ticket is required and no ticket is purchased then a Penalty Charge of £60 will be payable in respect of each Charging Period or part thereof, but if paid within 14 days of its issue the sum payable shall be £40.

In any instance where a Penalty Charge becomes payable by virtue of paragraph 6 of the Off Street Parking Order 2002, the Penalty (23 hours in any 24 hour period) Charge payable shall be £60 but if paid within 14 days of its issue date the sum payable shall be £30.

All such charges as are mentioned above being inclusive of Value Added Tax where appropriate.

Full details of these proposals are in a draft Order which, together with a map showing the location of the parking place to which it relates and a statement of the Council's reasons for proposing to make the Order and a copy of the Order to be revoked may be examined during normal office hours (10.00am to 1.00pm Monday to Friday) at the Town Hall, East Street, Wareham, BH20 4NS.

MRS JANE EAMES, Town Clerk

Wareham Town Council, The Town Hall,
East Street, Wareham, BH20 4NS

12th July 2002

**WAREHAM TOWN COUNCIL
NOTICE OF VARIATION OF:**

The Wareham Town Council (Off Street Parking Places) Order 2002

NOTICE IS HEREBY GIVEN that the Wareham Town Council proposes to vary some of the charges contained within the above mentioned Order to come into effect on **1st May 2014** for Howards Lane Car Park, Wareham as set out below. All charges are inclusive of VAT where appropriate and relate to the parking of vehicles wholly within a parking bay.

CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACE	HOURS OF PARKING PLACE FOR CHARGING	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES (INCLUSIVE OF VAT)
(i) motor cars within the definition of Section 136 (2) of the Act of 1984 (ii) motor cycles as defined in Section 136 (4) of the Act of 1984 (iii) trailers (including caravans,caravanettes and dormobiles)	ALL DAYS	10am to 7pm	4 hours per charging period	Up to one hour 70p More than 1 hour up to 2 hours £1.40 More than 2 hours up to 3 hours £2.10 More than 3 hours up to 4 hours £2.80 Penalty charge up to £70 Permit holders per annum £365 Unreserved Permit holders £275
(iv) Disabled Persons Vehicles	ALL DAYS	10am to 7pm	23 in 24 hours	Up to 3 hours FREE More than 3 hours up to 4 hours £2.80 More than 4 hours up to 23 hours £3.50

R M Curtis, Town Clerk, Wareham Town Council, East Street, Wareham, Dorset BH20 4NS Dated 31/3/2013