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ED 3 June 2011

## **DORSET COUNTY COUNCIL**

### **THE COUNTY OF DORSET (VARIOUS ROADS IN THE DISTRICT OF PURBECK) (CONSOLIDATION OF ON-STREET PARKING PLACES ORDERS) ORDER 2011**

Ref: 2230/1/51



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**DORSET COUNTY COUNCIL**

**THE COUNTY OF DORSET  
(VARIOUS ROADS IN THE DISTRICT OF PURBECK)  
(CONSOLIDATION OF ON-STREET PARKING PLACES ORDERS)  
ORDER 2011**

Dorset County Council being the Highway authority in exercise of powers under Sections 1, 2, 3, 4, 32, 35(1), 45, 46, 47, 53, 64 and 124(1)(d) of the Road Traffic Regulation Act 1984 ("the Act of 1984") and of Part IV of Schedule 9 of the Act of 1984 of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984 and under Part 6 of the Traffic Management Act 2004 and in compliance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 hereby make the following Order:-

**PART I  
INTERPRETATION  
REGULATIONS AND COMMENCEMENT**

- 1.1 The Order described in Part II is hereby revoked in its entirety.
- 1.2 The restrictions imposed by this Order are in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or any other enactment.

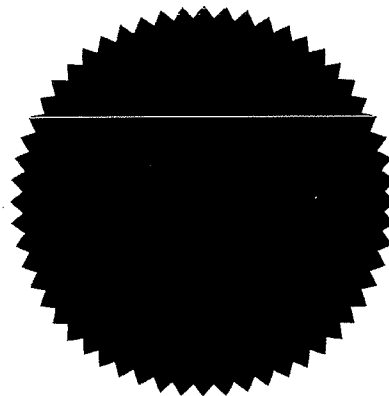
This Order may be cited as 'The County of Dorset (Various Roads in the District of Purbeck) (Consolidation of On-Street Parking Places Orders) Order 2011' and shall come into operation on the 3<sup>rd</sup> day of June 2011.

Dated this 27<sup>th</sup> day of May 2011

The Common Seal of the Dorset  
County Council was affixed  
hereunto in the presence of:-

*Antony Taylor*

Authorised signatory



PART II  
**REVOCATIONS**

'The County of Dorset (Various Roads in the District of Purbeck) (Consolidation of On-Street Parking place Orders) Order 2010' is hereby revoked in its entirety.

PART III  
ON-STREET PARKING  
PLACES PROVISIONS

**PART A**

**1. Definitions**

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

**“charging hours”** means any period specified in column 6 of Schedule 1 in respect of which a charge is specified in Article 4;

**“day”** means a period of twenty-four hours from midnight to midnight;

**“disabled person’s badge”** has the same meaning as in Regulation 11 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended);

**“disabled person’s vehicle”** has 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 the parking place, means the person driving the vehicle at the time it was left in the parking place;

**“initial period”** shall mean the period that an authorised vehicle may properly be left in the designated parking place up to a maximum as set out in column 7 of Schedule 1 for each parking place such period to be ascertained by reference to the charge prepaid for parking as set out in Schedule 1;

**“owner”** means the person by whom the vehicle is kept and used and in determining for the purposes of this Order who was the owner of the vehicle at the time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 and where the vehicle is the subject of a hiring agreement or hire purchase agreement “Owner” includes the person entitled to possession of the vehicle under the agreement;

**“parking bay”** means any area of the parking place which is provided for the leaving of a vehicle and delineated on the surface of the parking place;

**“parking disc”** means a disc issued by a local authority, 125 millimetres square coloured blue and capable of showing the quarter hour period during which a period of waiting begins and is displayed in a relevant position on the vehicle, and the driver, or other person in charge of the vehicle, marks on the parking disc the time at which the period of waiting has begun;

**“parking place”** means any part of a road which is authorised by this Order to be used for the parking of motor vehicles;

**"relevant position"** means

- a vehicle displaying a disabled person's badge in the relevant position if it is displayed in the manner prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended).
- a vehicle displaying a parking disc in the relevant position if

(a) the disc is exhibited on the dashboard or fascia of the vehicle; or

(b) 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:

**"ticket machine"** means an apparatus or device designed to issue parking tickets indicating the payment of a charge and the date and time at which the charge was paid and the period in respect of which it has been paid, or the expiry time of the period paid for in respect of the parking of a vehicle in a parking place;

**"trailer"** has the same meaning as stated in Section 136(1) of the Act of 1984 and Road Vehicles (Construction and Use) Regulations 1986 (as amended).

- 1.3 In the event that no definition of a term or wording is shown herein, the Interpretation Act 1978 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

## **PART B**

### **USE OF PARKING PLACES**

#### **2. Use of Areas as Parking Places**

- 2.1 Those parts of the highway more particularly referred to in column 1 of Schedule 1 are hereby designated as parking places pursuant to Section 45 of the Act of 1984 the said parking places to be used by the vehicles and in the manner hereinafter provided.
- 2.2 Each parking place may be used for the parking of such classes of vehicles, in such positions on such days and during such hours as are specified in relation to those parts of roads in Schedule 1.
- 2.3 Where in Schedule 1 a parking place or part thereof is described as available for vehicles of a specified class or in a specified position, the driver of a vehicle shall not without the prior authority of any person authorised by the Council permit it to wait in that parking place:-
- unless it is of the specified class; or
  - in a position other than that specified
- 2.4 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. Maximum Period of Waiting**

- 3.1 Save as provided in Articles 3.3 and 5.1 the driver of a vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in column 7 of Schedule 1 in respect of that parking place nor permit the vehicle to return to the same parking place within the period specified in column 7 of Schedule 1.
- 3.2 The period for which a vehicle may be left in a parking place after the penalty charge has been incurred shall not exceed twelve hours and the driver of the vehicle shall not leave it in a parking place for longer than the said period.
- 3.3 Nothing in Articles 3.1 and 4.2 shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge and a 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 a parking place referred to in that Article for a period not exceeding four 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 parking place on the same day).

#### **4. Charges**

- 4.1 The driver of a vehicle using any part of a parking place shall subject to Article 14:-
- 4.1.1 on leaving the vehicle in a parking bay proceed immediately on foot to a ticket machine and pay the appropriate charge for that parking place

in accordance with the Scale of Charges specified in column 7 of Schedule 1 and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provisions of this Article; or

- 4.1.2 if there is no ticket machine in that parking place, on leaving the vehicle in a parking bay, proceed immediately on foot to such ticket machine as may be specified by a notice displayed in or adjacent to that parking place, and pay the appropriate charge for that parking place in accordance with the Scale of Charges specified in column 7 of Schedule 1 and shall exhibit the parking ticket obtained from the said machine on the vehicle in accordance with the provisions of this Article; or
- 4.1.3 shall make initial or top-up payment by mobile phone of an appropriate charge in the manner prescribed by notice at each ticket machine for that parking place in accordance with the Scale of Charges and maximum period of wait specified in column 7 of Schedule 1. In such circumstances there is no requirement to display a ticket.
- 4.2 Save as provided in Article 3.3 disabled badge holders are exempt from payment of the parking charges specified in column 7 of Schedule 1 for the maximum permitted stay of four hours if and so long as the disabled persons badge and clock, set at time of arrival are in the relevant position.
- 4.3 For the purpose of this Order a parking ticket is a ticket purchased from a ticket machine at a parking place for one or more charging periods at the charge specified in relation to that parking place in column 7 of Schedule 1.
- 4.4 A parking ticket shall be valid for a parking place if and so long as the following conditions are satisfied:-
  - 4.4.1 the parking ticket is exhibited on the vehicle:-
    - in the case of a vehicle which is fitted with a transparent windscreen by either sticking the parking ticket to the inside surface of the windscreen or by displaying the parking ticket on the dashboard of the vehicle so that it is facing forwards and can be easily seen through the windscreen at the front of the vehicle;
    - 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;
    - so that the time shown on the front of the ticket is clearly visible to a person standing at the near side of the vehicle.
  - 4.4.2 the period applicable to the parking ticket, calculated from the date and time of purchase indicated on the parking ticket, has not expired;
  - 4.4.3 the parking ticket, which is non-transferable to any other parking place specified in column 1 of Schedule 1, is used for the parking of one



vehicle only (being the original vehicle for which it was purchased) and is displayed at all times that the ticket is valid.

**5. Waiver**

- 5.1 Nothing in Articles 3.1 and 4.1 shall render it unlawful for operatives requiring access to property fronting parking places and who are eligible by virtue of them needing frequent access to their vehicle to wait for longer than the maximum period permitted and without payment at a ticket machine by prior arrangement with the Council. Such operatives shall obtain and prominently display an authorised waiver notice at a fee set by the Council.

**6. Liability to a Penalty Charge**

- 6.1 Contravention of the foregoing provisions of this Order shall render the owner or registered keeper of the vehicle legally liable for the charge even if they were not the driver at the time of the contravention.
- 6.2 Where a vehicle has incurred a penalty charge, a Civil Enforcement Officer shall attach to the vehicle in a conspicuous position a Penalty Charge Notice (hereinafter called the "notice").

**7. Payment of Penalty Charge**

- 7.1 Parking contraventions and the level of charge applicable to each contravention shall be as set out in Schedule 2 to this Order.
- 7.2 Payment of the penalty charge shall be as set out on the reverse of the notice.

**8. Restrictions on Removal of Tickets and Notices**

- 8.1 When a ticket has been displayed on a vehicle in accordance with Article 4.3.1 hereof no person shall remove the ticket from the vehicle until the vehicle is removed from the parking place.
- 8.2 Where a notice has been attached to a vehicle in accordance with the provisions of Article 6.2 hereof, no person not being the driver of the vehicle or person duly authorised by the Council shall remove the 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 vehicle until the vehicle is removed from the parking place.

**9. Indications by Ticket Machines and Tickets as Evidence**

- 9.1 Unless the contrary is proved or payment has been made by mobile phone as described in Articles 4.1.3:-
- 9.1.1 if at any time a vehicle is left in a parking place without any parking ticket displayed indicating payment of the appropriate charge in accordance with column 7 of Schedule 1 it shall be presumed that no parking charge has been paid in respect of that vehicle.
- 9.1.2 if at any time while a vehicle is left in the parking place there is displayed on the vehicle a ticket issued by a ticket machine indicating the day and the time of issue of the ticket and the time indicated on the ticket machine clock shows that the period for which the ticket is valid

has expired it shall be presumed that the charge specified in column 7 of Schedule 1 has been duly paid for the vehicle and that the period for which the payment was made by the charge has already expired.

- 9.1.3 if at any time there is waiting in a parking place a vehicle whereon there is displayed one or more parking tickets purchased from a parking place other than the parking place in which the vehicle is waiting it shall be presumed that no parking charge has been paid in respect of that vehicle.

## **10. Use of Vehicle Engines**

- 9.1 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 the parking place.

## **11. Prohibition of Sales etc**

- 11.1 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 otherwise than in accordance with a written consent of the Council.

- 12.2 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 Council.

## **12. Removal of Vehicles from Parking Places**

- 11.1 subject to the provisions contained within the Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 and the proviso hereto when a vehicle is left in a parking place in contravention of any of the provisions of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the parking place.

- 11.2 provided that when a vehicle is waiting in the parking place in contravention of the provision of Article 2.3 of this Order, a person authorised in that behalf by the Council, may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision. The driver of the vehicle shall be liable to pay to the Council such reasonable charges that the Council has incurred in altering the position of the vehicle in order that its position shall comply with the said provision set out in Article 2.2.

## **13. Closure of Parking Places**

- 13.1 Nothing in this Order shall prevent or otherwise restrict the power of the Council to close to the public the whole or any part of any parking place for any purpose or occasion as it shall in its absolute discretion deem proper either temporarily or permanently pursuant to Section 49(4) of the Act of 1984.

- 13.2 A driver shall not use a parking place when that parking place or any part thereof has been closed by the Council in accordance with this Article unless that driver is using the parking place for a purpose permitted by this Article or is authorised in writing by the Council to do so.

#### **14. Restrictions on the Use of Parking Places**

14.1 In a parking place no person shall:

14.1.1 erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;

14.1.2 install tables, chairs, benches or other similar items without the written consent of the Council;

14.1.3 light or cause or permit to be lit any fire;

14.1.4 affix or attach posters, bills or any advertising material whatsoever to either the walls or structure of that parking place or to any vehicle parked in that parking place;

14.1.5 operate any loud speaker fitted in or fixed or connected to an authorised vehicle, 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;

14.1.6 use any part of it or vehicle left in it for camping purposes or overnight sleeping, cooking or sanitary purposes or for the purpose of carrying out any work of washing maintenance or repair to a vehicle parked thereon except such as may be reasonably necessary to enable the vehicle to be moved from the parking place.

#### **15. Liable to Enforcement**

15.1 Failure to comply with any provision of this Order will render the person liable to enforcement pursuant to the guidance issued under Part 6 of the Traffic Management Act 2004.

## PART IV

### SCHEDULE 1 – PARKING PLACES

(1) Name of Parking Place	(2) Class of vehicle which may use Parking Place	(3) Position in which vehicle may wait	(4) Days of operation of Parking Place	(5) Hours of operation of Parking Place	(6) Days and Hours for charging	(7) Charges and maximum period for which vehicle may wait
Wareham, Church Green	All vehicles except:- (a) goods vehicles exceeding 3,500 kg maximum gross weight (b) passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c) caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	All days between 10am and 7pm	Up to 1 hour      £0.50  More than 1 hour and up to 2 hours      £1.00  More than 2 hours and up to 3 hours      £1.50  More than 3 hours and up to 4 hours      £2.00  <u>Maximum period of stay</u>  4 hours
Wareham, St John's Hill	All vehicles except:- (a) goods vehicles exceeding 3,500 kg maximum gross weight (b) passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c) caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days	All hours	All days between 10am and 7pm	Up to 1 hour      £0.50  More than 1 hour and up to 2 hours      £1.00  <u>Maximum period of stay</u>  2 hours
Wareham, The Quay	All vehicles except:- (a) goods vehicles exceeding 3,500 kg maximum gross weight (b) passenger vehicles adapted to carry more than 8 passengers exclusive of the driver, and (c) caravans and trailers	Wholly within a marked parking bay not otherwise reserved for specific classes of vehicle	All days except Saturdays between 6am and dispersal of all market stalls or 6pm which ever comes first	All hours	All days between 10am and 7pm  between 1 Apr and 30 Sept except Saturdays during market operation  All days between 10am and 7pm between 1 Oct and 31 Mar except Saturdays during market operation	Up to 1 hour      £0.70  More than 1 hour and up to 2 hours      £1.40  More than 2 hours and up to 3 hours      £2.40  More than 3 hours and up to 4 hours      £3.40  <u>Maximum period of stay</u>  4 hours  Up to 1 hour      £0.50  More than 1 hour and up to 2 hours      £1.00  More than 2 hours and up to 3 hours      £1.50  More than 3 hours and up to 4 hours      £2.00  <u>Maximum period of stay</u>  4 hours

## SCHEDULE 2 – PARKING CONTRAVENTIONS AND LEVEL OF CHARGE

Code	Description	Differential Level
01	Parked in a restricted street during prescribed hours	Higher
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher
04	Parked in a meter bay when penalty time is indicated	Lower
05	Parked after the expiry of paid for time	Lower
06	Parked without clearly displaying a valid pay and display ticket	Lower
07	Parked with payment made to extend the stay beyond initial time	Lower
08	Parked at an out-of-order meter during controlled hours	Lower
09	Parked displaying multiple pay and display tickets where prohibited	Lower
10	Parked without clearly displaying two valid pay and display tickets when required	Lower
11	Parked without payment of the parking charge	Lower
12	Parked in a resident's or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher
14	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
15	Parked in a residents' parking space without clearly displaying valid residents' parking permit	Lower
16	Parked in a permit space without displaying a valid permit	Higher
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
19	Parked in a residents' or shared use parking place displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	Lower
20	Parked in a loading gap marked by a yellow line	Higher
21	Parked in a suspended bay/space or part of bay/space	Higher
22	Re-parked in the same parking place within one hour of leaving	Lower
23	Parked in a parking place or area not designated for that class of vehicle	Higher
24	Not parked correctly within the markings of the bay or space	Lower
25	Parked in a loading place during restricted hours without loading	Higher
26	Vehicle parked more than 50cm from the edge of the carriageway and not within a designated parking place	Higher
27	Parked adjacent to a dropped footway	Higher
30	Parked for longer than permitted	Lower