

THE KENT COUNTY COUNCIL (THE DISTRICT OF SHEPWAY)
(FOLKESTONE SEAFRONT AND THE STADE PARKING ZONE) ORDER 2012
(MARINE PARADE AND LOWER SANDGATE ROAD OPERATING TIMES)
(AMENDMENT NO 2) ORDER 2013

ROAD TRAFFIC REGULATION ACT 1984

THE KENT COUNTY COUNCIL acting as the local traffic authority and in exercise of its powers under Sections 1, 2, 5, 32, 45, 46 and 124 of and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, and of all other powers and after consultation with the Chief of Police in accordance with Part III of Schedule 9 to said Act of 1984, hereby makes the following Order:

CITATION AND COMMENCEMENT:

1. This Order may be cited as "*The Kent County Council (The District of Shepway) (Folkestone Seafront and The Stade Parking Zone) Order 2012 (The Stade and Hotel Visitor Voucher) (Amendment No 1) Order 2013*" and shall come into effect on the

AMENDMENTS:

2. (a) The lengths of road mentioned in Schedule 1 of this Order shall amend those same lengths of road mentioned in Schedule 4 to the main Order

INTERPRETATION AND DEFINITIONS:

3. In this Order:-

"the Act of 1984" means the Road Traffic Regulation Act 1984;

"the Council" means the Kent County Council as traffic authority and, where appropriate, Shepway District Council acting on behalf of the traffic authority.

"ambulance" has the same meaning as in Schedule 2 of the Vehicle Excise and Registration Act (VERA) 1994

"civil enforcement officer" has the same meaning as in section 63A of the Road Traffic Regulation Act 1984 and by virtue of Section 76 Traffic Management Act 2004 a civil enforcement officer appointed under section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions.

"delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"disabled person" and "disabled person's badge" (DPB) have the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) Regulations 2000;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 to be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

Part A - General and Definitions

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"goods" has the meaning that the goods which are being loaded or unloaded must be of such burden of weight or bulk that they cannot reasonably be conveyed otherwise than by means of a vehicle. The goods must be of a type that cannot easily be carried by one person in one trip.

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description or a trailer so constructed or adapted;

"invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such a person;

"junction" means the junction of the marked, or if not so marked, the imaginary centre lines of the roads referred to and, where appropriate, measurements shall be taken from the point of intersection of the respective centre lines as projected;

"licensed taxi" has the same meaning as in section 13 (3) (a) of the Transport Act 1985;

"loading and unloading" has the meaning that the loading or unloading of the goods to or from a vehicle is a continuous process and that stopping for any other reason, except an emergency, would mean that the act of loading or unloading has ceased. The vehicle must be parked as close to the building where the goods are being delivered to, or collected from, as possible.

"motor car" and "motor cycle" have the same meaning as in section 136 of the Act of 1984;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and used;

"parking disc" means a device which-

- (a) is 125 millimetres square and coloured blue
- b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver, and not drawing a trailer;

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981;

"relevant position" means:-

In the case of a Disabled Person's Badge -

- (a) A vehicle displays a disabled person's badge in the relevant position if:-
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

Part A - General and Definitions

(b) A vehicle displays a parking disc in the relevant position if:-

- (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or
- (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

In the case of any other badge or permit -

A vehicle displays any other badge or permit in the relevant position if:-

- (i) in the case of a vehicle fitted with a front windscreen, the item is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen;
- (ii) in the case of a vehicle not fitted with a front windscreen, the item is exhibited in a conspicuous position on the front or near side of the vehicle.

"resident of Zone C1" means a person whose usual residence is at premises the postal address of which is in any street or part of a street other than Back Street, East Street, Fish Market, or The Stade described in the Schedules to this Order, and the meaning of "resident" shall also include any person whose usual place of work is at business premises the postal address of which is situated in the roads specified, and any business or organisation so situated;

"resident of Zone C2" means a person whose usual residence is at premises the postal address of which is in any street or part of a street described in the Schedules to this Order as Back Street, East Street, Fish Market, or The Stade, and the meaning of "resident" shall also include any person whose usual place of work is at business premises the postal address of which is situated in the roads specified, and any business or organisation so situated;

"restricted road" means any of the roads, lengths of road or sides of road specified in the First or Second Schedules to this Order:-

PROVIDED ALWAYS that the expression "restricted road" shall not for the purposes of this Order include any designated parking place or any authorised parking place described in the various Schedules to this Order and not suspended under the provisions of Article 13;

"road" means the full width - including any footway or verge - of any length of highway or of any other road to which the public has access, and includes bridges over which a road passes;

"the Main Order" means "The Kent County Council (The District of Shepway) (Folkestone Seafront and The Stade Parking Zone) Order 2012"

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Act of 1984;

"Transportation Manager" means such person as shall be approved by Shepway District Council to manage the Transportation Department and;

"Transportation Department" means the service established by Shepway District Council to carry out parking activities under the Kent Highways partnership agreement between Kent County Council, as traffic authority, and Shepway District Council;

Part A - General and Definitions

"vehicle" means a motor vehicle or a trailer and "motor vehicle" and "trailer" have the same meaning as in section 136 of the Act of 1984;

"Zone C1" means an area comprising the following roads:

- Harbour Approach Road
- Harbour Street
- Lower Sandgate Road
- Marine Crescent
- Marine Parade
- Marine Parade Mews
- Marine Terrace
- Mill Bay
- Tontine Street

"Zone C2" means an area comprising the following roads:

- Back Street
- Beach Street
- East Street
- Fish Market
- The Stade

(2) In this Order, except where the context otherwise requires:-

(a) any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in this Order;

(b) any reference to a numbered or lettered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph bearing that number or letter in the Article or Schedule or (in the case of a sub-paragraph) paragraph in which the reference occurs; and

(c) any reference to a Table, or to a numbered Table, is a reference to the Table, or to the Table bearing that number, in the Article or Schedule in which that reference occurs.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment;

(4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under or having effect as if made under the Road Traffic Regulation Act, 1984 or by or under any other enactment;

(5) 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

RESTRICTIONS ON THE WAITING OF VEHICLES

4. PROVISIONS AS TO ON-STREET PARKING PLACES

LIMITED WAITING PARKING PLACES

(a) SAVE as provided in Part C of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer or any person authorised by the Council, cause or permit any vehicle to wait between the hours of 8.00 a.m. and 6.00 p.m. on any day in any of the parking places specified in Schedule 2 to this Order:-

(i) for a longer period than stated in column 6 of the table in Schedule 2, or

(ii) if a period of less than 2 hours has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in that length of road

UNLESS that vehicle displays a valid disabled persons badge in the relevant position.

RESIDENTS EXCLUSIVE PARKING PLACES

(b) SAVE as provided in Part C of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer or any person authorised by the Council, cause or permit any vehicle, other than a vehicle which is displaying in the relevant position a valid Parking Permit issued for Zone C1 or C2 to wait at any time in any of the parking places described in of Schedule 3A to this Order.

PARKING PLACES WITH TICKET MACHINES

(c) SAVE as provided in Part C of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer or any person authorised by the Council, cause or permit any vehicle to wait during the chargeable hours in a charged parking place unless it is a vehicle of the permitted class and unless the parking charge as set out in Schedule 6 has been paid

PROVIDED ALWAYS the payment of the parking charge shall be indicated by the vehicle displaying in the relevant position a parking ticket issued by the ticket machine relating to the parking place in which the vehicle has been left.

(2) SAVE as provided in Part C of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, cause or permit any vehicle to wait during the chargeable hours in a charged parking place for longer than the parking period paid for on payment of the parking charge.

(3) No vehicle which has been taken away from a parking space in a charged parking place during the chargeable hours after a parking charge has been incurred, shall until the expiration of two hours from the time it was taken away again be left in that parking place during the chargeable hours.

(4) Nothing in this Article shall apply in respect of

(a) any vehicle which is waiting in a charged parking place in accordance with a provision of Part C of this Order; or

(b) any vehicle which is waiting in a charged parking place which is also a residents' parking place and is displaying in the relevant position a valid Parking Permit in respect of that vehicle for the Residents' Parking Zone in which that charged parking place is included, or

(c) a valid disabled persons badge

PART C

EXEMPTIONS TO THE ORDER

EXEMPTION FOR EMERGENCY SERVICES

5. Nothing in this Order shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

GENERAL EXEMPTIONS TO THE ORDER

6. Nothing in Part B of this Order shall render it unlawful to cause or permit a vehicle to wait in any restricted road or in any parking place for so long as may be necessary for any of the following purposes -
- (a) to enable a person to board or alight from the vehicle or to load thereon or to unload there from personal luggage;
 - (b) for so long as may be necessary to enable goods to be loaded onto or unloaded from the vehicle
 - (c) to enable the vehicle to be used in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (d) to enable the vehicle to be used in connection with any of the following operations, namely -
 - (i) any building operation or demolition; or
 - (ii) the removal of any obstruction to traffic; or
 - (iii) the maintenance, improvement or reconstruction of that length of road; or
 - (iv) the laying, erection, alteration or repair in or near that length of road of any sewer or of any main, pipe, or apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984; or
 - (v) to enable the vehicle to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties if the vehicle cannot be used for such a purpose without stopping on the length of road.
 - (e) to enable the vehicle to be used for a purpose authorised and described on a permit issued by the Transportation Manager on behalf of the Council provided such permit is displayed on the vehicle in the appropriate position.
 - (f) to enable the vehicle to be used by the highways engineer for highway works being undertaken on behalf of the Council;
 - (g) to enable the vehicle to be used for the purpose of delivering or collecting postal packets as defined in Section 87 of the Post Office Act, 1953;
 - (h) to enable the vehicle to wait at or near to any premises situated on or adjacent to any of the said lengths or sides of road for so long as waiting by that vehicle is reasonably necessary in connection with any wedding or funeral;
 - (i) if the vehicle is waiting in any case where the person in control of the vehicle is-
 - (i) required by law to stop; or
 - (ii) obliged to do so in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances beyond his control

DISABLED PERSON'S VEHICLES

7. Except Articles 9, 10 and 11, nothing in this Order shall render it unlawful to cause or permit a disabled persons vehicle which displays in the relevant position a disabled persons 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 any of the roads, lengths of road or sides of road referred to in Schedules 1, 3, 3A and 4 of this Order for a period not exceeding 3 hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle that length of road).

PART D

PROVISIONS AS TO ON-STREET PARKING PLACES

IN ALL CASES

8. The Council shall:
 - a) Cause the limits of each parking place to be indicated in the carriageway by placing and maintaining appropriate traffic signs of a prescribed size, colour and type;
 - b) Place and maintain on or in the vicinity of each parking place, traffic signs of any prescribed size, colour and type indicating the permitted hours of use and permitted class of vehicle;
 - c) Carry out such other work as is reasonably required for the satisfactory operation of the parking place.
9. Nothing in this Order shall prevent a person duly authorised by the Council from suspending a parking place to prevent any obstruction of the street:
 - a) on the occasion of any public procession, rejoicing or illumination;
 - b) where the streets are thronged or are liable to be obstructed;
 - c) for the convenience of occupiers of adjacent premises at the times of weddings, funerals or other special occasions;
10. Except where Article 6 applies, no person shall cause or permit any vehicle weighing over 5 tons maximum gross weight from waiting on any length of road stated in the Schedules to this Order.
11. The driver of a vehicle shall not use a parking place so as to unreasonably prevent access to any premises adjoining the road or inhibit use of the road by others or so as to be a nuisance to others.
12. The driver of a vehicle shall ensure that the vehicle is of the permitted class and parked wholly within the bay markings with their near side parallel to the kerb.
13. The driver of a vehicle 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 leave said parking place.
14. No person, except with the permission of a person duly authorised by the Council, shall drive any vehicle in a parking place other than for the purpose of leaving that vehicle in or to depart from said parking place.
15. No person shall use a parking place as a means of passage from one road to another.
16. No person shall use a vehicle whilst in a parking place, in connection with the sale of any article to any person in or near the parking place or in connection with the sale or hire of any skill or service.
17. No person shall do anything in contravention of any signs erected or surface markings laid by the Council whilst in that parking place.
18. Where a vehicle is left in a parking place in contravention of this Order, a person authorised by the Council may remove the vehicle or arrange for it to be removed from that parking place.
19. A person authorised by the Council moving a vehicle by virtue of Article 18 of this Order may do so by towing or driving the vehicle, or in such other manner as he may think necessary.
20. Where a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 18 of this Order, he shall make reasonable arrangements for the safe custody of the vehicle.

PART E

PARKING PERMITS

ZONE C1 PARKING PERMITS

21. Subject to availability, any resident within Zone C1 may apply for a “Zone C1” parking permit. Such application for any permit shall include all information, and authentication required by the form and the charge specified in Schedule 4 to this Order.
22. The Council may, at any time, require an applicant for a permit or a permit holder to produce to an officer of the Council reasonable evidence which verifies the information provided or to verify the validity of a permit.
23. A permit holder may, at any time, apply to the Council for the amendment of a permit issued to him so as to relate to any other vehicle or additional vehicle, and the Council, having satisfied themselves as to the validity of the amended application may amend the permit or issue a new permit on surrender of the existing permit.
24. Upon receipt of an application duly made under the provisions of Article 21 of this Order, and subject to the Council being satisfied that the vehicles specified in the application are used by residents of Zone C1, the Council may issue to the applicant a permit for the vehicle specified in the application
25. If a permit is lost or destroyed the permit holder may apply to the Council for a duplicate permit and the Council, on being satisfied as to such a loss or destruction shall issue a duplicate permit. On issue of the duplicate permit the original shall become invalid.
26. If a permit is mutilated, defaced, discoloured or illegible, the permit holder shall surrender it to the Council and apply to the Council for a replacement permit and on receipt of the defective permit the Council shall issue a replacement.

ZONE C2 RESIDENTS' PARKING PERMITS

27. Subject to availability, any resident within Zone C2 may apply for a “Zone C2” parking permit. Such application for any permit shall include all information, and authentication required by the form and the charge specified in Schedule 4 to this Order.
28. The Council may, at any time, require an applicant for a permit or a permit holder to produce to an officer of the Council reasonable evidence which verifies the information provided or to verify the validity of a permit.
29. A permit holder may, at any time, apply to the Council for the amendment of a permit issued to him so as to relate to any other vehicle or additional vehicle, and the Council, having satisfied themselves as to the validity of the amended application may amend the permit or issue a new permit on surrender of the existing permit.
30. Upon receipt of an application duly made under the provisions of Article 27 of this Order, and subject to the Council being satisfied that the vehicles specified in the application are used by residents of Zone C2, the Council may issue to the applicant a permit for the vehicle specified in the application
31. If a permit is lost or destroyed the permit holder may apply to the Council for a duplicate permit and the Council, on being satisfied as to such a loss or destruction shall issue a duplicate permit. On issue of the duplicate permit the original shall become invalid.
32. If a permit is mutilated, defaced, discoloured or illegible, the permit holder shall surrender it to the Council and apply to the Council for a replacement permit and on receipt of the defective permit the Council shall issue a replacement.

Part F – The Common Seal of the Kent County Council

Given under the Seal of the Kent County Council

This day of 2013

THE COMMON SEAL OF THE
KENT COUNTY COUNCIL was
hereunto affixed in the
presence of:-

Authorised Signatory

SCHEDULE 1

PROVISION OF CHARGEABLE AND PERMIT HOLDER PARKING PLACES BETWEEN 1ST APRIL AND 30TH SEPTEMBER (BOTH DAYS INCLUSIVE)

1. Location of parking place	2. Position in which vehicles may wait	3. Class of vehicles	4. Days of operation of parking restriction	5. Hours of operation of parking restriction	6. Period for which a vehicle may wait
Lower Sandgate Road South side, from a point 9 metres east of its junction with Marine Parade, west for a distance of 85 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Lower Sandgate Road South side, from a point 98 metres west of its junction with Marine Parade, west for a distance of 110 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade South side, from a point 11.4 metres east of its junction with Lower Sandgate Road east for a distance of 121.6 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade North side, from a point 36.7 metres east of its junction with Lower Sandgate Road, east for a distance of 59.7 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade North side, from a point 110.7 metres west of its junction with Marine Terrace west for a distance of 34.7 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit

The Kent County Council (The District of Shepway) (Folkestone Seafront and The Stade Parking Zone) Order 2012 (Marine Parade and Lower Sandgate Road Operating Times) (Amendment No 2) Order 2013

Schedule 1 – Provision of Chargeable and Permit Holder parking places between 1st April and 30th September (both days inclusive)

Marine Parade North side, from a point 65.4 metres west of its junction with Marine Terrace west for a distance of 30.6 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade North side, from a point 56.4 metres west of its junction with Marine Terrace west for a distance of 4.6 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade North side, from a point 31.5 metres west of its junction with Marine Terrace west for a distance of 14.1 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade South side, from a point 61.6 metres west of its junction with Marine Terrace west for a distance of 80.3 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit
Marine Parade South side, from a point 22.8 metres west of its junction with Marine Terrace west for a distance of 32.9 metres	Wholly within the limits of the marked parking place	Any vehicle of a gross weight less than 7.5 tonnes	All Days between 1 st April to 30 th September (both days inclusive)	08:00 – 18:00	5 hours in any 7 hour period, unless displaying a valid “Zone C1” permit