

**THE DISTRICT OF MALDON (OFF-STREET PARKING PLACES)**  
**CONSOLIDATION ORDER 2009**

The District Council of Maldon (“the Council”) in exercise of its powers under Sections 32 and 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers and with the consent of the Essex County Council as required by Section 39 of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby make the following Order:-

**Commencement and Citation**

1. (i) This Order shall come into operation on the 27<sup>th</sup> day of March 2009 and may be cited as The District of Maldon (Off-Street Parking Places) Consolidation Order 2009
- (ii) The District of Maldon (Off-Street Parking Places) Order 1999 as amended by the Orders listed in Schedule 4 hereto is hereby revoked in accordance with Part IV of Schedule 9 of the Act

**Interpretation**

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

“Authorised Officer” means a civil enforcement officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof

“Charge” means a charge required by Article 5 to be paid for the use of a parking place

“Charging Hours” means any period for which a charge is specified in Schedule 3

“Disabled Persons Badge” has the same meaning as in the Disabled Persons (Badge for Motor Vehicles) Regulations 2000 as amended

“Disabled Persons Vehicle” means a vehicle lawfully displaying a valid disabled persons badge

“Driver” in relation to a vehicle waiting in a parking space means the person driving the vehicle at the time it was left in the parking place or having control or charge of the vehicle at the time it was left in the parking place or the person deemed to be the driver under the terms of this Order, as defined in Section 142 of the Act

“Higher Level Contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges)(England) Order 2007 or any amendment or re-enactment thereof

“Invalid Carriage” has the meaning prescribed by Section 136(5) of the Act

“Lower Level Contraventions” means all parking contraventions which are not higher level contraventions

“Motor Car”, “Motor Cycle” and “Trailer” have respectively the same meanings as in Sections 136 and 137 of the Act

“Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on roads

“Owner” in relation to a vehicle which is required to be licensed under the provisions of the Vehicle Excise and Registration Act 1994 means the person in whose name the vehicle was registered under the said Act on the date on which the vehicle was left in the parking place in question

“Parking Apparatus” means a device provided by the Council situated in or near to the Parking Place which issues parking tickets on payment of the Charge

“Parking Bay” means a space in a parking place marked out for the leaving of a vehicle

“Parking Place” means any part of any land or building specified by name in column (1) of Schedule (1)

“Parking Ticket” means a ticket, card, token or permit displayed in the relevant position

“Penalty Charge” means a penalty charge relating to a parking contravention and payable in accordance with Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“Penalty Charge Notice” has the meaning given by Regulation 8(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

“Permit” means any or all types of permit which may be issued to a vehicle or driver

“Season Ticket” means a current season ticket issued by the Council under Article 7 in respect of the parking place in question

“Serve” in respect of a Penalty Charge Notice means the forms of service specified in Regulations 9 and 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any amendment or re-enactment thereof

“Vehicle” means any vehicle whether or not it is in a fit state for use on roads and includes any caravan and any chassis or body with or without wheels appearing to have formed part of such vehicle and any load carried by and anything attached to such vehicle

### Use of Parking Places

3. (i) Each of the parking places specified in Column (1) of Schedule 1 to this Order may be used subject to the following provisions of this Order as a parking place for such classes of vehicles in such positions and on such days and during such hours and on payment of such charge as are specified in relation to that parking place in the said Schedule

(ii) Where in the Schedules to this Order a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified

(iii) Whenever parking bays are provided vehicles must be positioned wholly within the markings of a parking bay and where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle the driver of a vehicle shall not permit the vehicle to wait in that parking bay unless it is a Disabled Persons Vehicle. Failure to comply with this Article shall result in a charge becoming payable in accordance with the provisions of this Order

### Maximum Period for which a Vehicle may be left

4. 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 Schedule 1 to this Order in relation to that parking place PROVIDED that

(i) the period for which a vehicle may be left in a parking place during the charging hours after the excess charge has been incurred shall not exceed four hours

(ii) if a vehicle is left in a parking place during the charging hours for more than four hours after the excess charge has been incurred it will result in a charge becoming payable in accordance with the provisions of this Order

### Charges

5. (i) The driver of a vehicle using a parking place shall follow the procedure prescribed in Schedule 2 if the provisions of that Schedule are applied to that parking place by column (4) of Schedule 1 and shall pay the Charge on a time basis in accordance with the tariff set out in column (4) of Schedule 1 which is specified in relation to that parking place

PROVIDED that no charge shall be payable by the driver of a vehicle using a parking place who can produce a valid season ticket issued for that place and in respect of that

vehicle in accordance with the provisions of Article 6 of this Order or by a motor cyclist parking in that part of a parking place specifically designated for motor cycles OR FURTHER PROVIDED that no charge shall be payable by the driver of a vehicle using Butt Lane, High Street East or Friary Fields Car Parks who is in possession of a valid ticket for a period of over 4 hours in respect of the Promenade Car Park for the remainder of the day on which that ticket was purchased and no charge shall be payable by the driver of a vehicle using the Promenade Park Car Park who is in possession of a valid ticket of over 4 hours in respect of the Butt Lane, High Street East or Friary Fields Car Parks for the remainder of the day on which that ticket was purchased OR FURTHER PROVIDED that no charge shall be payable by the driver of a vehicle using the bays which are specifically designated as being free for 30 minutes in Butt Lane or White Horse Lane Car Parks for a period not exceeding 30 minutes

(ii) No person shall obtain any ticket from parking apparatus except in accordance with Schedule 2

(iii) No person shall transfer any ticket to any other person. A ticket shall only be valid for the vehicle for which it is purchased

(iv) Where in respect of any parking place named in Schedule 1 and not therein designated for the use of season ticket holders only the Charge is payable by the driver of a vehicle using such parking place and

(a) the vehicle is left in the parking place during the charging hours without displaying a valid season ticket or other valid parking ticket for that place, or

(b) the vehicle remains parked for a period longer than that for which payment has been made

then this shall result in a charge becoming payable in accordance with the provisions of this Order

#### Season Tickets

6. (i) The Council may at their discretion issue season tickets available for use at all or any of the parking places referred to in Schedule 1 and for which a charge is made at a charge to be fixed by the Council inclusive of VAT payable in advance. The season ticket is transferable but may be used only for parking in the parking place or places in respect of which it is issued

(ii) No person issued with a season ticket under the provisions of Article 6(i) hereof shall use a season ticket otherwise than in accordance with the conditions contained in the Council's Application Form for issue of a Season Ticket

#### Parking Apparatus

7. The indications given by any machine mentioned in Schedule 2 and on any tickets issued by such a machine as to any date time or sum of money (if any) shall for all purposes be treated as evidence of such facts

### Production of Ticket

8. The holder of a ticket or of a season ticket shall produce the same on demand for inspection by an Authorised Officer at any time whilst the vehicle is within a parking place

### Removal of Ticket

9. When a ticket obtained from parking apparatus has been attached to a vehicle no person not being the driver of the vehicle or an Authorised Officer shall remove the ticket from the vehicle unless authorised to do so by the driver

### Vehicles leaving Parking Places

10. No person shall remove any vehicle from any parking place unless he produces to an authorised officer if requested to do so evidence of his right to remove the vehicle or of his identity and address

### Restrictions on Use of Parking Places

11. (i) The owner or driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988
- (ii) The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when above to change the position of the vehicle in or to depart from the parking place
- (iii) No person shall use any part of a parking place or any vehicle left in a parking place:-
  - (a) For sleeping, camping, cooking or living accommodation for any person; or
  - (b) For the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place
  - (iv) The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except as may be necessary to give warning of danger
  - (v) No person shall use a vehicle while it is in a parking place in connection with the sale of any article (including the vehicle itself) to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services unless expressly authorised to do so by the Council

(vi) No person shall use a parking place for any purpose not covered by the terms of this Order without obtaining the prior consent of the Council in writing

(vii) No person shall use a parking place for the storage of a vehicle for any purpose

(viii) No person shall in any parking place:-

(a) Operate or permit to be operated any wireless loudspeaker amplifier or other similar instrument or play any musical instrument; or

(b) Drive any vehicle at speed or in a manner likely to cause danger or damage to any person or property or without reasonable consideration for other persons; or

(c) Pitch station erect or leave in position any tent hut caravan mobile shop barrow stall or any other structure without the written consent of the Council; or

(d) Light or cause or permit to be lit any fire stove or cooker or carry place or use any lighted fire stove or cooker; or

(ix) 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

(x) No person shall in a parking place wantonly shout or otherwise make any loud noises to the disturbance or annoyance of users of the parking place or occupants of premises in the neighbourhood

(xi) No person shall in a parking place destroy damage interfere with or deface any property belonging to the Council and in addition to liability for any penalty imposed for a breach of this provision of this Order any person so doing shall be liable for and shall pay the Council the full cost of repair of the damage

(xii) No person shall use a parking place as a means of passage for proceeding from one road to another road unless authorised to do so by the Council

(xiii) No person shall except with the permission of an Authorised Officer drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place

#### Entrance to and Exit from Parking Places

12. Where in a parking place signs are erected or surface markings are laid for the purposes of:-

(i) Indicating the entrance to or exit from the parking place; or

(ii) Indicating that a vehicle using a parking place shall proceed in a specified direction within the parking place, no person shall drive or cause or permit to be driven any vehicle:

(a) so that it enters the parking place otherwise than by an entrance or leave the parking place otherwise than by an exit so indicated, or

(b) in a direction other than that specified as the case may be.

The driver of any vehicle in a parking place shall comply with any instructions given orally by an Authorised Officer as to the route to be followed within the parking place.

#### Obstruction of Parking Places

13. When in respect of any parking place a Notice is displayed indicating that the parking place is fully occupied or closed no driver shall take or attempt to take his vehicle into such a parking place nor shall he cause an obstruction by waiting in any part of the parking place.

#### Movement, removal and disposal of Vehicle left in a Parking Place

14. (i) If a vehicle or other thing is left in a parking place in a position other than in accordance with the provisions of Article 3, a person authorised by the Council in that behalf may alter or cause to be altered the position of a vehicle so that its position is in accordance with the said provisions.

(ii) If a vehicle or other thing is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council in that behalf may remove the vehicle from the parking place or arrange for its removal.

(iii) Any person removing or altering the position of a vehicle or other thing by virtue of paragraphs (i) or (ii) of this Article may do so by towing or driving the vehicle or other thing or in such other manner as he may think necessary and may take such measures in relation to the vehicle or other thing as he may think necessary to enable him to remove it or alter its position as the case may be. Neither such person nor the Council shall be responsible for any loss or damage to the vehicle or other thing or to anything contained therein or thereon arising from or in consequence of the exercise of the powers contained in this Article.

(iv) Any reasonable costs incurred by the Council in the exercise of the powers contained in paragraphs (i) or (ii) or (iii) of this Article may be recovered from the owner or driver of the vehicle concerned.

(v) Section 102 of the Act shall apply to this Order in respect of the recovery by the Council of the charges for the moving or removal of vehicles in accordance with this Article.

15. The provisions of the Refuse Disposal (Amenity) Act 1978 shall be incorporated herein and form part of this Order so that:-

(i) No person shall within any parking place do anything which if the parking place were land in the open air would constitute an offence under the Refuse Disposal (Amenity) Act 1978 and the Removal and Disposal of Vehicles Regulations as amended; and

(ii) The Council may dispose of a vehicle abandoned in any parking place in accordance with the provisions of the Refuse Disposal (Amenity) Act 1978 which are treated as incorporated herein.

#### Penalty Charge for Use of Car Parks

16. (i) Any contravention or non-compliance with any provision of this Order by the Driver will result in the issuing of and liability for a penalty charge as detailed in Schedule 3 of this Order. In the case of a motor vehicle in respect of which a penalty charge notice has been incurred an Authorised Officer may Serve the penalty charge notice which shall comply with the requirements of the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

(ii) The particulars given in the penalty charge notice attached to a vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such a penalty charge.

(iii) The reduced penalty charge being the charge set by the Secretary of State under the provisions of Section 77 and Schedule 9 of the Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 is to be paid within 14 days following the date of issue endorsed on the penalty charge notice.

(iv) In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the Owner of the motor vehicle in respect of which the penalty charge was incurred requiring the Owner to supply the identity of the Driver.

#### Restrictions on Removal of a Penalty Charge Notice

17. When a Penalty Charge Notice has been attached to a motor vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the motor vehicle

#### Exemption for Disabled Drivers and for Drivers of electrically powered Vehicles

18. The following vehicles left in a parking place shall be exempt from any limitation on time except the maximum period shown in Column (3) Schedule 1 and from the payment of any charge arising by virtue of the provisions of Schedule 2 and specified in the tariffs contained in Schedule 3 PROVIDED that they park in an authorised parking bay not set aside for season ticket holders or coaches:-



- (i) a disabled persons vehicle which displays a Disabled Persons Badge
- (ii) an invalid carriage as defined in Section 136(5) of the Act
- (iii) a vehicle issued to a disabled person by the Department of Health in lieu of an invalid carriage.
- (iv) a vehicle which is wholly powered by electricity.

General Provisions

- 19. Without prejudice to its powers under this Order to recover any charges or payments due to the Council in proceedings before the Magistrates' Court, the Council shall have the power to recover any such charge or payment in the County Court as if it were a civil debt.
- 20. Double and hatched yellow lines installed in a parking place indicate that no parking is permitted adjacent thereto.
- 21. It shall be an offence to fail to comply forthwith with a request of an Authorised Officer which is made for the purpose of securing compliance with any provision of this Order.
- 22. Contravention of or non-compliance with any of the provisions of this Order shall be an offence in accordance with Section 35A of the Act.
- 23. The Council shall not be responsible for any loss or damage to any vehicle or any of the contents thereof which may occur while the vehicle has been left in a parking place.

Suspension of Use

- 24. Notwithstanding any of the provisions of this Order the Council may by Notice displayed on or near the parking place close any parking place or any part thereof for any period and may use such parking place for any purpose and no driver of any vehicle shall use the parking place or any part thereof when it is so closed without the prior consent of the Council.

THE COMMON SEAL of )  
 THE MALDON DISTRICT COUNCIL )  
 was hereunto affixed this )  
 day of 2009 )  
 in the presence of:- )

Chairman

Chief Executive

### SCHEDULE 1

Name of car park	Days of Operation	Classes of Vehicles, Positions in which vehicle may wait, maximum waiting period and Hours of operation of parking charges.	Scale of Charges during charged hours Schedule 2 Applicable?
1	2	3	4
White Horse Lane Car Park, Maldon	All Days	<p>Motor vehicles not exceeding 2.3m in height and 5.5m in length overall.</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting.</p> <p>Operating 24 hours a day. Charging 8.00am to 6.00pm excluding Sundays and Bank and public holidays</p>	<p>Up to 1 hour 70p 1 to 3 hours £1.30 3 to 4 hours £2.80 Over 4 hours £8.00</p> <p>Schedule 2 applies.</p>
White Horse Lane Car Park, Maldon Friary extension	Saturdays and Sundays only	<p>Motor vehicles not exceeding 2.3m in height and 5.5m in length overall</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting.</p> <p>Operating 24 hours a day. Charging 8.00am to 6.00pm excluding Sundays and Bank and public holidays</p>	<p>Up to 1 hour 70p 1 to 3 hours £1.30 3 to 4 hours £2.80 Over 4 hours £8.00</p> <p>Schedule 2 applies.</p>
High Street East Car Park, Maldon	All Days	<p>Motor vehicles not exceeding 2.3m in height and 5.5m in length overall</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting.</p> <p>Operating 24 hours a day Charging 8.00am to 6.00pm excluding Sundays and Bank and public holidays</p>	<p>Up to 1 hour 70p 1 to 3 hours £1.30 3 to 4 hours £2.00 Over 4 hours £4.00</p> <p>Schedule 2 applies.</p>

Name of car park	Days of Operation	Classes of Vehicles, Positions in which vehicle may wait, maximum waiting period and Hours of operation of parking charges.	Scale of Charges during charged hours Schedule 2 Applicable?
1	2	3	4
Butt Lane Car Park, Maldon	All Days	<p>Motor vehicles not exceeding 5.5m in length overall.</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting.</p> <p>Operating 24 hours a day Charging 8.00am to 6.00pm excluding Sundays and Bank and public holidays</p>	<p>Up to 1 hour 70p 1 to 3 hours £1.30 3 to 4 hours £2.00 Over 4 hours £4.00</p> <p>Schedule 2 applies.</p>
Friary Fields Car Park, Maldon	All Days	<p>Motor vehicles not exceeding 5.5m in length overall</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting.</p> <p>Operating 24 hours a day. Charging 8.00am to 6.00pm excluding Sundays and Bank and public holidays</p>	<p>Up to 3 hours £1.30 3 to 4 hours £1.60 Over 4 hours £4.00</p> <p>Schedule 2 applies.</p>
Silver Street Car Park, Maldon	All Days	<p>Motor vehicles not exceeding 5.5m in length overall.</p> <p>As marked out and as directed.</p> <p>24 hours maximum waiting/ 24 hours a day.</p>	<p>Season Ticket holders only.</p> <p>Schedule 2 not applicable.</p>

Name of car park	Days of Operation	Classes of Vehicles, Positions in which vehicle may wait, maximum waiting period and Hours of operation of parking charges.	Scale of Charges during charged hours Schedule 2 Applicable?
1	2	3	4
Market Site Car Park, Maldon	All Days	Motor vehicles not exceeding 5.5m in length overall.  As marked out and as directed.  24 hours maximum waiting  Operating 24 hours a day	Season Ticket holders only.  Schedule 2 not applicable.
The Promenade Park, Maldon	All Days	Motor cars and other motor vehicles designed for the carriage of passengers.  As marked out and /or as directed with regard to each class of vehicle.  Promenade Park opening hours.  Operating during opening hours of Promenade Park. Charging 8.00am to 8.00pm.	<u>Cars</u> Up to 2 hours £2.00 Up to 4 hours £4.00 All Day £5.00  <u>Coaches</u> Up to 2 hours £6.00 Over 2 hours £11.00  Schedule 2 applies.
Hythe Quay, Maldon	All Days	Motor vehicles not exceeding 2.3m in height and 5.5m in length overall.  As marked out and as directed.  24 hours maximum waiting.  Operating 24 hours a day..	Not applicable - Permit Holders only.  Schedule 2 not applicable.
Council Offices Car park, Maldon	Saturdays and Sundays only	Motor vehicles not exceeding 2.3m in height and 5.5m in length overall.  As marked out and as directed.  24 hours maximum waiting/ 24 hours a day.	No charge on Saturdays and Sundays. (Mondays to Fridays permit holders only).  Schedule 2 not applicable

Name of car park	Days of Operation	Classes of Vehicles, Positions in which vehicle may wait, maximum waiting period and Hours of operation of parking charges.	Scale of Charges during charged hours Schedule 2 Applicable?
1	2	3	4
High Street Car Park, Southminster	All Days	Motor vehicles not exceeding 2.3m in height and 5.5m in length overall.  As marked out and as directed.  24 hours maximum waiting/ 24 hours a day.	No charge  Schedule 2 not applicable.
Providence/Ship Road Car Park, Burnham on Crouch	All Days	Motor vehicles not exceeding in length overall.  As marked out and as directed.  24 hours maximum waiting/ 24 hours a day.	No charge  Schedule 2 not applicable.
Millfield Car Park, Burnham on Crouch (adj. to public library)	All Days	Motor vehicles not exceeding in length overall.  As marked out and as directed.  24 hours maximum waiting/ 24 hours a day.	No charge  Schedule 2 not applicable.
Foundry Lane Car Park, Burnham on Crouch	All Days	Motor vehicles not exceeding in length overall.  As marked out and as directed.  24 hours maximum waiting/ 24 hours a day.	No charge  Schedule 2 not applicable

## **SCHEDULE 2**

- (i) The Charge referred to in Article 5(i) shall be the charge prescribed by the Tarrif referred to in Schedule 1 column (4) and shall be payable by the insertion of the appropriate coin or coins into the apparatus or device provided, being an apparatus or device approved in accordance with Section 35(3A) or 35(3B) of the Act and the provisions of Section 35A of the Act shall apply in respect of such apparatus.
- (ii) Any ticket issued on payment of the charge referred to in Article 5(i) and prescribed by Schedule 1 shall be attached in a conspicuous position to the vehicle in respect of which it was issued so as to be visible through the windscreen of that vehicle.

### SCHEDULE 3

**Categories of contravention for PCN issue from date of  
The District of Maldon (Off Street Parking Places) Consolidation Order 2009**

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

<i>Code</i>	<i>Description</i>
81	Parked in a restricted area in a car park
85	Parked in a permit bay without clearly displaying a valid permit
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner
89	Vehicle parked exceeds maximum weight or height or length permitted in the area
92	Parked causing an obstruction

**Lower level Contraventions Off-Street  
£50 (discounted to £25 if paid within 14 days of service)**

<i>Code</i>	<i>Description</i>
80	Parked for longer than the maximum time permitted
82	Parked after expiry of paid for time
83	Parked in a car park without clearly displaying a valid pay and display ticket
84	Parked with additional payment made to extend the stay beyond time first purchased
86	Parked beyond the bay markings
90	Re-parked within 2 hours of leaving a bay or space in a car park

## **SCHEDULE 4**

Variations and/or amendments to the District of Maldon (Off-Street Parking Places)  
Order 1999

Notice of Variation dated 2 March 2000 – amending charges

Notice of Variation dated 1 March 2001 – amending charges and introducing transferable tickets

Notice of Variation dated 28 February 2002 – introduction of ten free 30 minute spaces in White Horse Lane and Butt Lane