HERTFORDSHIRE COUNTY COUNCIL

TRAFFIC REGULATION ORDER

Date: 24 August 2017
Order No: 8107

THE HERTFORDSHIRE (BUCKLERSBURY, HIGH STREET, MARKET PLACE AND SUN STREET, HITCHIN) (RESTRICTED PARKING ZONE) ORDER 2017

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The Hertfordshire County Council, in exercise of their powers under Sections 1, 2, 3, 32, 35, 45, 46, 47, 49, and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (which said act of 1984 is hereinafter referred to as the Act of 1984) and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:

PART I - PRELIMINARY

Citation and commencement

1. (a) This Order may be cited as "The Hertfordshire (Bucklersbury, High Street, Market Place and Sun Street, Hitchin) (Restricted Parking Zone) Order 2017" and shall come into effect on Monday 28 August 2017.

   (b) The Hertfordshire Bucklersbury, High Street, Market Place and Sun Street, Hitchin Restricted Parking Zone Plan numbered HRZ/1001/17 (hereinafter referred to as "the Restricted Parking Zone Plan") is incorporated into this Order.

Interpretation

2.(1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"civil enforcement officer" has the meaning as given in the Traffic Management Act.

"County Council" means the Council of the County of Hertfordshire.

"Council" means North Hertfordshire District Council and includes any parking services contractors or authorised agent appointed by and acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"designated officer" means an officer nominated by North Hertfordshire District Council to carry out Council functions associated with the provisions of this Order;

"disabled person's badge" and "disabled person's vehicle" have the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 and the Disabled Persons (Badges for Motor Vehicles) Amendment Regulations 1992 and as amended by the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000;

"driver", in relation to a vehicle waiting in a parking place or Restricted Parking Zone, means the person driving the vehicle at the time it was left in the parking bay, loading bay or Restricted Parking Zone;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"goods" means goods of any kind whether animate or inanimate and includes postal packets of any description; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"loading bay" means an area contained within the restricted parking zone indicated by contrasting surfacing or bay markings to show the position in which a vehicle may be parked for the purpose of loading and unloading goods, as shown on "the restricted parking zone plan" and identified in the key to those plans.

"Motor-cycle" has the same meaning as that in the Road Vehicles (Construction and Use) Regulations 1986;

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

"parking disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specifications for Parking Discs (BS No. 4631: 1970), coloured orange or blue, and capable of showing the quarter hour period during which a period of waiting begins;

"parking bay" means an area contained within the restricted parking zone indicated by contrasting road surfacing or bay markings to show the position in which a vehicle or vehicle of a particular class may be parked as set out and shown in "the restricted parking zone plans" and identified in the key to those plans.

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

"penalty charge" has the same meaning as a charge set by the Council in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of charges) (England) Order 2007 and the provisions of Part 6 and Schedule 9 of the Traffic Management Act 2004.

"Restricted Parking Zone" or "RZ" is an area in which all the streets are subject to waiting restrictions other than lengths of road where parking bays are designated, whether these parking bays bear road markings or not;

"Restricted Parking Zone Plan" the Restricted Parking Zone parking and waiting plan including the Key, which is incorporated in to this Order pursuant to Article 1(b) hereof. The various parking restrictions shown on the Restricted Parking Zone plan are colour coded to show the detail of each restriction;

"permitted hours" means the hours and days of the week as particularised on the Restricted Parking Zone plan and key thereof;

"relevant position" means:

i) A vehicle displays a disabled person's badge in the relevant position if:
   a. 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 outside the vehicle; or
   b. in the case of 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;

ii) A vehicle displays a parking disc in the relevant position if:
   a. 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
   b. 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.

`Taxi Clearway' means an area contained within the Restricted Parking Zone indicated by contrasting surfacing or bay markings to indicate the position in which a vehicle being a taxi may wait for the purpose of plying for hire, or the picking up or setting down passengers, as shown on the Restricted Parking Zone plan and identified in the key to that plan.

`Taxi' shall have the meaning as given in Schedule 1 of The Traffic Signs Regulations and General Directions 2016 (SI 2016/362)

"telecommunication system" has the same meaning as in the Telecommunications Act 1984 (c.12);

(2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

(4) For the purposes of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when it is so regarded for the purposes of Regulation 4 of The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

PART II - RESTRICTIONS AND PARKING BAYS

Section 1 – Provisions of the Order

Prohibited Waiting Areas

3. (1) Save as provided in Article 4 of this Order no person shall cause or permit any vehicle to stop or wait on areas of Road or sides of the Road where stopping, waiting loading or unloading is not allowed as shown on the 'Restricted Parking Zone plan' and identified in the Key to that plan.

(2) Where a person contravenes any provision contained within this Order and any restriction or provision as shown on the Restricted Parking Zone plan and detailed on the key to that plan; and the vehicle does not fall into any one of the exemptions contained within Article 4 of this Order, the owner or driver of the vehicle in question shall commit a contravention to this Order.

(3) Where a person contravenes the provisions set out in Article 3(2) of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

4. The following Vehicles are exempt from the General Prohibition as set out in Article 3:

(a) A vehicle, necessarily required for use in connection with any of the following operations, namely:-

(i) the removal of any obstruction to traffic,
(ii) the maintenance, improvement or reconstruction on the areas of Road or sides of Road, and
(iii) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a utility organisation while attending to their apparatus;

(b) a vehicle in the service of the Council or any other Local Authority whilst necessarily required for use in connection with highway works, highways and parking enforcement, waste collection or street cleansing activities;

(c) a vehicle which is:

(i) required by law to stop; or
(ii) obliged to stop so as to prevent an accident; or
(iii) prevented from proceeding by circumstances outside his control; or
(iv) caused or permitted to stop or wait upon the direction or with the permission of a police constable in uniform.

(d) a Public Service Vehicle whilst waiting at an authorised stopping place;

(e) a vehicle being used for:

(i) fire brigade, ambulance or police purposes; or
(ii) attending an emergency by a Doctor, a District Nurse or Midwife.
The Council may require evidence to show that there was a genuine emergency.

(f) a vehicle authorised by virtue of any special written dispensation by North Hertfordshire District Council.

(g) a vehicle in the service of a Universal Service Provider being used for the purpose of Delivering or Collecting postal packets, save for the areas of Road and sides of the Road where loading or unloading are specifically regulated as identified and defined by the Key to the 'Restricted Parking Zone plan'.

Designation of Parking Bays

5. Those sections of road identified on the 'Restricted Parking Zone plan' to this Order (the 'Restricted Parking Zone plan') and detailed in the key to that plan as Parking Bays are authorised to be used subject to the following provisions of this Order as Parking Bays for such classes of vehicles in such positions and on such days and during such hours and to such limitations as identified on the 'Restricted Parking Zone plan' and detailed in the key to that plan.

Leaving of vehicles in Parking Bays

6.(1) No person shall cause or permit any vehicle to wait in an area designated as a disabled parking bay, loading bay or Taxi Clearway during the permitted hours unless authorised by the provisions of this Order or with the permission of a Designated Officer or Civil Enforcement Officer.

(2) Where a person contravenes the provisions set out in Article 6(1) of this Order, the Owner of the Vehicle in question shall incur a penalty charge.

Vehicles for which Parking Bays are designated

7. Subject to the provisions of this Order:-

(1) Disabled Parking Bays as shown and identified on the Restricted Parking Zone plan and detailed in the key to that plan may be used for the leaving during the permitted hours of vehicles of the following class, that is to say, disabled persons vehicles (on which must be displayed in the relevant position a valid disabled drivers badge and disc).

(2) Taxi Clearways as identified and shown on the Restricted Parking Zone plan and detailed in the key to that plan as taxi clearways may only be used for the stopping and waiting of taxis during the hours of 6:00pm to 6:00am Monday to Sunday for the purpose of plying for hire and dropping off or picking up of passengers.

(3) Loading Bays as identified and shown on the Restricted Parking Zone plan and detailed in the key to that plan as loading bays may be used for the leaving during the permitted hours of vehicles for the purpose of loading and unloading goods.

Alteration of position of a vehicle in a Parking Bay

8. Where any vehicle is standing in a disabled parking bay, parking bay, loading bay or Taxi Clearway in contravention of the provisions of Article 11 a Civil Enforcement Officer may cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a Parking Bay or Restricted Parking Zone

9. Where a Civil Enforcement Officer is of the opinion that any of the provisions contained in Articles 3 or 7 of this Order have been contravened or not complied with in respect of a vehicle left in any part of a parking bay, disabled parking bay, loading bay or Taxi clearway, or prohibited waiting area they may remove or cause to be removed the vehicle from the parking bay, disabled parking bay, loading bay or taxi clearway or prohibited area and, where it is so removed, shall provide for the safe custody of the vehicle and its contents.

Movement of a vehicle in a Parking Bay in an emergency

10. A Civil Enforcement Officer or Police Constable in uniform may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a parking bay, disabled parking bay, loading bay or taxi clearway, or prohibited waiting area.

PART III - SUPPLEMENTARY PROVISIONS

Section 1 - General

Manner of standing in a Parking Bay

11. (1) Every vehicle left in a parking bay in accordance with the foregoing provisions of this Order shall so stand -

(a) that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway and the distance between the edge of the carriageway and the near side wheels of the vehicle is not more than 300 millimetres.

(b) that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is waiting.

Power to suspend the use of a Parking Bay

12. (1) Any person duly authorised by the Council may suspend the use of a parking bay or any part thereof whenever they consider such suspension reasonably necessary:

(a) for the purpose of facilitating the movement of traffic or promoting its safety;

(b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe, or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing, maintenance or removal of any traffic sign;

(c) for the convenience of occupiers of premises adjacent to the parking Place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;

(d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or

(e) for the convenience of occupiers of premises adjacent to the parking Place at times of weddings or funerals, or on other special occasions.

(2) Any person suspending the use of a parking bay or any part thereof in accordance with the provisions of paragraph (1) of this Article shall thereupon place or cause to be placed in or adjacent to that parking Place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.

(3) No person shall cause or permit a vehicle to wait in a parking bay or any part thereof during which such period as there is in or adjacent to that parking bay or part thereof a traffic sign placed in pursuance of paragraph (2) above provided that nothing in this paragraph shall apply -

(a) in respect to any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 12(1)(b), (d) or (e); or

(b) to anything done with permission of the person suspending the use of the parking place or part thereof in pursuance of paragraph (1) of this Article.

Restriction on the use of a Parking Bay

13. During the permitted hours no person shall use any parking bay or any vehicle while it is in a parking bay in connection with the sale or offering or exposing for sale of any goods to any person in or near the parking place or in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity:

Provided that nothing in this Article shall prevent the sale of goods from a vehicle -

(a) if the vehicle is a passenger vehicle, a goods carrying vehicle, a motor-cycle or an invalid carriage and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected; or

(b) if the vehicle is one to which the provisions of Article 14(1)(h) apply.

Restriction on waiting by a vehicle in a Parking Bay

14. (1) Notwithstanding the foregoing provisions of this Order any vehicle may wait during the permitted hours in any part of a parking bay if the use of that part has not been suspended and if:

(a) the vehicle is waiting for so long as may be necessary for the purpose of enabling any person to board or alight from the vehicle or load thereon or unload therefrom their personal luggage;

(b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;

(c) the vehicle is being used for fire brigade, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the place in which it is waiting;

(d) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;

(e) the vehicle is waiting -

(i) while postal packets addressed to premises within the 'Restricted Parking Zone' are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered; or

(ii) while postal packets are being collected for the loading on the vehicle from premises or posting boxes within the 'Restricted Parking Zone' in which the vehicle is waiting or, having been so collected, are being unloaded thereon;

(f) the vehicle not being a passenger vehicle is waiting only for as long as may be reasonably necessary to enable it to be used for the purpose specified in Article 12(1)(b);

(g) the vehicle is in actual use in connection with the removal of furniture to or from one office to a dwelling-house adjacent to the parking bay from or to a depository, another office or dwelling-house;

(h) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking bay in which the vehicle is waiting.

(2) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place during the permitted hours.

Placing of traffic signs, etc.

15. The Council shall:

(a) place and maintain traffic signs indicating the limits of each parking bay;

(b) place and maintain in or in the vicinity of each parking Place traffic signs of a design approved by the Secretary of State for the Department for Transport indicating that the parking Place may be used during the permitted hours for the leaving only of the vehicles specified in Articles 6 and 7; and

(c) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Section 2 – Penalty Charge Notices

Penalty Charge Notices

16 (1) Where a person contravenes any of the restrictions set out in the provisions of this Order as shown on the Restricted Parking Zone plan and detailed on the key to that plan the Owner of the vehicle in question shall incur a penalty charge.

(2) That charge shall be payable to North Hertfordshire District Council in accordance with the instructions contained on the Penalty Charge Notice.

Period for which a vehicle may be left after a Penalty Charge has been incurred

17 The period for which a vehicle may be left in a parking bay during permitted hours after a penalty charge has been incurred shall not exceed one hour.

Restriction on the removal of Penalty Charge notices

18 (1) Where a penalty charge notice has been issued in accordance with the provisions of Article 16 and attached to a vehicle no person not being the driver of the vehicle shall remove the notice from the vehicle unless authorised to do so by the driver of that vehicle.

(2) Provided that nothing herein shall apply to a Civil Enforcement Officer or Police Constable in uniform or person removing the vehicle in pursuance of an arrangement made by the police constable in uniform or under the regulations in pursuance of powers contained in Sections 99,100, 101 and 102 of the Act of 1984.

Section 3 – Revocations

List of Orders revoked by the implementation of this Order

19. The provisions of the following Orders are hereby revoked but only in so far as they are affected by the restrictions imposed by this Order -

The North Hertfordshire District Council (Control of Parking) (Consolidation) Order 2014

The Hertfordshire (Sun Street, Tilehouse Street, Bridge Street, Bucklersbury, Market Place and High Street, Hitchin) (Prohibition and Restriction of Waiting) Order 2004

The Hertfordshire (Sun Street, Market Place, High Street and Brand Street, Hitchin) (Parking Place) Order 2004

The North Hertfordshire District Council (High Street and Market Place Hitchin) Prohibition of Entry, One Way Traffic and Prohibition of Waiting) (Amendment) Order 1993

Section 4 – Schedule

SCHEDULE
Restricted Parking Zone Plan

Plan no. HRZ/1001/17, incorporated into this Order.

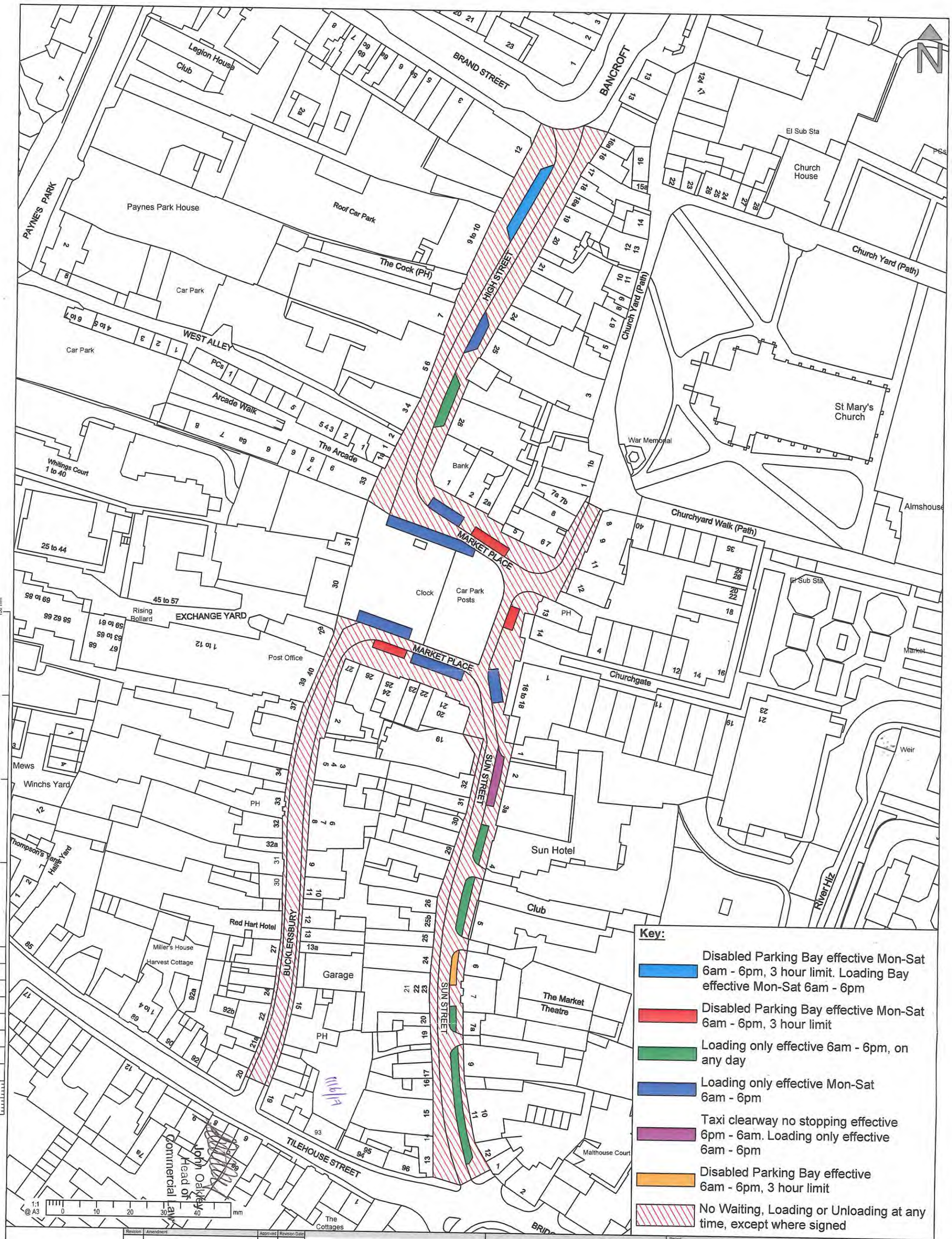
IN WITNESS whereof the Common Seal of the Hertfordshire County Council was hereunto affixed this 18th day of August 2017.

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

11/6/17

Head of Commercial Law

John Oakley
Head of
Commercial Law



Key:

- Disabled Parking Bay effective Mon-Sat 6am - 6pm, 3 hour limit. Loading Bay effective Mon-Sat 6am - 6pm
- Disabled Parking Bay effective Mon-Sat 6am - 6pm, 3 hour limit
- Loading only effective 6am - 6pm, on any day
- Loading only effective Mon-Sat 6am - 6pm
- Taxi clearway no stopping effective 6pm - 6am. Loading only effective 6am - 6pm
- Disabled Parking Bay effective 6am - 6pm, 3 hour limit
- No Waiting, Loading or Unloading at any time, except where signed

Revision	Amendment	Approved	Revision Date

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Drawn	Designed	Approved	Checked	Revision Date
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Project No.: G-CG001.Y5
Scale: 1:1000

Project: THE HERTFORDSHIRE (BUCKLERSBURY, HIGH STREET, MARKET PLACE and SUN STREET, HITCHIN) (RESTRICTED PARKING ZONE) ORDER 2017

Sheet: RESTRICTED PARKING ZONE

Drawing No.: HRZ/1001/17
Sheet No.: 1 of 1
Revision: 0

Original Sheet Size A3 [420x297] Plot Date