

NORWICH CITY COUNCIL (NORTH PARK AVENUE)
OFF STREET PARKING ORDER 2005

The City Council of Norwich (hereinafter referred to as "the Council") in the exercise of their powers under Sections 1, 2, 4, 32 and 35 of the Road Traffic Regulation Act, 1984 (hereinafter referred to as "the 1984 Act") and under the Road Traffic Act 1991 (hereinafter referred to as "the 1991 Act") and of all other enabling powers and with the consent of the Norfolk County Council given under Section 39(4) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with the 1984 Act hereby make the following Order: -

Commencement and Citation

1. This Order may be cited as the "Norwich City Council (North Park Avenue Car Park) Order 2005" and shall come into effect for all purposes on day of July 2005.

2. In this Order, the following expressions have the meanings assigned to them:-

"Disabled Person's Badge" has the same meaning as ascribed to it in Part III of the Disabled Persons (Badges for Motor Vehicles) (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 or if the identity of that person is not known to the Council then the driver is the registered keeper of that vehicle;

"motor vehicle" and "motor cycle" shall have the same meanings as in Section 136 of the 1984 Act;

"parking place" means the Car Park on the corner of North Park Avenue and Bluebell Road, as shown coloured orange on the plan attached to this Order.

"parking permit" means a Zone BB permit for the University Area Controlled Parking Zone, issued in accordance with the Norwich City Council (University Area Controlled Parking Zone) Traffic Regulation Order 2004

"penalty charge" means a charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the 1991 Act being a charge set by the Council under the provisions of Section 74 of the 1991 Act;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provision of Section 66 of the 1991 Act;

"registered keeper" means the person whose name and address are registered by the Driver Vehicle Licensing Authority or any substitute body as being the keeper of a vehicle;

"vehicle" means those classes of motor vehicle as set out in Article 3 of this Order;

"waiting" in relation to a vehicle means that the vehicle is not moving.

3. The driver of a vehicle shall not allow a vehicle to wait in the parking place unless the vehicle falls within one of the following classes : -
 - (a) a motor car other than motor a vehicle adapted for use as living accommodation, or which has an unladen weight in excess of 30 cwt or which has a height in excess of 2 metres;
 - (b) a motor cycle;
 - (c) vehicle displaying a valid Disabled Person's Badge;
 - (d) a public service vehicle parked with the approval of an authorised officer of the Council;
 - (e) a vehicle displaying a parking permit;
 - (f) a bus, being a motor vehicle constructed or adapted to carry more than 8 but less than 21 passengers excluding the driver.
4. The driver of a vehicle may allow their vehicle to wait in the parking place for an unlimited period of time between 00:01 and 09:59 hours and between 16:00 and 24:00 hours on Mondays to Fridays, excluding bank holidays, and at any time on a Saturday, a Sunday and on bank holidays.
5. Between the hours of 10:00 and 15:59 on Mondays to Fridays excluding bank holidays the driver of a vehicle shall not allow their vehicle to wait in the parking place for longer than a period of three hours continuous waiting and shall not return to and allow their vehicle to wait in the parking place within a period of four hours from the end of a previous period of waiting in the parking place.
6. Nothing in Article 5 shall apply to a vehicle displaying a valid parking permit.
7. The driver of a vehicle shall not allow their vehicle to wait in the parking place for longer than a continuous period of two hours after a penalty charge notice has been issued in respect of that vehicle.
8. If the driver of a vehicle breaches any of the requirements of this Order then the amount of £60.00 (hereinafter referred to as the "penalty charge") shall be payable by the driver of the vehicle to the Council; in the event of payment being received by the Parking Services Section of the Council within 14 days of the day on which penalty charge was incurred the amount of the penalty charge shall be discounted to £30.00.
9. In the case of a vehicle in respect of which an penalty charge has been incurred, it shall be the duty of a Council officer or contractor to attach to the vehicle a penalty charge notice which may include the colour of the vehicle and which shall include the following particulars:-
 - (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried on the vehicle;

- (b) the day, time and place at which the officer or contractor first noticed the failure to observe any of the requirements of this Order together with details of the failure;
 - (c) a statement that a penalty charge of £60.00 is required to be paid;
 - (d) the manner in which and the time within which, the penalty charge should be paid;
 - (e) a statement that a discounted penalty charge of £30.00 is payable if payment is made within 14 days of the date of which the penalty charge is incurred.
10. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 9 of this Order no person other than the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle.
 11. The driver of a vehicle in respect of which a penalty charge has been incurred shall pay the penalty charge to the Council which shall be delivered to or sent by post so as to reach the Residents Service Team of the Council within twenty-one days of the date it was incurred.
 12. If on the date a vehicle is left in the parking place a person is shown to have been the registered keeper of that vehicle by information in writing received from the Driver Vehicle Licensing Authority or any successor organisation then for the purposes of this Order they shall be deemed to have been the driver of the vehicle on that date unless the contrary is shown.
 13. Where in any legal proceedings in relation to the failure to pay any penalty charge under this Order, it is proved to the satisfaction of any court that the amount which has become due or part thereof has not been paid, the court shall order the payment of the sum not paid which shall then become recoverable as a penalty.
 14. The driver of a vehicle using the 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 about to change the position of the vehicle in or to depart from the parking place.
 15. No person shall use a vehicle, while it is in the parking place, in connection with the sale of any article to persons in or near the parking place other than with the authority of the Council.
 16. No person shall use a vehicle, while it is in the parking place, in connection with the selling or offering for hire of their skill or services other than with the authority of the Council.
 17. When a vehicle is left in the 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.
 18. The driver of a vehicle using the parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking space.

19. No person shall, except with the permission of any person duly authorised by the Council, drive any vehicle in the 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.
20. No person shall in the parking place wantonly shout or otherwise make any loud noise to the disturbance or annoyance of users of the parking place or local residents.
21. No person shall in the 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.
22. No person shall use any part of the parking place or any vehicle left in the parking place:-
 - (a) for sleeping or camping purposes;
 - (b) for eating or cooking purposes; or
 - (c) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
23. No driver of a vehicle shall use the parking place as a means of passage of proceeding from one road to another road unless the vehicle has waited in the parking place.
24. In the parking place no person shall:-
 - (a) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
 - (b) light or cause or permit to be lit any fire.
25. Any person removing or altering the position of a vehicle by virtue of Article 17 of this Order may do so by towing or driving the vehicle or in such other manner as they may think necessary and may take such measures in relation to the vehicle as they may think necessary to enable them to remove the vehicle or alter the vehicle's position, as the case may be.
26. A person authorised by the Council may remove a vehicle from the parking place. They shall in such cases make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
27. Any person duly authorised by the Council may suspend the use of the parking place or any part thereof whenever that person feels it is 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 in or adjacent to the parking place or the maintenance or improvement of the parking place or the laying, erection, alteration, removal or repair of any sewer or any services for the supply of gas, water, electricity or telecommunications.

THE CORPORATE SEAL of THE)
CITY COUNCIL OF NORWICH)
was hereunto affixed this 22nd day)
of July 2005)

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