

WEST SUSSEX COUNTY COUNCIL
(ADUR DISTRICT: SOUTHWICK & LANCING)
(OFF-STREET PARKING PLACES) (CONSOLIDATION) ORDER 2009

West Sussex County Council in exercise of their powers under Sections 32, 35 and 39(6) of the Road Traffic Regulation Act 1984 ("the Act") and Part IV of Schedule 9 to the Act 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 Act hereby make the following Order:-

PART I
General

Commencement and Citation

1. This Order shall come into operation on the fifth day of March 2009 and may be cited as "West Sussex County Council (Adur District: Southwick & Lancing) (Off-Street Parking Places) (Consolidation) Order 2009"
2. The Orders specified in the First Schedule to this Order are hereby revoked.

Interpretation

3. (1) In this Order -

"articulated vehicle" means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;

"caravan" has the same meaning as in the Caravans Sites and Control of Development Act 1960 and the Caravan Sites Act 1968;

"civil enforcement officer" has the same meaning assigned to it by Part 6 of the Traffic Management Act 2007;

"coach" has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986 and for the purpose of this Order shall be treated as a goods vehicle;

"Council" means West Sussex County Council and/or Adur District Council;

"County Council" means West Sussex County Council;

"disabled person's badge" and "blue badge" have the same meaning as in the Disabled Persons (Badge for Motor Vehicles) (England) Regulations SI 682;

"disabled person's vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 as amended;

"District Council" means Adur District Council

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

"expiry time" is the time indicated on the pay and display ticket and is the time by which the vehicle must leave the parking place;

"goods vehicle" means a vehicle that is constructed or adapted for use for the carriage of goods or burden of any description, a trailer so constructed and adapted and, for the purposes of this Order any other vehicles more than 3.5 tonne unladen weight;

"keeper" means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994;

"motor cycle" has the same meaning respectively as in Section 136 of the Act excluding any motor cycle which has a side car or trailer, or has more than two wheels;

"owner" has the same meaning assigned to it by the Traffic Management Act 2004;

"parking place" means an area of land specified in the schedules and provided by the Council for the purpose of vehicle parking;

"parking space" means any area within a parking place which is provided for the leaving of vehicles;

"passenger vehicle" means a vehicle solely constructed or adapted for the carriage of passengers and their effects;

"pay and display ticket" means a ticket issued by a ticket machine located in the parking place in which the vehicle has been parked on payment of a charge and valid for a parking period as advertised at that parking place;

"penalty charge" has the same meaning assigned to it by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and shall be for the amount advertised by the Council and at the higher or lower rate as specified in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) General Regulations 2007;

"Penalty Charge Notice" means a notice issued by a civil enforcement officer in accordance with Regulations 9 or 10 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"plan" means a plan of a parking place incorporated into this Order;

"relevant position" means:-

- (a) in respect of disabled person's badges on the dashboard or fascia of the vehicle so as to be clearly legible from outside the vehicle or where the vehicle is not fitted with a dashboard or fascia in a conspicuous position on the Vehicle so as to be clearly legible from outside the vehicle,
- (b) in respect of pay and display parking tickets, season tickets or permits on the inside of the windscreen facing upwards so it can be easily seen and read from the front or side of the

vehicle or where the vehicle is not fitted with a transparent windscreen or in the case of a trailer, on the front of the vehicle, clearly visible and able to be read;

"ticket machine" means an apparatus designed to issue parking tickets indicating that payment of a charge has been made and the date and time at which the charge was paid;

"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;

"trailer" means a wheeled device, designed or adapted to be drawn by a vehicle or an articulated vehicle and shall be treated as a goods vehicles;

"season ticket" means a parking ticket purchased, subject to certain conditions, valid for the period specified on the ticket for use in parking places indicated on the ticket.

- (2) Any reference in this Order to a specific statute or statutory provision includes references to any statutory modification extension or re-enactment of such statute or statutory provision and to any regulations, Orders, bye-laws or other subordinate legislation made under such statute or statutory instrument from time to time.
 - (3) The prohibition, restrictions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any enactment and any exception to exemption from the provisions of this Order is without prejudice to the provisions if any other enactment.
4. Except where otherwise stated any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

Parking Places General

Designation

5. Each area of land specified in the Second Schedule and in the accompanying Plans may be used, as a place to park vehicles of such classes, in such positions, on such days, during such hours, for such periods and on payment of such charges as are specified in the said Schedule and advertised at each parking place.

Class and Position of Vehicles

6. Where in the Schedule a parking place is described as available for vehicles of a specified class or vehicles to be parked in a specified position, no person shall cause or permit a vehicle to wait in that parking place unless it is of the specified class or in the position specified.

Maximum period of stay

7. (1) Where in the Second Schedule to this Order a parking place is described as available on specified days, during specified hours or for a maximum period of stay, no person shall permit a vehicle to wait in that parking place on any day, during such hours or for a period longer than those specified.
 - (2) If parking spaces are marked out in a parking place the driver of a vehicle shall not permit it to wait unless it is wholly within a parking bay.
 - (3) A vehicle must park in the appropriate place for its class.
 - (4) If parking spaces are not marked out in a parking place the driver of a vehicle shall ensure that it is positioned so that it does not obstruct other vehicles using the parking place; the free flow of traffic circulating within the parking place; and the entrances to and exits from the parking place.
 - (5) If a surface area is marked "Keep Clear" the driver of a vehicle is not permitted to wait there.
 - (6) Where in any parking place an area or parking space is designated by notice or surface marking as being reserved for use by Disabled Persons only a vehicle displaying a Disabled Persons badge in the relevant position shall be permitted to wait there.
8. No person shall, except upon the direction of any person duly authorised by the Council or a Police officer in uniform drive any vehicle in a parking place other than for the purpose of leaving that vehicle in a parking place in accordance with the provisions of this Order or for the purpose of departing from a parking place.

Power to suspend the use of parking places

9. Nothing in this Order shall prevent the Council by Order, Notice, barrier, cone or sign displayed in the parking place, from closing or permitting closure of the parking place or any part thereof for any period and/or from setting aside the parking place or any part thereof on certain days or parts of days for use only by particular vehicles or organisations.
10. Any person suspending the use of a parking place or part thereof in accordance with Article 9 shall place or cause to be placed in or adjacent to that parking place or part thereof a notice or traffic sign indicating that waiting by vehicles is prohibited.
11. No person shall cause or permit a vehicle to be left in a parking place or part thereof during such periods as the use of that parking place or part thereof is suspended and waiting by vehicles is prohibited as indicated by a notice or Traffic sign placed in accordance with Article 10

PART III
Use of Parking Places

Trailers and Transporters

12. The driver of an articulated vehicle or other vehicle drawing a trailer shall not permit the vehicle or trailer to wait in any parking place unless they have been disconnected, and for the purposes of this Order the vehicle and the trailer shall be deemed to be separate vehicles and the driver of the leading vehicle shall be deemed to be the driver of both vehicles.
13. No trailers or other vehicles shall unload or load in a parking place.

Use of Caravans in Parking Places

14. No person shall use a caravan or motor caravan while it is in a parking place as a dwelling or for any domestic or sanitary purpose.

Use of Vehicles in Parking Places

15. 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, or in connection with the selling or offering for hire of his skill or services in any other capacity unless first duly authorised by the Council in writing.
16. No person shall, while a vehicle is in a parking place, permit the carrying out of any work of maintenance or repair thereto unless duly authorised by the Council or such as may be necessary to enable the vehicle to be moved from the parking place.
17. The driver of a motor vehicle using a parking place shall:-
 - (i) stop the engine as soon as the vehicle is in position in a 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;
 - (ii) turn off any refrigeration units, generators or other ancillary power units and not start them except when about to depart from the parking place.

Orderly use of parking places

18. Where signs are erected or surface markings indicate the entrances to or exits from the parking place, or indicating that a vehicle proceed in a specified direction, no person shall drive or cause or permit to be driven any vehicle:-
 - (i) so that it enters a parking place otherwise than by an entrance or leaves a parking place otherwise than by an exit; or
 - (ii) in a direction other than that specified; or
 - (iii) in a manner or at a speed so as to cause danger to other users of the parking place.
19. In a parking place no person shall light or cause or permit to be lit any

fire, stove, cooker or other appliance capable of producing a naked flame or spark or use any part of or any vehicle for overnight sleeping or camping.

PART IV **Charges for parking**

Payment

20. The driver of a vehicle using a pay and display parking place shall upon leaving the vehicle in the parking place pay the appropriate charge (if any) in accordance with the charges specified in the Second Schedule and as advertised at the parking place.

Means of payment

21. The parking charge shall be payable by the insertion into the ticket machine appropriate denominations of coins together making up the amount of charge.

Exemptions from charges

22. No daily charge shall be payable in a pay and display charge in respect of:-
- (i) a vehicle which displays in the relevant position a disabled persons badge; or
 - (ii) a motorcycle; or
 - (iii) a vehicle left displaying in a relevant position a season ticket valid for that parking place.

Ticket machine out of action

23. If at the time when a vehicle is parked in a parking place during the charging hours there is no working ticket machine at the parking place, or all the ticket machines at the parking place carry notices placed by any person duly authorised by the Council indicating that they are out of order, the driver of that vehicle shall be exempt from purchasing a pay and display ticket.

Display of tickets in pay and display parking places

24. On obtaining a pay and display ticket the driver of the vehicle shall display on the vehicle the issued ticket in the relevant position and ensure that a ticket is purchased and continuously displayed to cover the entire period that the vehicle is parked in the parking place.

Validity of pay and display tickets

25. A pay and display ticket is not transferable from one vehicle to another
26. A pay and display ticket is only valid in the parking place in which it was issued. This is defined by the reference code of the parking ticket machine located in that parking place printed on the pay and display ticket.

Season tickets

27. The owner or keeper of a vehicle where so provided for may on application to the Council purchase a season ticket in respect of that vehicle for a charge as specified in column 4 of the Second Schedule and that season ticket shall be valid in such parking places as are indicated in the parking place as spaces for use by season ticket holders during the period for which it is issued.
28. The Council shall not be under any obligation to issue a season ticket and it may at any time and at its absolute discretion refuse an application or revoke a season ticket

PART V

Relocation and Removal of Vehicles

Movement of Vehicles left in Parking Places

29. Where any vehicle is left in a parking place which has been suspended in accordance with Article 9 or in such a manner so as to cause danger or obstruction a person authorised by the Council or a Police officer in uniform may alter or cause to be altered the position of the vehicle.
30. A person authorised by the Council or a police officer in uniform may move or cause to be moved any vehicles left in a parking place in the case of any emergency.

Safe Keeping

31. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.
32. The Council may sell or otherwise dispose of, in accordance with current relevant legislation a vehicle which has been or could at any time be removed from a parking place if the vehicle appears to be abandoned

Liability

33. The Council accepts no liability for the loss or damage to vehicles or other property left in any of the parking places to which this Order applies save for that arising from the negligence of the Council its employees or agents.

PART VI

Parking Contraventions

Contravention

34. If a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.
35. When a contravention has occurred a Civil Enforcement Officer shall issue a penalty charge notice in accordance with the requirements of the Traffic Management Act 2004

Restriction on Removal of Notices

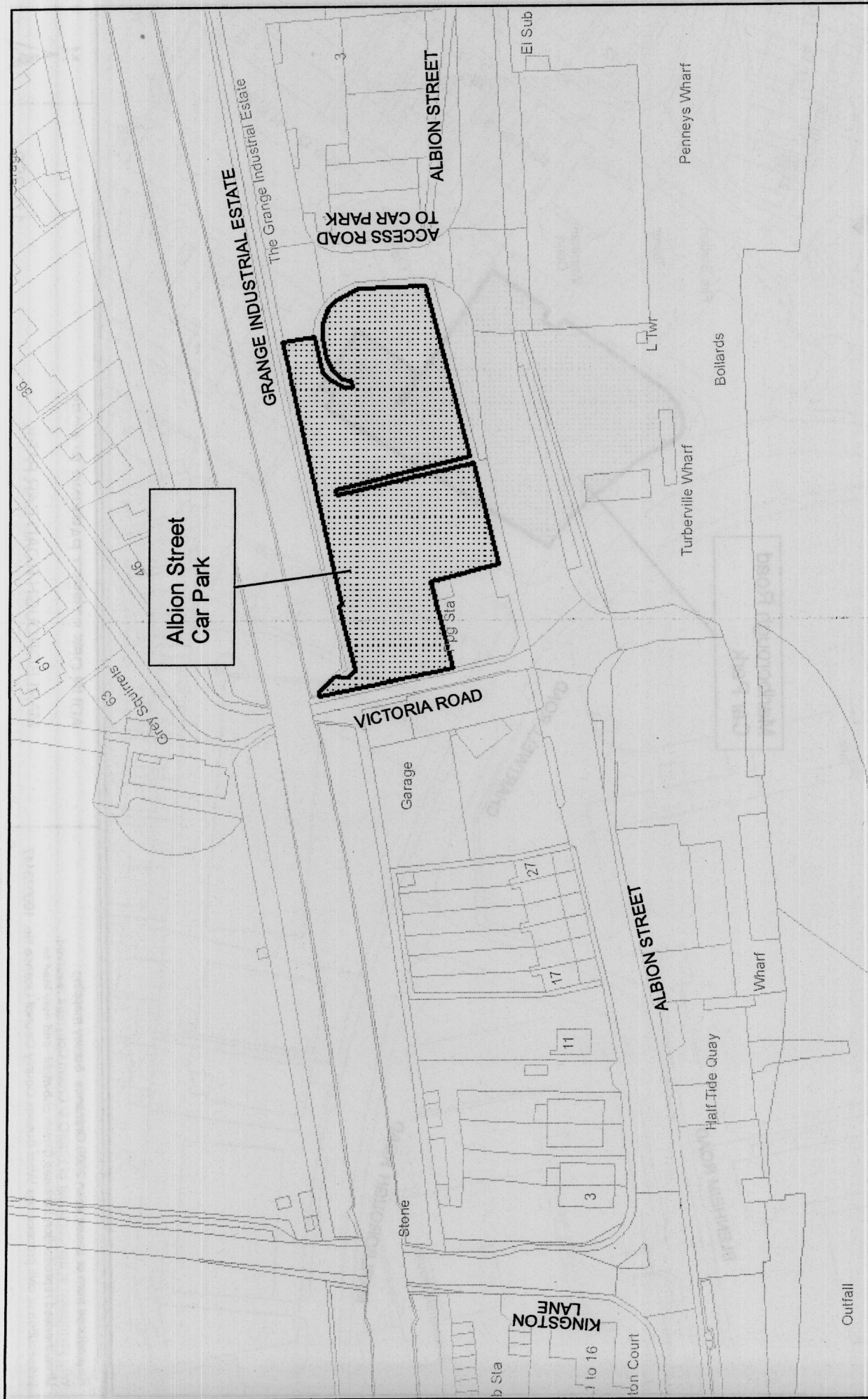
36. A penalty charge notice affixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of the Owner or person in charge of the vehicle or the Council for the parking place in which the vehicle in question was left.

Indications on evidence

37. The particulars given in the penalty charge notice attached to the vehicle in accordance with the provisions of this Orders shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

FIRST SCHEDULE **Orders to be revoked**

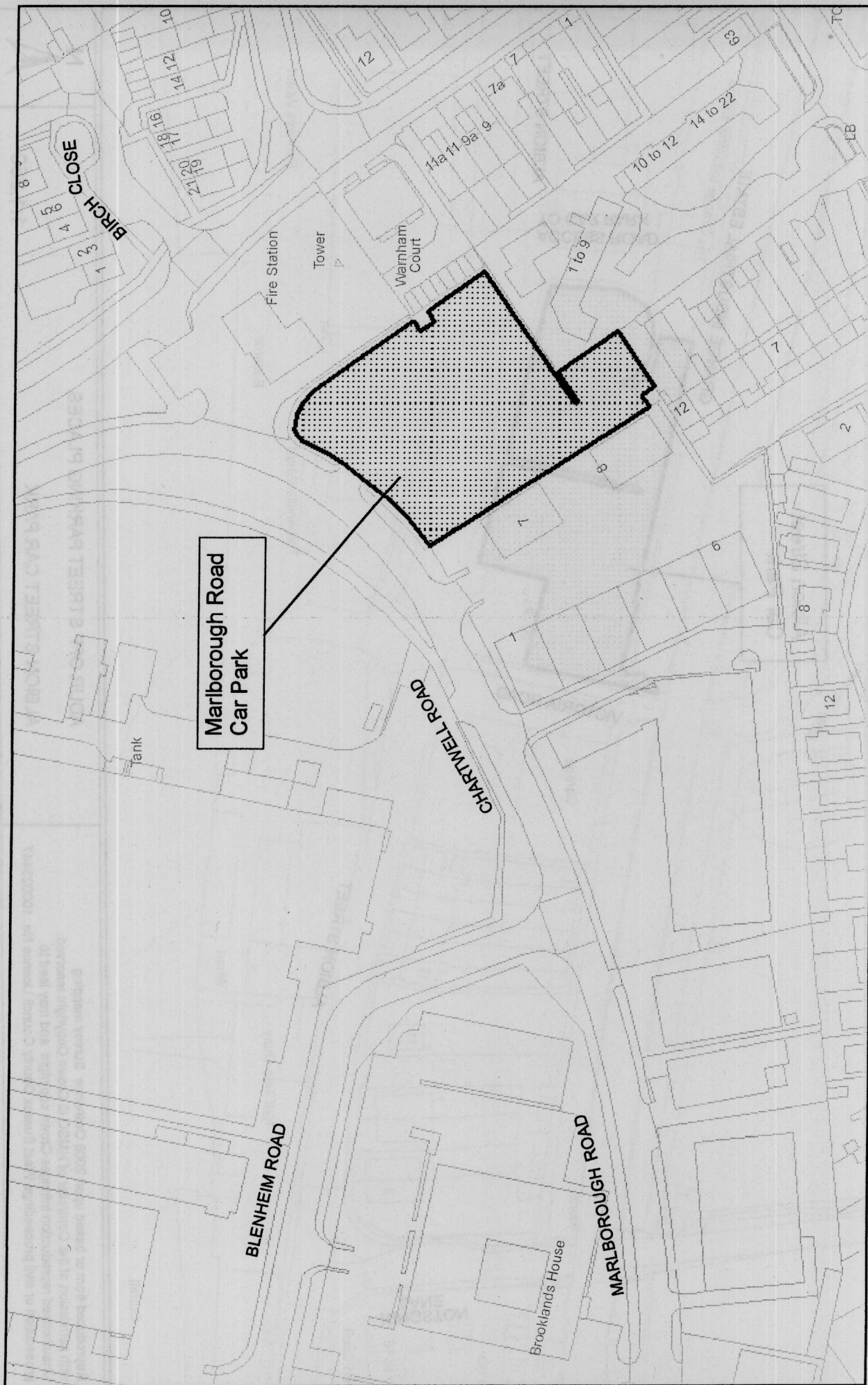
Order	Extent of Revocation
The County Council of West Sussex (Lancing: Churchill Industrial Estate) (Off-Street Parking Places) Order, 1976	The entire Order
West Sussex County Council (Southwick: Albion Street) (Off-Street Car Park) Order 2007	The entire Order



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ADUR OFF STREET PARKING PLACES
 ALBION STREET CAR PARK

N
 1:1,250



ADUR OFF STREET PARKING PLACES

MARLBOROUGH ROAD CAR PARK

1:1,250

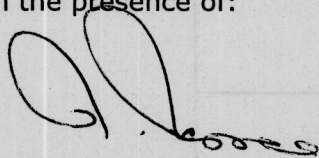
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SECOND SCHEDULE

OFF-STREET PARKING PLACES IN ADUR DISTRICT

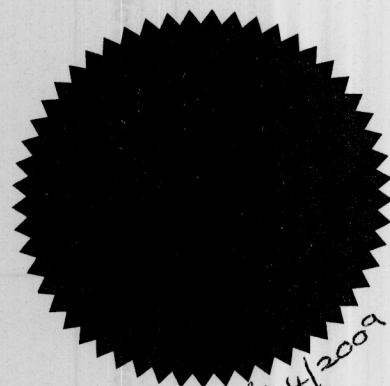
1 Parking Place	2 Permitted Class of Vehicles	3 Position in which vehicles may wait	4 Parking charges	5 Charging days and hours	6 Hours of control
Albion Street Car Park, Southwick	Passenger vehicles not exceeding 2,500 kilograms	Wholly within the marked parking spaces	80 pence for up to 4 hours £2.00 any 24 hour period £100.00 per quarter	All days. All hours	All days. All hours
	Good Vehicles, Passenger vehicles exceeding 2,500 kilograms, trailers and coaches	In an orderly fashion	£4.00 any 24 hour period £150.00 per quarter		
	Passenger vehicles, not exceeding 2,000 kilograms	Wholly within the marked parking spaces	No charge		
Marlborough Road Car Park, Lancing				Not Applicable	All days. All hours

The COMMON SEAL of WEST SUSSEX
COUNTY COUNCIL was
affixed hereto the SEVENTEENTH
day of FEBRUARY 2009
in the presence of:



Authorised Signatory

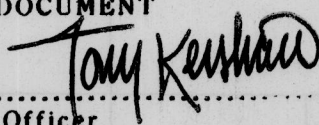
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5743/44/2009

C4/08 DELEGATED AUTHORITY

I HEREBY CERTIFY THIS TO
BE A TRUE COPY OF THE
ORIGINAL DOCUMENT



Authorised Officer

WEST SUSSEX COUNTY COUNCIL