

THE CITY OF NORWICH (EATON PARK)
(OFF STREET PARKING PLACES) ORDER 2011

The City Council of Norwich (hereinafter referred to as "the Council") in the exercise of their powers under Sections 32, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers and with the consent of the Norfolk County Council and after consultation with the Chief Officer of Police hereby make the following Order:-

1. Citation and Commencement

This Order may be cited as "The City of Norwich (Eaton Park) (Off Street Parking Places) Order 2011" and shall come into effect for all purposes on the 26th day of September 2011.

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

"Disabled Persons Badge", has the same meaning as ascribed to it in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

"motor vehicle", "motor cycle" and "invalid carriage" shall have the same meaning as in Section 136 of the 1984 Act;

"parking place" means the Eaton Park Car Park (Western);

"parking space" means an area of the parking place which is provided for the waiting of one motor vehicle and indicated by markings on the surface of the parking place and/or by other suitable notice or marking;

"penalty charge" means the charge set out under the provisions of the Road Traffic Act 1991 which is to be paid to the Council following the issue of a Penalty Charge Notice;

"Penalty Charge Notice" means a notice issued or served by an authorised council officer or contractor pursuant to the provisions of Section 66 of the Road Traffic Act 1991

"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 that vehicle to wait in the parking place unless the vehicle is one of the following :-

(a) a vehicle with an unladen weight not exceeding 3.5 tonnes;

(b) a motor cycle;

- (c) a vehicle displaying a valid Disabled Person's Badge or which is an invalid carriage;
 - (d) a public service vehicle parked with the approval of an authorised officer of the Council.
4. Subject to Article 8 the driver of a vehicle shall not allow their vehicle to wait in the parking place for more than 3 consecutive hours between the hours of 0900 to 1500 on Monday to Friday, from the third Monday in September to the last Friday before the late May bank holiday in any year.
 5. The driver of a vehicle shall park their vehicle in an orderly manner without causing obstruction to any vehicle or cause obstruction to the flow of traffic within the parking place.
 6. Subject to Article 8 the driver of a vehicle shall not allow their vehicle to wait in the parking place for longer than a continuous period of three hours after a penalty charge notice has been issued in respect of that vehicle.
 7. The driver of a vehicle shall not return to park in the parking place within six hours of the time when the vehicle was last parked in the parking place.
 8. Nothing in Articles 4, 6 and 7 of this Order shall make it unlawful for the driver of a disabled persons vehicle or invalid carriage displaying a Disabled Person's badge to park for an unlimited period of time in a parking space.
 9. The driver of a vehicle shall not allow that vehicle to wait in a parking space marked for the use of disabled persons only unless that vehicle displays a valid Disabled Persons Badge.
 10. A Disabled Person's Badge shall not be considered valid for the purposes of this Order if defaced or obstructed so that it cannot be read from outside the vehicle, or if the badge has expired.
 11. If a vehicle is left in a parking place without complying with the provisions of this Order then a contravention shall be deemed to have occurred and a penalty charge shall be payable.
 12. When a vehicle has incurred a penalty charge it shall be the duty of an authorised Council officer or contractor to affix a penalty charge notice to that vehicle or to hand the Penalty Charge Notice to the driver.
 13. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 12 of this Order no person other than the driver the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle.
 14. The driver of a vehicle in respect of which a penalty charge has been incurred shall pay the penalty charge to the Parking Services Section of the Council within twenty-one days of the date it was incurred.

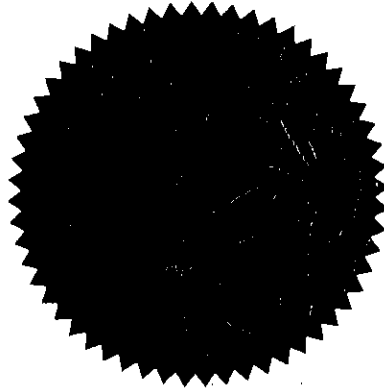
15. Pursuant to powers given under Section 35 of the 1984 Act the following shall apply:
 - (i) if on the date a vehicle is left in a parking space a person is shown to have been the registered keeper of the vehicle by information in writing received from the Driver Vehicle Licensing Authority or any 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;
 - (ii) 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 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.
16. The driver of a vehicle using the parking place shall stop the engine as soon as the vehicle is in a parked position and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
17. 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.
18. No person shall use a vehicle while it is in a parking place in connection with the selling or offering for hire of their skill or services other than with the authority of the Council.
19. Subject to the proviso hereto, 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: Provided that when a vehicle is waiting in a parking place in contravention of the provision of Articles 6 and 7 of this Order then a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
20. The driver of a vehicle using a 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.
21. 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.
22. 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 space or local residents.
23. 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.

24. No person shall use any part of the parking place or any vehicle left in a parking space:-
 - (i) for sleeping or camping purposes;
 - (ii) for eating or cooking purposes; or
 - (iii) 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.
25. 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.
26. Where in the parking place signs are erected or surface markings are laid for the purpose of indicating the entrance to or exit from the parking place; or indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, then no person shall drive or cause or permit to be driven any vehicle:-
 - (i) so that it enters the parking place otherwise than by an entrance so indicated, or leaves the parking place otherwise than by an exit so indicated; or
 - (ii) in a direction other than that specified.
27. 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.
28. Any person removing or altering the position of a vehicle by virtue of Article 20 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.
29. 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.
30. 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 20th day)
of September 2011)



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