

THE MAIDSTONE BOROUGH COUNCIL
(OFF STREET PARKING PLACES) CONSOLIDATION ORDER 2008

Made 25th March 2008

Coming into force 31st March 2008

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The Maidstone Borough Council, in exercise of its powers under Sections 32, 35 and 39 and 124 of and Parts III and IV of Schedule 9 to the Road Traffic Regulation Act 1984, and Part 6 of the Traffic Management Act 2004 and of all other enabling powers and with the consent of the Kent County Council given under Section 39(3) of the Act of 1984 and after consultation with the Chief Officer of Police in accordance with Part III of schedule 9 of the Act of 1984 hereby makes the following Order.

Commencement and Citation

1. This Order shall come into force on 31st March 2008 and may be cited as;
THE MAIDSTONE BOROUGH COUNCIL (OFF STREET PARKING PLACES)
CONSOLIDATION ORDER 2008.

Interpretation

- 2.(1) In this Order:-
 - (a) a reference to an Article or Schedule followed by a number is a reference to the Article of, or Schedule to, this Order bearing that number;
 - (b) "the Council" means the Maidstone Borough Council;
 - (c) "cause" includes permit and causing shall be construed accordingly;
 - (d) "charging hours" in relation to a parking place means the period during which charges apply at that parking place;
 - (e) "coach", "motor cycle" and "dual purpose vehicle" have the same meaning as in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986;
 - (f) "disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
 - (g) "disabled person's badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
 - (h) "driver" in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;
 - (i) "maximum gross weight" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;
 - (j) "motor car" means a mechanically propelled vehicle constructed solely for the carriage of not more than seven passengers, exclusive of the driver, and their effects and which has an unladen weight not exceeding 3050 kilograms;
 - (k) "owner" in relation to a vehicle, means the person by whom such vehicle is kept and used;
 - (l) "Civil Enforcement Officer" means a person appointed by or on behalf of the Council to supervise any parking place;

- (m) “parking place” means a parking place specified in column (2) of the table in Schedule 2 and provided by the Council under Section 32 of the Road Traffic Regulation Act 1984;
 - (n) “parking space” means an area within a parking place which is provided for the leaving of a vehicle and which is indicated by markings on the surface of the parking place;
 - (o) “vehicle” includes any part of a vehicle.
- (2) “The Interpretation Act 1978 shall apply in respect of this Order as if it were an enactment to which that Act applies”.

Revocation

3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into force of this Order, the provisions of the Maidstone Borough Council (Off Street Parking Places) Order 2001, as amended, are hereby revoked.

Conditions of Use - General

- 4.(1) No person shall cause a vehicle to be parked in a parking place specified in an item in column (2) of the table in Schedule 1 unless the vehicle is parked wholly within a parking space and:-
- (a) is of a class specified in that item in column (3);
 - (b) is parked on a day specified in that item in column (4) and during the hours specified in that item in column (5); and
 - (c) is parked for a period which does not exceed the period specified in that item in column (6).
- (2) No person shall cause a vehicle to be parked in a parking space which is marked for the parking of disabled person’s vehicles unless the vehicle is displaying a disabled person’s badge (as defined in Regulation 3(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 in the relevant position (as defined in Regulation 4 of those Regulations).
- (3) No person shall cause a vehicle to be parked in a parking space which is marked for the parking of motor cycles unless the vehicle is a motor cycle.
- (4) No person shall cause a vehicle to be parked in a parking space which is marked for the parking of coaches unless the vehicle is a coach.
5. No person shall cause a vehicle to be parked in a parking place unless the engine is stopped as soon as the parking starts, nor start the engine running except immediately prior to the vehicle leaving the parking place.

6. While a vehicle is parked in a parking place no person shall -
- (a) sound any horn or other audible warning device with which the vehicle is fitted except immediately prior to the vehicle leaving the parking place;
 - (b) cause any work of maintenance or repair to be done to the vehicle except so far as may be reasonably necessary to enable the vehicle to leave the parking place;
 - (c) cause anything to be sold from the vehicle, or the vehicle to be used for the purpose of selling or offering for hire any skill or service; or
 - (d) sleep in the vehicle.

Conditions of Use - Payment

7. Except as provided in Article 8, no person shall park a vehicle in a parking place unless, during the whole of the time when the vehicle is parked, there is placed in the vehicle on its windscreen so as to be easily readable from outside the vehicle, a valid parking permit displaying the vehicle registration number, required during the purchase of the said permit or ticket —
- (a) Either purchased (i) from a parking device in the parking place in accordance with the tariffs specified in Part I of Schedule 2, and (ii) at or before the time when the parking of the vehicle in that parking place starts; or
 - (b) Either purchased as a season permit from the Council at or before the time when the permit is first displayed in the vehicle in accordance with the tariffs specified in Part II of Schedule 2.
 - (c) Either a residents parking permit for residents parking areas as specified in Part 4 of Schedule 1.

Exemptions from Payment

8. The requirements specified in Article 7 do not apply in respect of:-
- (a) a vehicle displaying a disabled persons badge (as defined in Regulation 3(1) of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000) in the relevant position (as defined in Regulation 4 of those Regulations);
 - (b) a motor cycle; except if parked in Item 1 of Schedule 1 (King Street Multi Storey Car Park) where payment is required.
 - (c) a coach;
 - (d) a vehicle which is parked between 18.30 hours and 08.00 hours and which is displaying a resident's parking permit issued to a resident as specified in Part 4 of Schedule 1.

Evidence

9. The indications on a permit given by a parking permit as provided in Article 7 shall be evidence of the facts specified on the permit.

Removal of Vehicles

- 10.(1) A person authorised by the Council may remove the vehicle or arrange for it to be removed from a parking place or arrange for its position to be altered.
- (2) A person removing or altering the position of a vehicle under paragraph (1) above may do so by towing or driving the vehicle or in any other manner which he considers appropriate, and may take such measures as he thinks reasonably necessary to enable him to remove it or alter its position.
- (3) When a person removes or arranges for the removal of a vehicle under paragraphs (1) and (2) above, he shall make such arrangements as he considers reasonable for the safe custody of the vehicle.
- (4) When a person removes or arranges for the removal of a vehicle from a park and ride site (car parks 19, 20, 21 or 22 in Schedule 1 to this Order) outside of the permitted parking hours as shown in columns 4 and 5 of that schedule, a release fee of £45 shall be payable.

Contravention of parking regulations and issue of penalty charge notices

11. (1) On each occasion on which a vehicle is left in a parking place specified in a schedule to this Order during the charging hours,
- (a) for longer than the period for which payment was made by the parking charge; or
- (b) without a valid ticket being exhibited on that vehicle; or
- (c) in a position reserved for a specified class of user or vehicle unless of that specified class,
- an amount (hereinafter referred to as 'a penalty charge') may be incurred.
- (2) On each occasion on which a vehicle is left in a parking place specified in a schedule to this Order at any time,
- (a) for longer than the maximum period for which vehicles are permitted to wait contrary to Article 4(1)(c); or
- (b) contrary to the classes of vehicle permitted to park in the parking place; or
- (c) in a position so as to obstruct access to the parking place or to any premises adjoining the parking place, or to obstruct an access way within the parking place; or
- (d) in a position so as to be not wholly within a marked parking space; or
- (e) in a position reserved for a disabled person's vehicle, without validly displaying a disabled persons badge on the vehicle,
- a penalty charge may be incurred.

- (3) In the case of a vehicle in respect of which a penalty charge has been incurred, a Civil Enforcement Officer in uniform may attach to the vehicle in a conspicuous position or, at their discretion, hand to a person whom he has reason to believe has incurred the penalty charge.
- (4) The amount of the Penalty Charge being any recommended by the Secretary of State and approved by Members of the Council's Cabinet, or the Council may consider such other actions as are appropriate.

Given under the Common Seal of the MAIDSTONE BOROUGH COUNCIL this 25th Day of March 2008

THE SEAL of the MAIDSTONE BOROUGH
COUNCIL was hereunto affixed on this day 25th March 2008 in the
presence of:-

Authorised signatory

SCHEDULE 1

Parking Places

1 Item No.	2 Parking Place	3 Classes of Vehicles	4 Days of parking	5 Hours of parking	6 Duration of Parking (hours at any one time)
1	Land situated between and bounded by Brewer Street, Union Street and Wheeler Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton vehicles displaying a valid residents parking permit for areas N3 and N4 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council	All days	All hours	4 Between 08:00hrs and 18:30hrs
2	Multi-storey parking building situated on the north side of King Street at its junction with Church Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton	All days	8.00am to 12.00 midnight	16

SCHEDULE 1 (cont'd)

3	Land situated on the south side of Brewer Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton	All days	All hours	4 Between 08:00hrs and 18:30hrs
4	Land situated on the western side of College Road and being the forecourt of the Old College	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle	All days	All hours	24
5	Land situated on south side of Lucerne Street at its junction with Wheeler Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton vehicles displaying a valid residents parking permit for areas N3 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council	All days	All hours	24

SCHEDULE 1 (cont'd)

6	Land situated on the south side of Medway Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle	All days	All hours	4 Between 08:00hrs and 18:30hrs
7	Land bounded on the north by Brunswick Street, on the west by Orchard Street and on the south by George Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding two tons vehicles displaying a valid residents parking permit for areas S2 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council	All days	All hours	24

SCHEDULE 1 (cont'd)

8	Land situated at the junction of Mote Road and Chancery Lane	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding two tons</p> <p>vehicles displaying a valid residents parking permit for areas S1 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council</p>	All days	All hours	4 Between 08:00hrs and 18:30hrs
9	Land situated at the junction of Tufton Street and Union Street	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton</p> <p>vehicles displaying a valid residents parking permit for areas N4 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council</p>	All days	All hours	24

SCHEDULE 1 (cont'd)

10	Land situated on the east side of Mill Street	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton	All days	All hours	4 Between 08:00hrs and 18:30hrs
11	Land situated on the north side of Well Road	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton vehicles displaying a valid residents parking permit for areas N2 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council	All days	All hours	24

SCHEDULE 1 (cont'd)

12	Land situated on the south side of Union Street and on the west side of Queen Anne Road	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton</p> <p>vehicles displaying a valid residents parking permit for areas N4 between 18:30hrs and 08:00hrs issued by the Maidstone Borough Council</p>	All days	All hours	24
13	Land situated on the east side of Sittingbourne Road	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton</p>	All days	All hours	24
14	Land situated on the south side of Palace Avenue and bounded on its west side by Mill Street	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton</p>	All days	All hours	4 Between 08:00hrs and 18:30hrs

SCHEDULE 1 (cont'd)

15	Land situated on the west side of Barker Road	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton	All days	All hours	24
16	Land situated on the north-eastern side of the junction of Brooks Place and Queen Anne Road	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle (iv) Other vehicles with a maximum gross weight not exceeding one ton	All days	All hours	24
17	Multi-storey parking building situated on land at Lockmeadow	(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle	All days	All hours	24

SCHEDULE 1 (cont'd)

18	Land situated on the south west side of Arundel Street	<p>(i) Passenger vehicles (ii) Motor cycle with or without side car (iii) Dual purpose vehicle</p> <p>All the above vehicles should be displaying a valid residents parking permit for areas N1 and N2 issued by the Maidstone Borough Council</p>	All days	All hours	24
19	Sittingbourne Road Land adjacent to Sittingbourne Road and Bearstead road	<p>(i) Passenger vehicles (ii) Motor cycle without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton</p>	Mondays to Saturdays inclusive	06.45 hrs to 18.45 hrs	12 hours
20	Coombe Quarry Land adjacent to Enterprise Road	<p>(i) Passenger vehicles (ii) Motor cycle without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton</p>	Mondays to Saturdays inclusive	06.45 hrs to 18.45 hrs	12 hours

SCHEDULE 1 (cont'd)

21	Willington Street Land adjacent to Willington Street	(i) Passenger vehicles (ii) Motor cycle without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton	Mondays to Saturdays inclusive	06.45 hrs to 18.45 hrs	12 hours
22	London Road Land adjacent to Beaver Road	(i) Passenger vehicles (ii) Motor cycle without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton	Mondays to Saturdays inclusive	06.45 hrs to 18.45 hrs	12 hours
23	Tovil Hill Car Park, situated at the junction of Tovil Hill and Church Street	(i) Passenger vehicles (ii) Motor cycles without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton	Mondays to Saturdays inclusive	08.00 hrs to 18.30 hrs	2 hours
24	Marden Car Park Land adjacent to High Street	(i) Passenger vehicles (ii) Motor cycles without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton	Monday to Friday	08.15 hrs to 07.15 hrs	23 hours

SCHEDULE 1 (cont'd)

25	Tonbridge Road Land situated to the east of Terrace Road	(i) Passenger vehicles (ii) Motor cycles without side car (iii) Other vehicles with a maximum gross weight not exceeding 1 ton	Saturdays (i) Except Monday to Friday permit holders only	08.00 hrs to 18.30 hrs	4 hours Between 08:00hrs and 18:30hrs
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SCHEDULE 2 (Parking Tariffs)

PART I

A. LONG STAY PARKING PLACES 'A': 4,5,7,9,11,12,13,15,16

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 1 hour	£0.70
2.	Between 8am and 6.30pm – 1 to 3 hours	£1.60
3.	Between 8am and 6.30pm – 3 to 4 hours	£2.70
4.	Between 8am and 6.30pm – Over 4 hours	£4.50
5.	Between 6.30pm and 6am – Any period	£1.50

A. LONG STAY PARKING PLACES 'B': 1,3

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 30 minutes	£0.40
2.	Between 8am and 6.30pm – 30 minutes- 3 hours	£1.60
3.	Between 8am and 6.30pm – 3 to 4 hours	£2.70
4.	Between 6.30pm and 6am – Any period	£1.50

A. LONG STAY PARKING PLACES 'C': 2.

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 12.00 midnight – Up to 1 hour	£0.50
2.	Between 8am and 12.00 midnight – 1 to 2 hours	£1.00
3.	Between 8am and 12.00 midnight – 2 to 3 hours	£1.40
4.	Between 8am and 12.00 midnight – 3 to 4 hours	£1.80
5.	Between 8am and 12.00 midnight – 4 to 5 hours	£2.00
6.	Between 8am and 12.00 midnight – Over 5 hours	£5.50

A. LONG STAY PARKING PLACES 'D': 17.

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 1 hour	£0.60
2.	Between 8am and 6.30pm – 1 to 4 hours	£1.40
3.	Between 8am and 6.30pm – Over 4 hours	£4.50

SHORT STAY PARKING PLACES 'A': 14.

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 3 hours	£1.60
2.	Between 8am and 6.30pm – 3 to 4 hours	£2.70
3.	Between 6.30pm and 6am – Any period	£1.50

B. SHORT STAY PARKING PLACES 'B': 8,10.

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 1 hour	£0.70
2.	Between 8am and 6.30pm – 1 to 3 hours	£1.60
3.	Between 8am and 6.30pm – 3 to 4 hours	£2.70
4.	Between 6.30pm and 6am – Any period	£1.50

B. SHORT STAY PARKING PLACES 'C': 6.

(1) Item	(2) Period	(3) Tariff
1.	Between 8am and 6.30pm – Up to 30 minutes	£0.30
2.	Between 8am and 6.30pm – 30 minutes to 1 hour	£0.50
3.	Between 8am and 6.30pm – 1 to 2 hours	£1.00
4.	Between 8am and 6.30pm – 2 to 3 hours	£1.60
5.	Between 8am and 6.30pm – 3 to 4 hours	£2.00
6.	Between 6.30pm and 8am – Any period	£1.50

**PART II
(SEASON PERMITS)**

(1) Item	(2) Period	(3) Tariff for 5 days in 7	(4) Tariff for 6 days in 7
1.	3 months	£230.00	£280.00
2.	6 months	£405.00	£500.00
3.	Yearly	£710.00	£860.00

Block Tariff for bulk purchases of Season Tickets

Season Tickets- Valid for any marked bay in (Number 8) Mote Road Short Stay Car Park and (Number 2) King Street Multi Storey Car Park.

Period	20 Season Tickets and above	40 Season Tickets and above
Monday - Friday	£655 per permit, annual charge	£524 per permit, annual charge

Period		Annual Cost,
Monday - Saturday	Dedicated Bays	£1,256 Per Bay