The County of Herefordshire District Council ("the Council") in exercise of its powers under sections 2, 4, 32 and 35 of the Road Traffic Regulation Act 1984 (referred to as "the Act"), and part IV of schedule 9 of the 1984 Act and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby makes the following Order:

1. This Order shall come into operation on the day of   2017 and may be cited as Herefordshire Council (St Martins Avenue, Hereford) (Parking Places) Order 2017.

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

   "Disabled Permit Holders" means a person who has been issued with a valid Disabled Person Badge;

   "Disabled Person’s Badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 2000;

   "Disabled Person’s Vehicle" means a vehicle displaying a valid Disabled Persons Badge and Parking Disc.

   "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.

   "Electric Vehicle" means a vehicle in which the motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion.

   "Hybrid Vehicle" means an electric vehicle which has at least one other energy source for traction purposes.

   "Charge post" means an installation adjacent to a parking place for the purpose of recharging the batteries of an electric vehicle or hybrid vehicle by means of a connecting lead.

   "Light Goods Vehicle" means a motor vehicle, the maximum gross weight of which does not exceed 3.5 tonnes, which is constructed or adapted for use for the carriage of goods or burden of any description, and is not drawing a trailer.

   "Motor Cycle" and "invalid carriage" have the same meaning respectively as in Section 136 of the 1984 Act.

   "Owner", in relation to a vehicle, means the person by whom such vehicle is kept and used.
'Civil Enforcement Officer” means a person appointed in accordance with the provisions of Section 76 Traffic Management Act 2004.

“Parking Disc” has the same meaning as in the Disabled Persons (Exemptions for Disabled Persons) (England) Regulations 2000.

“Passenger Vehicle” means a motor vehicle (other than a Motor Cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the Driver, and not drawing a trailer.

“Public Service Vehicle” means a motor vehicle, including a tramcar or trolley vehicle, used for carrying passengers for hire or reward which either (1) is carrying passengers at separate fares: or (2) is not carrying passengers for separate fares but is adapted to carry eight or more passengers.

“Parking Bay” means an area contained within a Parking Place in which a vehicle of any class, not larger than 2.3 metres in height and 5.25 metres in length may be parked, marked in accordance with the Traffic Signs Regulations and General Directions 2016.

“Parking Place” means marked parking bays in St Martins Avenue as described in Schedules 1 and 2 to this Order and which for the purposes of identification only are shown on the accompanying plan.

(2). For the purpose of this Order a vehicle shall be regarded as displaying

(a) a Disabled Person’s Badge in the relevant position, when:
   (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; and
   (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.

(b) a Parking Disc in the relevant position, when:
   (i) 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; and
   (ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle.
Short Stay Parking Places

3. Unless otherwise referred to in Article 14 no person shall (except upon the direction or with the permission of a Police Officer or Civil Enforcement Officer in uniform) cause or permit any vehicle to park in the electric charging vehicle bays (“Vehicle Bays”) specified in Schedule 1 to this Order between 8.00 am to 6.30 pm Monday to Saturday except for Electric Vehicles or Hybrid Vehicles for the purpose of recharging and must be connected to the Charge post for such purpose for the maximum 4 hours duration. The said vehicles cannot wait for any longer than 4 hours in the referred to Vehicle Bays specified with no return permitted within 4 hours and which for the purposes of identification only, are shown on the attached plan labelled as Electric charging vehicle bays.

4. Save as provided in Articles 14 and 15 no person shall (except upon the direction or with the permission of a Police Officer or Civil Enforcement Officer in uniform) cause or permit any vehicle to wait in the Bays For Other Vehicles (“Parking Bays”) specified in Schedule 2 to this Order for longer than 30 minutes, (with no return permitted to that length of road defined in Schedule 2 to this Order within 1 hour), between 8.00 am to 6.30 pm on Monday to Saturday and which for the purposes of identification only is shown on the accompanying plan labelled as Short stay bays.

Power to Suspend Prohibition of Waiting and Parking Place

5. Nothing in Articles 3 and 4 of this Order:

(a) shall restrict the power of the Council or the police for preventing obstruction of the streets, by order or otherwise on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close any Parking Place; or

(b) shall authorise the use of any part of the road so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use of thereof, or so as to be a nuisance.

Use of a Parking Place

6. A driver of a vehicle shall not use a Parking Place:

(a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons entitled to do so, or so as to be a nuisance:

(b) when for preventing obstruction of the streets the Council shall by order or otherwise made on the occasion of any public procession, rejoicing or illumination or when the streets are thronged or liable to be obstructed have closed that Parking Place and exhibited notice of such closing on or near the Parking Place.
7. The Driver of a motor vehicle using a 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.

8. Unless the prior written consent of the Council is obtained no person shall use a vehicle, while it is in a Parking Place in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skill or services.

9. A vehicle parked within a Parking Place must be parked wholly within the road markings (if any) for the Parking Place.

10. The driver of an electric or hybrid vehicle shall not permit the vehicle to wait in the electric charging bay during the operational hours unless connected to the Charging post for the purpose of recharging.

11. When a vehicle is left in a Parking Place in contravention of any of the provisions contained in paragraphs (a) or (b) of Article 5 of this Order a police constable in uniform or Civil Enforcement Officer in uniform or a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from that Parking Place.

12. Any person moving a vehicle by virtue of the last preceding Article of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid.

13. When a police constable or a Civil Enforcement Officer in uniform, or a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 11 above of this Order, they shall make such arrangements as may be reasonably necessary for the reasonable safe custody of that vehicle.

Exemptions

14. Nothing in Articles 3 and 4 of this Order shall render it unlawful to cause or permit any vehicle to wait in those lengths of road specified in schedules 1 and 2 to this Order for so long as may be necessary to enable:-
(a). a person to board or alight from the vehicle.
(b). the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used for the delivery or removal of plant or materials for any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the side of those lengths of road referred to, or the laying, erection, alteration or repair in or near the said sides of those lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Communications Act 2003;
(c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers or duties;

(d) the vehicle to be used for the purpose of delivering or collecting postal packets.

(e) the vehicle to be used for the purpose of removing furniture and effects from one office or dwelling house to another, or to such premises from a depository or from such premises to a depository, provided notice is given twenty-four hours in advance to the Council, their consent is obtained and such reasonable conditions as they may impose are complied with;

(f) the vehicle to be used for fire brigade, police or ambulance purposes.

(g) the vehicle to be used for the purposes of collecting waste or recyclables or street cleansing.

15. Nothing in Article 4 of this Order shall render it unlawful to cause or permit a Disabled Person’s Vehicle which displays in the relevant position a Disabled Person’s Badge, to wait at anytime in those lengths of road referred to in Schedule 2 to this Order.

16. The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

17. The following provisions of the following Order are hereby revoked;

The County of Herefordshire District Council (St Martins Area, Hereford) (Prohibition of Waiting) (Restriction of Waiting) (Residents Parking- Zone 8) Order 2005.
Article 7 and Schedule 5

18. References to any statutory provision herein shall include reference to any statutory modification or re-enactment thereof

Dated this xxxxxx Day of xxxxxxxxxx 2017

THE COMMON SEAL of the
COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
was hereunto affixed BY ORDER

------------------------Authorised Officer
SCHEDULE 1: ELECTRIC CHARGING VEHICLES BAYS

St Martin’s Avenue south side: From a point 31 metres east from the junction with the eastern kerb line of St Martin’s Street for a width distance of 4.9 metres and a length of 4.8 metres at 90 degrees to the kerb.

<table>
<thead>
<tr>
<th>Position in which a vehicle may wait</th>
<th>Classes of vehicles</th>
<th>Days of operation of Parking place</th>
<th>Hours of operation of parking place</th>
<th>Maximum period for which vehicles may wait</th>
<th>Charge payable for each period of waiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholly within marked parking bays which are 90 degrees to the kerb</td>
<td>Electric or Hybrid vehicles that are Motor vehicles within the provisions of S(136)(2)(a) of the 1984 Act</td>
<td>Mondays - Saturdays</td>
<td>8am - 6.30pm</td>
<td>Maximum stay 4 hours no return within 4 hours</td>
<td>None specified</td>
</tr>
</tbody>
</table>

SCHEDULE 2: BAYS FOR OTHER VEHICLES

St Martin’s Avenue south side. From a point 36 metres east from the junction with the eastern kerb line of St Martin’s Street for a width distance of 7.5 metres and a length of 4.8 metres at 90 degrees to the kerb.

<table>
<thead>
<tr>
<th>Position in which a vehicle may wait</th>
<th>Classes of vehicles</th>
<th>Days of operation of Parking place</th>
<th>Hours of operation of parking place</th>
<th>Maximum period for which vehicles may wait</th>
<th>Charge payable for each period of waiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholly within marked parking bays which are 90 degrees to the kerb</td>
<td>(1) Motor vehicles within the provisions of S(136)(2)(a) of the 1984 Act. (2) Motorcycles with side cars. (3) Invalid Carriages: Disabled persons vehicles.</td>
<td>Mondays-Saturdays</td>
<td>8am - 6.30pm</td>
<td>Maximum stay 30 mins no return within 1 hour</td>
<td>None specified</td>
</tr>
</tbody>
</table>