

**LETTERKENNY TOWN COUNCIL
(CAR PARK) BYE-LAWS 2010**

Letterkenny Town Council (hereinafter referred to as “the Council”) in exercise of the powers conferred on them by Section 101 of the Road Traffic Act, 1961 (No.24 of 1961) as amended, hereby makes the following bye-laws for the use of the car parks provided by them specified in Bye-Law 3 hereof:

PART 1 – PRELIMINARY

1. These Bye-Laws may be cited as the Letterkenny Town Council (Car Park) Bye-Laws 2010.
2. These Bye-Laws shall come into operation on the 25th day of January 2011.
3. These Bye-Laws apply to the car parks provided by the Council at the following locations and shown on the map annexed hereto.

- (a) **Station Car Park** situated adjacent to the Station Roundabout.
- (b) **Port Road / Grill Car Park** – small Car Park which lies on the southerly side of the Ramelton (Port Road) and opposite the old cinema.
- (c) **Courthouse Car Park** – located behind the old Courthouse and accessed from Justice Walsh Road..
- (d) **Justice Walsh Car Park** – located behind the AIB Bank and accessed from Justice Walsh Road.
- (e) **Justice Walsh Coach Car Park** – located just above and to the East of McGinleys carpark (Lower) and accessed from Justice Walsh Road.
- (f) **Courtyard Middle Deck** – middle deck of the Car Park behind the Courtyard Shopping Centre and West of the Pearse Road.
- (g) **Skittle Alley Car Park** – opposite the Convent Road / R250 (Slate Row) junction.
- (h) **Theatre Car Park** - Located adjacent to An Grianan Theatre and accessed from the Port Road.
- (i) **Cathedral Car Park** – Located in front of St Eunans Cathedral
- (j) **Manderleigh Car Park** – Accessed from Lower Oliver Plunkett Road
- (k) **Bernard McGlinchey Town Park** – Accessed from the N56 road North of the Hospital Roundabout adjacent to St. Conals.
- (l) **Mart Site Car Park** – Located on the old Mart site at Sentry Hill.

4. In these Bye-Laws –

“An Authorised Person” means a person authorised in writing by the Council for the purposes of these Bye-Laws or a member of an Garda Siochana.

“Business Hours” means the period from 9.00 a.m. to 6.00 p.m. on a weekday which is not a holiday.

“Car Park” without further qualifications means any one of the car parks unless indicated otherwise.

“Disabled Persons Parking Bay” has the meaning assigned to it in Article 19 of the Signs Regulations Of 1977 and shall be indicated by the traffic sign referred to in that Article.

“Disabled Persons Parking Permit” means a permit granted or deemed to be granted under Article 43 of the Regulations of 1997.

“Expiry time” means the expiry time of the parking ticket.

“Goods Vehicle” has the meaning assigned to it in Article 4 of the Regulations of 1997.

“Holiday” means Good Friday or any day that a public holiday for the purposes of the Holidays (Employees) Act, 1973 (No. 25 of 1973).

“Information Plate” has the same meaning as in the Regulations of 1997.

“Operative” when used in relation to a periodic parking ticket means that it is used / displayed in the vehicle and car park to which it relates and on a date when the ticket is still current.

“Parking bay” means a space in a car park intended for the parking of one mechanically propelled vehicle or where the space is intended for the parking of motor cycles or more than one such vehicle and is so indicated by surface or other signs or markings.

“Parking Fee” means the fee specified below in respect of each car park -

	Car Park	Fee	Stay
(a)	Station Car Park	€0.50 per hour	3 hours – maximum
(b)	Port Road/ Grill Car Park	€0.50 per hour	3 hours – maximum
(c)	Courthouse Car Park	€0.50 per hour	3 hours – maximum
(d)	Justice Walsh Car Park	€0.50 per hour	3 hours – maximum
(e)	Justice Walsh Coach Car Park	€0.50 per hour or	No limit
		€1.50 all day	No limit
(f)	Courtyard Middle Deck	€0.50 per hour or	No limit
		€1.50 all day	No limit
(g)	Skittle Alley Car Park	€0.50 per hour or	No limit
		€1.50 all day	No limit
(h)	Theatre Car Park	Nil	No limit
(i)	Cathedral Car Park	Nil	3 hours - maximum
(j)	Manderleigh Car Park	€0.50 per hour	No limit
		€1.50 all day	No limit
(k)	Bernard McGlinchey Town	Nil	2 hours - maximum

	Car Park	Fee	Stay
	Park		
(l)	Mart Site Car Park	€1.00 – fixed fee	No limit

“Parking Ticket” means a parking ticket issued by the Council on payment of the parking fee by means of a parking ticket machine which indicates the date of issue and the expiry time thereof.

“Parking Ticket Machine” means a machine capable of automatically delivering a parking ticket when the parking fee is inserted into the machine.

“Periodic Parking Ticket” is one issued in accordance with Bye-Law 12 hereof.

“Permitted Period” means the period up to the expiry time shown on the relevant parking ticket unless indicated otherwise.

“The Act” means the Road Traffic Act, 1961 (No. 24 of 1961).

“(the) Car Parks” means all the car parks specified in Bye-Law No.3 unless indicated otherwise.

“The Regulations of 1997” means the Road Traffic (Traffic and Parking) Regulations, 1997 (S.I. No. 181 of 1997).

“The Signs Regulations of 1997” means the Road Traffic (Signs) Regulations, 1997 (S.I. No. 181 of 1997).

“Traffic Warden” has the meaning assigned to it by Section 2(3) of the Local Authority (Traffic Wardens) Act 1975 (No.14 of 1975)

“Vehicle” for the purposes of these Bye-Laws means a mechanically propelled vehicle not exceeding 6.5 meters in length.

“Weekday” means each day from Monday to Saturday inclusive.

5. A person shall not without the prior consent of the Council carry out any activity within a car park save (i) entry thereto and egress therefrom on foot or with vehicles or (ii) in the case of vehicles the use thereof for parking of same or (iii) where there is a through road in the car park from one point of entry / egress to another, the use of that through road.
6. Without prejudice to the generality of Bye-Law 5 hereof a person shall not use a car park for the purposes of casual trading save where the Council has designated a part thereof as a casual trading area for the purposes of the Casual Trading Act, 1995 and only then in that designated casual trading area and otherwise in accordance with the said Act.

PART II – PAY AND DISPLAY PARKING

7. (1) In this Part references to “Car Park” and “Car Parks” do not include the Car Parks specified at (h), (i) and (k) in Bye-Law 3.
- (2) Where a vehicle is parked in a car park during business hours –
- (a) The driver will proceed without delay to the nearest (functioning) parking ticket machine and will then pay the parking fee and collect the parking ticket.
 - (b) The driver will then return immediately to the vehicle and display the parking ticket upright on the dashboard so that the parking ticket is clearly visible to a person outside the vehicle.
 - (c) The vehicle will not then be parked in that car park for longer than the permitted period.
 - (d) The parking ticket shall continue to be displayed in the manner aforesaid for the entire of the permitted period.
 - (e) Where the expiry time of the parking ticket is more than 1 hour prior to the end of business hours on the day concerned the vehicle shall not again be parked in that car park regardless of whether it is displaying a further parking ticket which would otherwise be valid unless at least one hour has elapsed since the expiry time of the first parking ticket.
 - (f) Save for the short time necessary for the driver to comply with paragraphs (a) and (b) of this Bye-Law a vehicle shall not be parked in a car park during business hours without displaying a valid parking ticket as required by this Bye-Law.
 - (g) It will be a condition of the parking of a vehicle in a Car Park during business hours that an Authorised Person will have the same powers of immobilisation, removal etc under Section 101B of the Act and the Regulations made thereunder as apply where a vehicle is unlawfully parked in a “parking place” within the meaning of and contrary to the Council’s separate parking place Bye-Laws entitled “Letterkenny Town Council (Parking Place) Bye-Laws 2010” and the specific such rules and provisions as apply to the Car Parks are set out in the Schedule to these Bye-Laws
8. Where a vehicle which had been lawfully parked in a car park is subsequently parked in another car park the parking ticket first obtained is not transferable and the driver must therefore comply separately with the provisions of Bye-Law 7 (2) above in respect of the parking in the second car park.

9. Where a vehicle is parked in a car park during business hours a person shall not interfere with the parking ticket exhibited in the vehicle.
10. A vehicle parked in a car park at a time which is not during business hours shall be removed from the car park when a period of business hours commences, unless prior to such commencement the driver complies with Bye-Law 7 hereof in which event the vehicle does not have to be removed until the expiry time of the parking ticket.
11. A vehicle which is parked in a car park shall, where parking bays are provided in that car park, be parked within the area comprising a parking bay.
12. Notwithstanding the other provisions of this Part, the Council may on application issue periodic parking tickets for use by a particular vehicle in particular car parks in circumstances and upon terms and conditions which may be laid down by the Council. Such tickets will be adhesive and must be displayed on the windscreen. Same will permit all day parking if the Council should decide to permit such all day parking in one or more of the car parks notwithstanding that the stay for ordinary parking ticket holders may be limited to a shorter duration for such car parks as set out in the definition of "Parking Fee" in Bye-Law 4. Where such periodic parking ticket is operative it will render the vehicle compliant with Bye-Law 7 hereof.
13. Bye-Laws 7 to 12 hereof shall not apply to –
 - (a) Vehicles to which Article 5 (3) of the Regulations of 1997 apply and
 - (b) Any other vehicles being used for the purposes of provision, maintenance or improvement of water, sewerage, electricity or telecommunications services on, under or over the car park concerned.

PART III – DISABLED PERSONS PARKING PERMITS – EXEMPTION

14. A vehicle in which a disabled person's parking permit is displayed and which as parked for the convenience of the person to whom that permit was granted shall be exempted from the provisions of Bye-Laws 7 and 10 hereof.
15. No vehicle shall be parked in a disabled persons parking bay in a car park unless it complies with Bye-Law 14 hereof.

PART IV – GENERAL

16. A person shall not park or cause to be parked in a car park a vehicle in such a position or in such condition or in such circumstances that it would cause or be likely to cause danger to other persons using the car park or to obstruct the entrance(s) or exit(s) from the car park or to obstruct the free flow of traffic within the car park including persons wishing to enter or exit from a parking bay.
- 17.(1) A person shall not park or cause to be parked a vehicle in any place in a car park –
 - (a) In contravention of Bye-Law 11 hereof (where parking bays are provided in the car park), or
 - (b) In such a position that the vehicle or any portion of it extends from one parking bay to another.
- (2) A person shall not park or cause to be parked a motor cycle other than in a parking bay indicated for that purpose by surface or other signs or markings.
18. A person shall not overhaul or carry out repairs to a vehicle while it is parked in a car park save where it is necessary to do so in order to enable the vehicle to be removed from the car park.
19. A vehicle while parked in a car park shall not be used for the sale of goods, tickets or any service in or from the vehicle or as an office, or for the purpose of camping or caravanning, nor shall any such vehicle be offered or displayed for sale or for hire or as a prize.
20. A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in a car park or by means of any equipment, fitting or instruments fitted to or carried on the vehicle or any loudspeaker or radio in or in any way connected with the vehicle.
21. A person shall not throw, place or leave any bottle, or any broken glass, nail, litter or other substance on or in a car park, and a person shall not at any time play any ball or other game in a car park.
22. A person using a car park shall comply with any lawful direction given by an authorised person in relation to (i) the parking of a vehicle in, or its removal from, a car park or (ii) in relation to any of these Bye-Laws.
23. A person shall not in any car park wilfully obstruct, disturb or interrupt a traffic warden, authorised person or another agent, officer or servant of the Council in the execution of his/her duty, including the execution of any work in connection with the laying out or maintenance of any part of a car park by staff or agents of the Council.

24. A person in a car park shall give on demand to an authorised person, his name and address and a person shall not in any car park resist obstruct or aid or incite any person to resist or obstruct an authorised person or any of the persons referred to in Bye-Law 23 hereof being an agent, officer or servant of the Council in the execution of his/her duty.
25. Where a person who is considered to be in breach of any of these Bye-Laws is requested by an authorised person to leave a car park he shall comply with such request.
26. An authorised person shall produce, if requested to do so, evidence of his identity to any person alleged by him to be in breach of these Bye-Laws.
27. The Council shall not be liable for any damage caused to or the loss of a vehicle from a car park and vehicles are parked entirely at the owners risk.
28. Only vehicles as defined in these Bye-Laws may park in a car park.
29. In respect of the car parks (i) and (k) as set out in Bye-Law 3 a vehicle shall not be parked therein during business hours for any period longer than the maximum stay specified in the definition of "Parking Fee" in Bye-Law 4 for those car parks.
30. The Letterkenny Urban District Council (Car Park) Bye-Laws 2001 are hereby revoked.

“SCHEDULE”

PART 1

1. In this Schedule –

“Immobilisation Device” means any device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion.

“These Bye-Laws” refers to Bye-Law 7 (2) (g) and the provision of this Schedule.

2. Where an authorised person finds in a Car Park a vehicle that is parked in contravention of Part II of these Bye-Laws he or a person acting under his direction may:-

- (a) fix an immobilisation device to the vehicle while it remains in the place where he finds it, or
- (b) move it from the place where he finds it (whether or not he has fixed an immobilisation device to it) to another place and fix an immobilisation device to it in that other place.

3. When fixing an immobilisation device to a vehicle, there shall also be affixed to the vehicle a notice in the form set out Part II hereof –

- (a) indicating that the device has been fixed to the vehicle and warning that an attempt should not be made to drive it or otherwise put it in motion unless the device is be moved and
- (b) Specifying the steps to be taken to secure such removal.

4. Subject to paragraph 5 below an immobilisation device that has been fixed to a vehicle under these Bye-Laws may be removed only by an authorised person or a person acting under his direction.

5 (a) An immobilisation device fixed to a vehicle under these Bye-Laws shall be removed only –

- (i) if the person seeking its removal shows to the satisfaction of any authorised person that he, is the owner of the vehicle or is authorised by its owner to seek such removal and pays the charge set out in the said notice or
- (ii) for the purpose of moving the vehicle under paragraph 2 (b) hereof.

(b) Where the owner of a vehicle that is parked to which an immobilisation device has been fixed under these Bye-Laws shows to the satisfaction of any authorised person that the vehicle was so parked while being

used by a person other than the owner and that such use was not authorised by the owner, the authorised person shall waive the said charge and he or a person acting under his direction shall remove the immobilisation device from the vehicle.

- (c) An immobilisation device fixed to a vehicle under these Bye-Laws shall be removed therefrom as soon as is reasonably practicable after payment of the said charge or after the waiver of such charge, as the case may be.
- 6. A notice affixed to a vehicle under these Bye-Laws shall not be removed or interfered with by a person other than the owner of the vehicle or a person authorised by such owner to use the vehicle.
- 7. A person shall not:-
 - (a) obstruct or impede an authorised person or a person acting under his direction in the performance of his functions under this Bye-Laws or
 - (b) Without being authorised to do so under these Bye-Laws remove or attempt to remove from a vehicle an immobilisation device fixed to it.

PART 2

NOTICE

Location;

Date;

Time;

The vehicle bearing the identification mark having been found to be parked in contravention of Part (II) of the Letterkenny Town Council (Car Park) Bye-Laws 2010 has been fitted with an immobilisation device by the undersigned being an authorised person/a person acting under the direction of an authorised person* for the purposes of the said Bye-Laws.

Arrangements will be made for the removal of the immobilisation device following payment by the owner of the vehicle (or a person authorised by the owner) of the charge of €82.00 to Letterkenny Town Council, Public Services Centre, Neil T. Blaney Road, Letterkenny, Co. Donegal;

_____ Date: _____
Authorised Person

Payment may be made by cash or credit/laser card. Contact details for the above authorised person are mobile number –

Warning – No attempt should be made to drive this vehicle or otherwise put it in motion until the immobilisation device has been removed and such removal must only be by an authorised person or a person acting under his direction.

* Delete whichever is inapplicable

MAP AS REFERRED TO IN BYE-LAW 3

Made and Adopted under the Common Seal of Letterkenny Town Council this day 13th of December 2010 which is affixed hereto as authenticated by the signature of:

Made the 13th day of December 2010

**LETTERKENNY TOWN COUNCIL
(CAR PARK)
BYE-LAWS 2010**