

## **LETTERKENNY TOWN COUNCIL (PARKING PLACES) BYE-LAWS 2010**

Letterkenny Town Council (hereinafter referred to as “the Council”) in exercise of the powers vested in them by Section 36 of the Road Traffic Act, 1994 (No. 7 of 1994) and having consulted with the Commissioner of the Garda Siochana, hereby makes the following Bye-Laws: -

### **PART I – PRELIMINARY**

1. These Bye-Laws may be cited as the Letterkenny Town Council (Parking Places) Bye-Laws, 2010.
2. These Bye-Laws shall come into operation on the 25<sup>th</sup> day of January 2011.
3. These Bye-Laws apply to the Town of Letterkenny, the boundaries of the administrative area whereof are as they stand established for the purposes of Local Government under the Local Government Act, 2001.
4. The Letterkenny Urban District Council (Parking Places) Bye-Laws 2001 are hereby revoked.
5. In these Bye-Laws :-

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

“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.

“Loading Bay” has the meaning assigned to it in Article 42 of the Regulations of 1997.

“Holiday” means Good Friday or any day that is 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.

“Parking Bay” means a bay indicated by the signs described in Article 18 of the Signs Regulations of 1997.

“Parking Fee” means €1 per hour subject to a maximum of 2 hours.

“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.

“Permitted period” means, the period up to the expiry time shown on the relevant parking ticket.

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

“The Regulations of 1997” means the Road Traffic (Traffic and Parking) Regulations, 1997 (S.I. No. 182 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)

“Valid Parking Ticket” means a parking ticket delivered by a parking ticket machine in relation to which the expiry time has not passed.

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

6. Parking places on public roads in the said area are those places where traffic sign number RRM016 as referred to in Article 20 of the Signs Regulations of 1997, is in place.

## **PART II – PAY AND DISPLAY PARKING**

- 7.(1) Where a vehicle is parked in a parking place 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 (or in the case of adhesive tickets on the driver’s window) so that the parking ticket is clearly visible to a person outside the vehicle.
  - (c) The vehicle will not then be parked in that parking place 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) The vehicle shall not again be parked in another parking place in the same street or portion of street regardless of whether the vehicle 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 parking place during business hours without displaying a valid parking ticket as required by this Bye-Law.
- (2) Paragraph 1 of this Bye-Law shall not apply to a goods vehicle in a loading bay where the parking is in accordance with Article 42 of the Regulations of 1997.
8. Where a vehicle is parked in a parking place during business hours a person shall not interfere with the parking ticket exhibited in the vehicle.
9. A vehicle parked in a parking place at a time which is not during business hours may be removed from the parking place 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.
10. A vehicle which is parked in a parking place during business hours shall, where parking bays are provided in that parking place, be parked within the area comprising a parking bay and no vehicle shall be so parked which is of a type not capable of fitting within a single parking bay.
11. A motor cycle or pedal cycle shall not be parked during business hours in a parking place.
12. Bye-Laws 7 to 10 hereof shall not apply to -
- (a) Vehicles to which Article 5 (3) of the Regulations of 1997 apply,
  - (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 public road

### **PART III – DISABLED PERSONS PARKING PERMITS – EXEMPTION**

13. A vehicle in which a disabled person's parking permit is displayed and which is parked for the convenience of the person to whom that permit was granted shall be exempted from the provisions of Bye-Laws 7 and 9 hereof.

#### **PART IV – EXEMPTION FOR RESIDENTS**

14. In this part of these Bye-Laws -

“Owner” means a resident by whom a vehicle is habitually kept and used.

“Resident” means a person whose normal residence is at premises situate in a street containing parking places.

“Resident’s Parking Ticket” means a document issued by the Council for the purposes of Bye-Laws 15 to 21 and containing the particulars specified in Bye-Law 16.

“Valid Resident’s Parking Ticket” means a resident’s parking ticket, which relates to a particular street or streets and to a period, which has not expired and which is issued by the Council.

“Vehicle” means a private motor car, a station wagon or a passenger vehicle having accommodation for not more than seven passengers excluding the driver.

15. Part II of these Bye-Laws (other than Bye-Law 10) shall not apply to the parking of a vehicle in a parking place if there is displayed, in accordance with Bye-Law 18, in the vehicle when it is so parked, a valid resident’s parking ticket which relates to the street in which that parking place is situate.

16. A Resident’s Parking Ticket shall contain the following particulars -

- (a) The Council’s name.
- (b) The name and address of the resident to whom it is issued.
- (c) The make and registration number of the vehicle in respect of which it is issued.
- (d) The date of issue.
- (e) The street or streets to which it relates.
- (f) The period to which it relates, including the date of expiry.
- (g) A copy of the signature and the description of the Officer of the Council issuing it.

17. The display, in accordance with Bye-Law 18 of these Bye-Laws of a valid resident’s parking ticket on the vehicle in respect of which the ticket was issued, shall permit the owner of the vehicle (or any person

using it with his consent) to park it without limitation as to time in a parking place in a street to which the ticket relates. This is notwithstanding any other prohibitions on parking which may exist.

18. A valid resident's parking ticket shall be displayed in the interior of the vehicle in respect of which it is issued that it can be read from outside the vehicle.
19. Where a vehicle displaying a resident's parking ticket is parked in a parking place a person shall not interfere with the ticket.
- 20.(a) Subject to the other provisions of this Part a resident's parking ticket may be issued by the Council in respect of the parking of a vehicle in a parking place.
  - (b) The fee for a resident's parking ticket shall be €20.00 per annum.
  - (c) A resident's parking ticket, shall be issued by the Council in respect of the vehicle, of which the resident is the owner and shall be valid for a period of one year from the date of issue or as otherwise decided by the Council, in respect of that vehicle and for the street or streets to which the ticket relates.
- 21.(a) Where during the period to which a resident's parking ticket relates, the resident to whom it is issued ceases to reside at the address specified on the ticket or ceases to be an owner by disposing of the vehicle to which the ticket relates, he shall return it (addressed to the person a copy of whose signature appears on it) to the Council.
  - (b) Where during the period to which a resident's parking ticket relates, the resident to whom it is issued disposes of the vehicle to which the ticket relates and substitutes another vehicle for the one disposed of, he shall return the ticket (addressed to the person a copy of whose signature appears on it) to the Council which shall either insert the make and registration number of the substituted vehicle on the ticket or issue to the resident a new ticket in respect of that vehicle, and such new ticket shall be valid for the period as specified.
22. An applicant for a resident's parking ticket must:-
  - (a) Lodge with the Council a fully completed application in the form set out in Appendix A hereto.
  - (b) Include with that application all the additional documents detailed in the form.
  - (c) Pay the fee set out in Bye-Law 20 (b).
  - (d) Comply with the eligibility requirements set out in these Bye-Laws and the further conditions set out in the application form.

The Council will only issue a resident's parking ticket to the applicant when the above requirements have been met and the Council is satisfied with the information provided.

23. Resident's parking tickets will not be issued to residents of apartments or other residential developments constructed on foot of planning permissions granted since the making of the Letterkenny Town Development Plan 1993. Applications from such residents will be refused on that basis and should therefore not be made.
24. Where a resident who would otherwise be eligible for a resident's parking ticket under this Part requires ongoing daily care for a chronic illness from a non resident family member, carer or other person nominated by such resident then such person providing care to the resident will be entitled (for so long as such care continues) to a resident's parking ticket in place of the resident and subject as above.

#### **PART IV - GENERAL**

25. A person shall not use a parking place for the purposes of casual trading save where the Council has designated such place as a casual trading area for the purposes of the Casual Trading Act 1995 and only then when such trading is in accordance with the licence granted for the use of the parking place concerned. Subject thereto the person concerned will be exempted from the provisions of Part II of these Bye-Laws in respect of the parking of vehicles for the purpose of such casual trading.

**APPENDIX A AS REFERRED TO IN BYE-LAW 22 (A)**

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

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Made this 13<sup>th</sup> day of December 2010

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