



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

KILKEE PARKING BYE-LAWS 2024

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Introduction

Clare County Council (hereinafter referred to as “the Council”) in exercise of the powers vested in it by Section 101 of the Road Traffic Act, 1961, as amended and Section 36 of the Road Traffic Act, 1994 as amended and all other enabling powers and, having consulted with the Commissioner of An Garda Síochána, hereby makes the following Bye-Laws in relation to the control and regulation of the parking of vehicles in parking places and the use of car parks provided by the Council in the areas set out in the attached schedules.

Part I

Preliminary

1. Citation

These bye-laws shall be cited as Kilkee Parking Bye-Laws 2024.

2. Area of Application

2 (1) These bye-laws shall apply to the public car-parks and parking places with time restrictions provided by the Council as specified in the First and Second Schedule and all other areas identified on the map in the Third Schedule.

2 (2) These bye-laws shall not operate so as to prohibit the use of car parks for access to, or egress from any premises adjacent to a car-park, where the proprietor has right of such access, or egress from the said premises by virtue of an agreement with the Council.

3. Commencement

These bye-laws shall come into operation on **1st June 2024**.

4. Revocations

The following bye-laws are hereby revoked:

Clare County Council (East End Car Park, Kilkee) Car Park Bye- Laws 2002.

5. Duration of Bye-Laws

These bye-laws shall apply annually from **1st June to 15th September**.

6. Definitions

In these bye-laws the following definitions shall apply:-

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

“authorised person” means a person authorised in writing by the Council to carry out any functions for the purposes of these bye-laws;

“car park” means the car parking areas provided by the Council at East End and West End, Kilkee, County Clare as identified the First Schedule and on the map in the Third Schedule;

“time restricted parking area” means the car parking areas provided by the Council on O’Curry Street as identified in the Second Schedule and marked in green on the map in the Third Schedule which are not subject to the payment of fees but where restrictions apply on the length of time a vehicle can park there;

“Harbour Area” means the area marked in pink on the map in the Third Schedule.

“casual trading” has the meaning assigned to it by Section 2 of the Casual Trading Act, 1995 (No. 19 of 1995), as amended.

“Council” means Clare County Council;

“The App” means the parking app used for paid parking by Clare County Council;

“Parking Purchased through the App” means an electronic payment made on the app for parking in a pay and display location indicating the fee paid, the date, hour and minute on which the fee was paid, the duration and location for which the fee applies and the registration of the vehicle for which the fee was paid.

“disabled person” has the meaning assigned to such a person by Article 43(1) of the Regulations of 1997, as substituted by Article 3(c) of the Road Traffic (Traffic and Parking) (Amendment) Regulations 2011 (S.I. No. 239/2011);

“disabled persons parking bay” has the meaning assigned to it by Article 4 (1) of the Regulations of 1997, as amended by Article 3(a) of the Road Traffic (Traffic and Parking) (Amendment) Regulations 2011 (S.I. No. 239/2011);

“disabled persons parking permit” means a permit granted in accordance with Article 43 of the Regulations of 1997, as substituted by Article 3(c) of the Road Traffic (Traffic and Parking) (Amendment) Regulations 2011 (S.I. No. 239/2011);

“parking bay” means a space in a car park or on-street location intended for the parking of one vehicle or, where the space is intended for the parking of motorcycles, of more than one vehicle, and so indicated by surface or other signs or markings.

“parking ticket” means a parking ticket issued by the Council, by means of a parking ticket machine, indicating the name of the Council, the appropriate fee paid, the date, week, hour and minute of expiry of the parking period.

“parking ticket machine” means a machine capable of automatically delivering a parking ticket when the fee prescribed in the First and Second Schedule of these bye-laws is inserted into the machine.

“parking period” is the duration paid for in accordance with the First and Second Schedule of these bye-laws and expiring at the time indicated on the parking ticket or the app.

“traffic warden” has the meaning assigned to it by Section 2 of the Local Authorities (Traffic Wardens) Act, 1975 (No. 14 of 1975), as amended.

“valid parking ticket” means a parking ticket issued by means of a parking ticket machine located in the car parks or on-street pay and display locations, the period of parking permitted by which has not expired.

“vehicle” means a mechanically propelled vehicle and includes trailers.

“Goods Vehicle” means a vehicle used exclusively for carrying goods and taxed for commercial purposes.

“Electric Vehicle” means a vehicle powered solely by electricity.

Part II

7. Obligation to display a valid parking ticket or purchase parking through the app

7 (1) Where a vehicle other than a motor-cycle is parked in the car parks identified in the schedules attached hereto between 11.00am and 6.00pm on any day from 1st June to 15th September each year, a valid parking ticket shall be exhibited in the interior of the vehicle so that a person outside the vehicle can ascertain by reference to the parking ticket when the parking ticket will expire and a valid parking ticket shall be so exhibited for as long as the vehicle is parked in the carpark.

or

7 (2) Where a vehicle other than a motorcycle is parked in in the car parks identified in the schedules attached hereto between 11.00am and 6.00pm on any day from 1st June to 15th September each year, parking can be purchased through the app so that a traffic warden can ascertain by reference to their handheld device that parking has been paid for and when the duration of paid parking will expire.

8. Parking Period

8 (1) Where a vehicle other than a motorcycle is parked in a car park between 11.00am and 6.00pm on any day from 1st June to 15th September each year, it shall not be parked for longer than the period for which the appropriate fee was paid as indicated by the time of expiry of the parking period printed on the parking ticket or as paid for on the app. The time of expiry of the parking period paid for via the app is available to traffic wardens on their handheld device.

8 (2) The duration for which a particular fee allows a vehicle to park in a car park is outlined in the First Schedule.

8 (3) Where a vehicle other than a motorcycle is parked in a time restricted parking area, it shall not be parked for longer than the time period identified in the Second Schedule of these bye-laws and as indicated on the signs and/or road markings on the street.

8 (4) A vehicle which has been parked in a car park shall not be so parked again between 11.00am and 6.00pm in the same car park until at least one hour after the vehicle has vacated that car park.

8 (5) A vehicle which is parked in a time restricted parking area shall not be so parked again between 11.00am and 6.00pm in the same location until at least one hour after the vehicle has vacated that location.

9 Fees for Parking

9 (1) The scale of charges and the periods to which they apply shall be determined by Clare County Council and shall for the time being be as per the attached schedules.

9 (2) A person shall not insert into a parking ticket machine any coins other than a two euro piece, a one euro piece, a 50 cent piece, or 20 cent piece or 10 cent piece, or any combination of these which totals the prescribed fee.

9 (3) A person shall not insert into a parking ticket machine any coin or object other than a coin required to pay the fee prescribed in the First Schedule.

9 (4) The fee for parking an electric vehicle in an electric car parking bay, where the purpose of such parking is to charge the vehicle, shall be as per the First Schedule.

9 (5) Where applicable, payment by card shall be made using the method/methods of payment indicated on the pay and display parking ticket machine.

9 (6) Where applicable, payment by mobile phone shall be made by accessing the app and following the instructions on the app.

9 (7) A person shall not interfere with or damage a parking ticket machine or post any advertising or other materials on them.

10 Non application of certain bye-laws

10 (1) Bye-laws 7, 8 and 9 shall not apply to a vehicle in which a valid disabled persons' parking permit is displayed and which is parked for the convenience of the person to whom that permit was granted.

11. Interfering with Parking Tickets

11 (1) Where a vehicle is parked in a car park between 11.00am and 6.00pm a person shall not interfere with a parking ticket exhibited on the vehicle.

12. Conditions for Parking

12 (1) No person shall park or cause to be parked in a car park specified in these bye-laws a vehicle in such a position or location or in such condition or in such circumstances that it would cause or be likely to cause danger to other persons or to obstruct the entrance to or exit from the car park or to obstruct the free flow of traffic or pedestrians within the car park.

12 (2) No person shall park or cause to be parked in an on-street parking location 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 designated parking places or to obstruct the free flow of traffic within the street or public road.

12 (3) A vehicle which is parked in a car park shall be parked within the area comprising a parking bay, where parking bays are provided at that location.

12 (4) A person shall not park or cause to be parked in a car park or any on-street parking location a vehicle in such a position that it or any portion of it extends from one parking bay to another or extends onto a public road.

12 (5) A person shall not overhaul or carry out repairs to a vehicle while it is parked in a car park or on-street parking location save where it is necessary to do so in order to enable the vehicle to be removed from that location.

12 (6) A vehicle while parked in a car park or on-street location shall not be used for the sale of food, goods, tickets or any service in or from the vehicle or as an office, nor shall any such vehicle be offered or displayed for sale or for hire or as a prize. This includes the advertising of any service or goods.

12 (7) Casual Trading is prohibited within the car parks, time restricted parking areas and all other parking locations as identified in the First and Second Schedule and on the map in the Third Schedule, except in Market Square during casual trading days when the Municipal District of West Clare Casual Trading Bye Laws take precedence.

12 (8) The parking of buses, coaches and camper vans is only permitted in parking bays, which are delineated for such vehicles by means of road markings or signs.

12 (9) Overnight parking of campervans is only permitted in the area marked in blue on the map in the Third Schedule in spaces delineated for such vehicles. A maximum of 8 campervans can park at this location at any given time. Campervans will be permitted to park at this location up to a maximum of 48 hours.

12 (10) Overnight camping and overnight parking of campervans and caravans is prohibited in all other areas identified on the map in the Third Schedule.

12 (11) Parking is prohibited in the Harbour Area marked in pink on the map in the Third Schedule.

12 (12) An electric vehicle shall only be parked in an electric car parking bay where the purpose of such parking is to charge the vehicle.

12 (13) Electric vehicles only shall be parked in an electric car parking bay for the purpose of charging the vehicle. Charging of plug-in hybrids is prohibited in electric car parking bays.

13. Compliance with lawful direction or request of authorised persons

13 (1) Every person using a car park or an on-street parking location shall comply with any lawful request or direction made by or given by an authorised officer of the Council or any member of An Garda Síochána in relation to the parking of a vehicle in or its removal from a car park or on-street parking location or in relation to any of these bye-laws.

13 (2) A person shall not in any car park or on-street parking location wilfully obstruct, disturb or interrupt an agent or authorised officer of the Council in the execution of their duty, including the execution of any work in connection with the laying out or maintenance of any part of a car park or on-street parking location by the Council staff or agents.

13 (3) A person shall give on demand to a duly authorised traffic warden, their name and address in exercise of the powers conferred on traffic wardens by Section 4 of the Local Authorities (Traffic Wardens) Act, 1975, as amended and a person shall not in any way obstruct a traffic warden in the execution of their duty of lawful exercise of their authority.

13 (4) Where a person is required by an authorised officer of the Council or a member of An Garda Síochána to leave a car park or on-street parking location, they shall comply with such request.

Part III

14 Parking permits for residents

Definitions for Part III

In this part of these bye laws:

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

“Resident” means a person who resides at and/or owns a property on O’Curry Street, Kilkee, Co. Clare which is a time restricted parking area.

“Residents Parking Permit” means permission granted by Clare County Council to a person who owns and/or resides at a premises on O’Curry Street, Kilkee for the purposes of bye-laws 14 to 19 and containing the particulars specified in bye-law 15.

“Valid Residents Parking Permit” means a resident’s parking permit which relates to O’Curry Street and which is granted by Clare County Council in whose functional area the vehicle on which the permit is valid. Evidence of valid parking permit is available to traffic wardens on their handheld device.

15 Particulars of residents’ parking permit

The following particulars of a valid resident’s parking permit will be available to Traffic Warden’s on their handheld device:

- a) Permit Number
- b) Permit type
- c) Area for which the permit is valid

16 Permission to park a vehicle with a valid resident's parking permit

16 (1) In accordance with bye-law 17 of these bye-laws, a valid residents' parking permit on the vehicle in respect of which the permit is granted, shall permit the owner of the vehicle (or any person using it with their consent) to park it without limitation as to time on O'Curry Street.

17 Evidence of valid residents' parking permit

17 (1) Evidence of a valid resident's parking permit will be available to traffic wardens on their handheld device.

18 Application for, issue of and fee for resident's parking permit

18 (1) A residents parking permit may be issued by Clare County Council in respect of the parking of a vehicle in O'Curry Street, Kilkee.

18 (2) Residents parking permits for O'Curry Street will only be issued when the Council is satisfied, following production of acceptable evidence, that the applicant owns or resides at a premises on O'Curry Street, Kilkee.

18 (3) An application for a residents parking permit shall include documentary evidence that the vehicle is in the ownership of the applicant. The application must also provide verification that the applicant owns or resides at the address specified in the application. Acceptable documentation includes Local Property Tax, Tenancy Agreement and Utility Bill.

18 (4) Each property/residence on O'Curry Street will be entitled to apply for two free parking permits. A €50 fee will apply for each parking permit in excess of this. The Council may, from time to time, decide to limit the number of permits issued per residence/property.

18 (5) A property owner/resident will be entitled to apply for a permit in respect of one vehicle only of which they are the owner. Permits shall be valid for a period of one year from 1st January to 31st December in respect of that vehicle and for the time restricted parking area to which the permit relates.

19 Return and transfer of resident's parking permit

19 (1) Where during the period to which a residents' parking permit relates, the resident to whom it is issued ceases to reside at the address to which the permit relates or ceases to be an owner by disposing of the vehicle to which the permit relates, they shall notify Clare County Council by whom the permit was issued.

19 (2) Where during the period to which a residents' parking permit relates, the resident to whom it is issued disposes of the vehicle to which the permit relates, and substitutes another vehicle for the one disposed of, they shall notify Clare County Council in writing of the change of registration details.

20 Contravention of these Bye-laws

20 (1) A person who contravenes any part of these bye-laws shall be guilty of an offence.

20 (2) In accordance with Section 3 of the Local Authorities (Traffic Wardens) Act, 1975 as amended and any and all Regulations passed thereunder, where a Traffic Warden has reasonable grounds for believing that an offence is being or has been committed by a person under any provision of these bye-laws, they may issue a Fixed Payment Notice, specifying a fixed payment, not exceeding such amount as may be prescribed by law from time to time, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and the Fixed Payment Notice shall specify:

- a) the amount of the fixed payment; and
- b) the period within which it must be paid in order to avoid prosecution.

20 (3) Where a Traffic Warden has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person—

- a) if the Traffic warden identifies the person, the warden may serve, or cause to be served, personally or by post, on the person a Fixed Payment Notice, or
- b) if the Traffic Warden does not identify the person and the offence involves the use of a mechanically propelled vehicle, the Traffic Warden may—
 - (i) serve, or cause to be served, personally or by post, on the registered owner of the vehicle a Fixed Payment Notice, or
 - (ii) affix such a Fixed Payment Notice to the vehicle.

20 (4) A person on whom a Fixed Payment Notice is served, in accordance with Bye-Law 20(3) above may, during the period of 28 days beginning on the date of the notice, make to the Council at a place so specified a payment of a fixed charge of a prescribed amount accompanied by the notice, duly completed. If the person does not make the payment specified in the Fixed Payment Notice during the period so specified accompanied by the notice, duly completed, the person may, during the period of 28 days beginning on the expiration of that period, make to the Council at the place aforesaid a payment of a fixed charge of an amount 50 per cent greater than the prescribed amount referred to in the Fixed Payment Notice accompanied by the notice, duly completed, and a prosecution in respect of the alleged offence will not be instituted during the periods specified in the Fixed Payment Notice or, if a payment so specified accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, at all.

FIRST SCHEDULE

Car parks which are subject to the payment of fees as set out below between 11.00am and 6.00pm from 1st June to 15th September seven days per week.

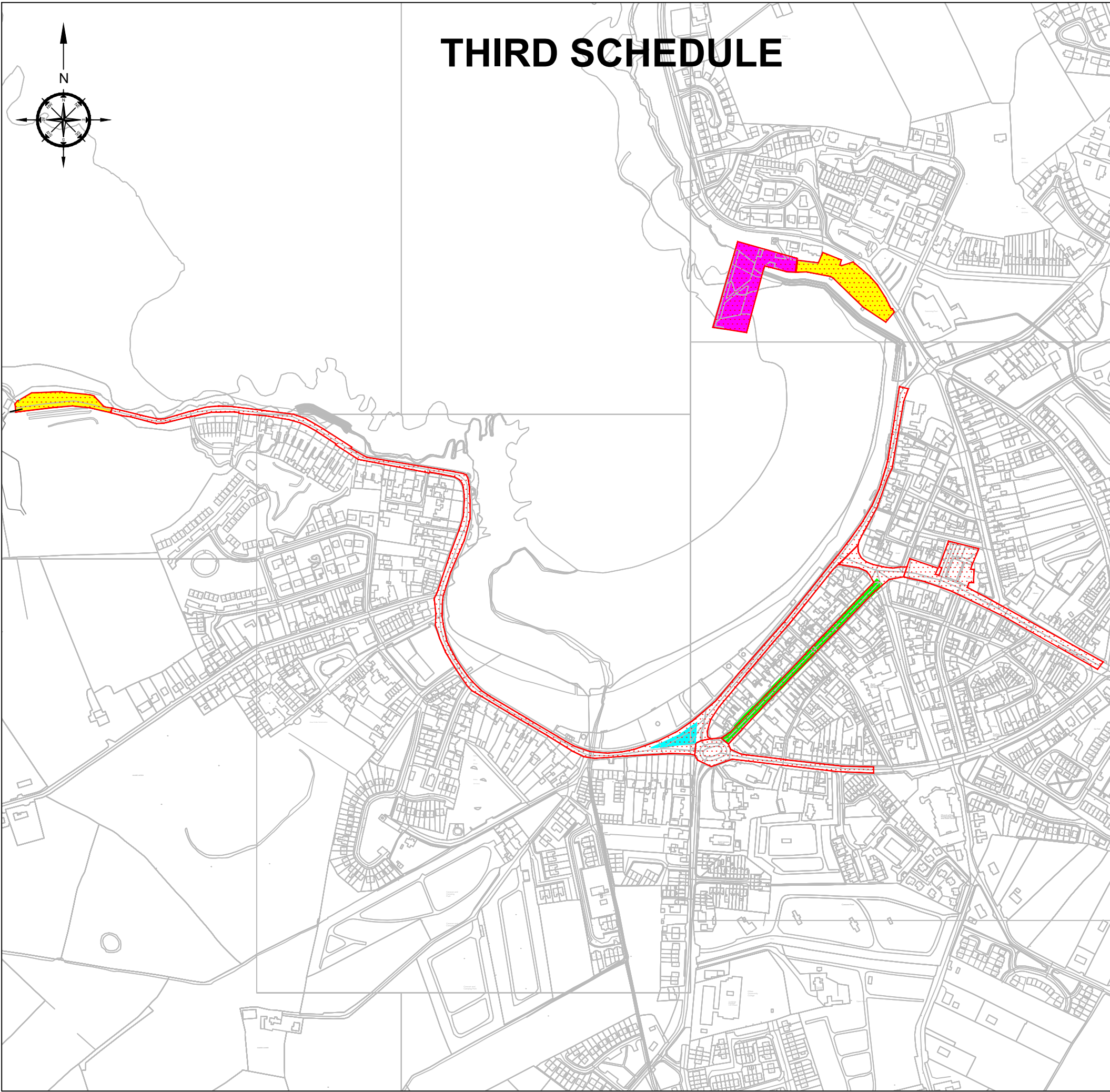
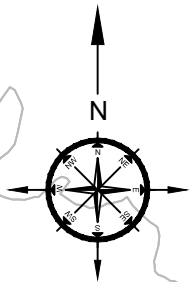
<i>Location</i>	<i>Fee</i>
East End Car Park	€2: up to 3 hours €5: up to 10 hours
West End Car Park	€2: up to 3 hours €5: up to 10 hours

SECOND SCHEDULE

On-street parking locations which are not subject to the payment of fees but on which time limits apply from 1st June to 15th September between 11.00am and 6.00pm seven days per week.

<i>Location</i>	<i>Duration</i>
O'Curry Street	2 hours in the area marked in green on the map in the Third Schedule.

THIRD SCHEDULE



LEGEND:

CENTRE COORDINATES:

ITM 488162,660069

SCALE:

1:5000 @ A3



Area covered by Bye laws



Parking Prohibited



Overnight Campervan Parking Permitted



Pay & Display Car Park



2 Hour Parking

Revision	Description of Changes Made	By	Date
A	Areas Extended	DM	08/06/2023
B	Parking Areas Defined	DM	02/10/2023



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Made and adopted under the Common Seal of Clare County Council this ____ day of
_____ 2023

Present when the common seal of Clare County Council was attached hereto:

Cathaoirleach,
West Clare Municipal District

Director of Services,
West Clare Municipal District