

Comhairle Baile na hInse

Ennis Town Council

Car Park Bye-Laws 2014

Ennis Town Council in exercise of the powers conferred on them by Section 101 of the Road Traffic Act 1961 (No. 24 of 1961) as amended by Section 6 of the Road Traffic Act 1968 (No. 25 of 1968) pursuant to Section 36 of the Road Traffic Act 1994 (No. 7 of 1994) hereby make the following bye-laws as to the use of car parks provided by them within the Town Boundary of Ennis, adjoining the public roads as set out in the definition of 'car park' in bye-law 2(1) of these bye-laws.

Part 1

1 Short Title

These bye-laws may be cited as the Ennis Town Council Car-Park Bye-Laws 2014.

2 Area of Application

- 2(1) These Bye-laws shall apply to the public car-parks provided by the Council as specified in the First, Second, Third and Fourth Schedules hereto within the Town Boundary of Ennis Town Council.
- 2(2) In these Bye-Laws 'long stay car-park' means the car-park provided by the Council at Glór Car-park and Coughleigh Car-park only, which are clearly identified by signage erected by the Council.
- 2(3) Paragraph (1) of this bye-law shall not operate so as to prohibit the use of car park for access to, or egress from any premises adjacent to the 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 Interpretation

In these Bye-laws:

"**Council**" means Ennis Town Council.

"**Business Hours**" means the period from 9.30am to 5.30pm from Monday to Saturday excluding the following days:

| | |
|--------------------|-------------------------|
| New Year's Day | 1 st January |
| St. Patrick's Day | 17 th March |
| Good Friday | Variable |
| Easter Monday | Variable |
| May Public Holiday | First Monday in May |

| | |
|------------------------|----------------------------|
| June Public Holiday | First Monday in June |
| August Public Holiday | First Monday in August |
| October Public Holiday | Last Monday in October |
| Christmas Day | 25 th December |
| St. Stephen's Day | 26 th December. |

"Disabled Person's parking bay" has the meaning assigned to it by Article 4(1) of the Traffic and Parking Regulations of 1997.

"Disabled Person's parking permit" means a permit granted in accordance with Article 43 of the Traffic and Parking Regulations of 1997.

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

"Hydrogen Fuel Cell Vehicle" means a vehicle powered solely by hydrogen.

"Electric Vehicle" means a vehicle powered solely by electricity.

"Loading Bay" has the meaning assigned to it in article 42 of the National Regulations and is indicated by means of traffic sign No. RRM 009 of the Signs Regulations accompanied by an information plate describing the times during which the loading bay is operational.

"Long stay car park" is Glór Car-park and Cloughleigh Car-park, which are all clearly marked by signage at those locations.

"Parking Bay" means a space in a car park intended for the parking of one vehicle or where the space is intended for the parking of motorcycles, or of more than one vehicle and so indicated by surface or other signs or markings.

"Electric Vehicle Parking Bay" means a parking bay intended for electric vehicles charging only.

"Parking Period" is the duration paid for under bye-law 8 and expiring at the time indicated on the parking ticket.

"Parking Ticket Machine" means a machine capable of automatically delivering a parking ticket when the fee prescribed by bye-law 8 of these bye-laws is inserted into the machine.

"Parking Ticket" means a parking ticket issued by the Council by means of a parking ticket machine indicating the name of the Council, the location, the fee paid, the date and time issued and the expiry time of the parking period.

"Traffic Warden" has the meaning assigned to it by Section 2(3) of the Local Authorities Traffic Wardens Act, 1975 (No. 14 of 1975) or section 103 (19) (inserted by section 11 of the Road Traffic Act 2002) of the Principal Act.

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

Part II

4 Obligation to display a valid parking ticket

- 4(1) Where a vehicle other than a motorcycle is parked in a carpark during business hours a parking ticket shall be so 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. The parking ticket shall be so exhibited for so long as the vehicle is parked in the car-park.
- 4(2) Where a vehicle being parked in a car park during business hours and a ticket is exhibited in accordance with paragraph (1) of this bye-law no further tickets shall be exhibited on that vehicle during that period of time.

5 Parking Period

Where a vehicle other than a motor cycle is parked in a car-park during business hours, 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.

6 Interfering with Parking Tickets

Where a vehicle is parked in a car-park during business hours a person shall not interfere with a parking ticket exhibited on the vehicle.

7 Conditions for Parking

- 7(1) No person shall 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 free flow of traffic within the car park.
- 7(2) A person shall not park or cause to be parked in a car-park a vehicle in such position that it or any portion of it extends from one parking bay to another.
- 7(3) 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.
- 7(4) 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, nor shall any such vehicle be offered or displayed for sale or for hire or as a prize.
- 7(5) 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 instrument fitted to, or carried on the vehicle or any loudspeaker or radio, in or on, or in any-way connected with the vehicle.
- 7(6) A vehicle other than a motorcycle 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 at such commencement and during the remainder of the period of parking a parking ticket is exhibited in the interior of the vehicle in accordance with bye-law 4(1) of these bye-laws.
- 7(7) A person shall not use a car park for any purpose other than for parking of a mechanically propelled vehicle.

8 Fees for Parking

- 8(1) Fees for parking shall be in accordance with Ennis Town Council Car Park (Fees) Bye-Laws 2010 or as amended by the Council.

- 8(2) The payment fee for a pay and display parking ticket shall be payable by means of any combination of valid coins prescribed by Bye-Law 8(4) below, or where the facility is provided, by payment card or by mobile phone payment. The method/methods of payment will be indicated on the pay and display parking ticket machine and/or signage provided.
- 8(3) A person shall not insert into a parking ticket machine any object or 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.
- 8(4) The fee for parking in an electric car parking bay shall be nil.
- 8(5) Where applicable, payment by payment card shall be made by inserting the card into the pay and display parking machine and following the instructions on the pay and display parking ticket machine.
- 8(6) Where applicable, payment by mobile phone shall be made by connecting to a pre-registered site and following the instructions on the phone or the pay and display parking ticket machine.
- 8(7) A person shall not interfere with or damage a parking ticket machine or post any advertising or other materials on them.
- 8(8) Having regard to Section 36(3) of the Road Traffic Act 1994 the fees for parking may be revised from time to time by the Council at its discretion.
- 8(9)(i) The Council may, by Executive Order, in order to allow for the promotion of retail activity in the town or to promote a particular method or methods of payment, make a temporary reduced parking fee for such periods as may be set out in the Executive Order.
- 8(9)(ii) The Council may, by Executive Order, suspend parking charges on special occasions.
- 8(10) The fee for parking electric vehicles and hydrogen fuel cell vehicles in Abbey Street Car Park and Glór Car Park shall be nil.

9 Non application of certain bye-laws

- 9(1) Bye-laws 4, 5 and 8 of these bye-laws shall not apply to any carpark where all the relevant parking ticket machines in that location are not in proper working order.
- 9(2) Bye-laws 4, 5 and 8 shall not apply to a vehicle in which a disabled person's parking permit, issued pursuant to or recognised under the National Parking Regulations, is displayed and which is parked for the convenience of the person to whom that permit was granted.
- 9(3) Bye-laws 4, 5 and 8 shall not apply to a vehicle in the interior of which is displayed a valid Parking Permit which relates to the carpark in which the vehicle is parked.

10 Non-application of these bye-laws to certain vehicles

Bye-laws 4 to 8 of these bye-laws shall not apply to:

- (a) A vehicle being used in connection with the removal of an obstruction to traffic, the maintenance, improvement or reconstruction of a public road, the provision, alteration or repair of a main drain, pipe or apparatus for the supply of gas, oil, water or electricity or of a telegraph, telephone or communications line or conduit or the provision of a traffic sign;

- (b) A fire brigade vehicle, an ambulance, or a vehicle being used by a member of the Garda Síochána or a traffic warden in the performance of his/her duties as such member or warden;

11 Prohibitions

- 11(1) A person shall not throw, place or leave any bottle, or any broken glass, nail, litter or other substance on or in the car park, and no person shall at any time play ball or any game in a car park.
- 11(2) A caravan used for trade purposes shall not be parked in a car park.
- 11(3) A car park may not be used for overnight accommodation purposes whether by camper van, caravan, van, car or otherwise

12 Compliance with lawful direction or request of authorised person

- 12(1) Every person using a car-park shall comply with any lawful direction given by an officer of the Council or any member of the Garda Síochána in relation to the parking of a vehicle in or its removal from a car-park or in relation to any of these byelaws.
- 12(2) A person shall not in any car park wilfully obstruct, disturb or interrupt an agent, officer or servant of the Council in the execution of his or her duty, including the execution of any work in connection with the laying out or maintenance of any part of a car park by the council staff or agents.
- 12(3) A person shall give on demand to an officer or of the Council authorised for purpose of these bye-laws, his or her name and address in exercise of the powers conferred on them by Section 11 (20) of the Road Traffic Act 2002 (No. 12 of 2002) and a person shall not in any way resist, obstruct or aid or incite any person to resist or obstruct any of the persons referred to in bye-law 12(1) in the execution of his or her duty of lawful exercise of his authority.
- 12(4) Where a person is required by an officer of the Council or a member of the Garda Síochána to leave the car park he or she shall comply with such request.
- 12(5) An officer of the Council shall produce, if requested to do so, evidence of his or her identity and of employment by the Council to any person alleged by him or her to be in breach of these bye-laws or who has been requested to leave a car park under bye-law 12(4).

Part III

13 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 whose normal residence is at premises situated in a street containing on-street Pay & Display parking places;

“**Residents Parking Permit**” means a label which should be affixed to the inside windscreen and which is issued by Ennis Town Council for the purposes of bye-laws 14 to 20 and containing the particulars specified in bye-law 15;

“Valid Residents Parking Permit” means a resident’s parking permit which relates to a designated street(s) and which is issued by Ennis Town Council in whose functional area the vehicle on which the permit is displayed is parked;

14 Particulars of residents’ parking permit

A valid residents’ parking permit shall contain the following particulars:

- (a) The name of Ennis Town Council by whom the permit is issued;
- (b) The year for which the permit is valid
- (c) Ennis Town Councils’ reference number.

15 Permission to park a vehicle displaying a residents’ parking permit

The display, in accordance with bye-law 16 of these bye-laws of a valid residents’ parking permit on the vehicle in respect of which the permit is issued, shall permit the owner of the vehicle (or any person using it with his/her consent) to park it without limitation as to time, in a carpark to which the permit relates.

16 Display of valid residents’ parking permit

A valid resident’s parking permit shall be so displayed in the interior of the vehicle in respect of which it is issued so that it can be read from outside the vehicle.

17 Interference with resident’s parking permit

Where a vehicle displaying a residents’ parking permit is parked in a car-park specified in the schedules, a person shall not interfere with the permit.

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

- 18(1) A residents parking permit shall be issued by Ennis Town Council in respect of the parking of a vehicle in a car-park as specified in the schedules within the functional area of Ennis Town Council.
- 18(2) An application for a residents parking permit shall include documentary evidence that the vehicle is in the ownership of the applicant at the address specified in the application. Acceptable documentation includes, Insurance Certificate, Drivers Licence, Vehicle Licensing Certificate, Utility Bill and Financial Statement.
- 18(3) The fee for a residents’ parking permit may be set by the Council at its discretion.
- 18(4) A residents’ parking permit shall be issued by Ennis Town Council in respect of one vehicle only of which the resident is the owner and shall be valid for a period of one year from 1st January to 31st December in respect of that vehicle and for the street(s) 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, (s)he shall return it to Ennis Town 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,

(s)he shall notify Ennis Town Council **in writing** of the change of registration details.

Part IV

20 Parking Permits for Business / Corporate entities using Car Parks only

Definitions for Part IV

In this part of these bye laws:

"Owner" means the person by whom a vehicle is habitually kept and used;

"Business / Corporate entity" means a retail outlet, place of trading, commercial outlet or service provider whose premises is located in a Pay & Display parking area of Ennis.

"Business / Corporate Parking Permit" means a label which should be affixed to the inside windscreen and issued by Ennis Town Council for the purposes of bye-laws 20 to 26 and containing the particulars specified in bye-law 21;

"Valid Business / Corporate Parking Permit" means a business / corporate parking permit which relates to the car parks as specified in the second, third and fourth schedules and which is issued by Ennis Town Council in whose functional area the vehicle on which the permit is displayed is parking;

21 Particulars of Business / Corporate Parking Permit

A valid business / corporate parking permit shall contain the following particulars:

- (a) The name of Ennis Town Council by whom the permit is issued;
- (b) The year for which the permit is valid
- (c) Ennis Town Councils' reference number.

22 Permission to park a vehicle displaying business / corporate a parking permit

The display, in accordance with bye-law No. 23 of these bye-laws of a valid business / corporate parking permit on the vehicle in respect of which the permit was issued, shall permit the owner of the vehicle (or any person using it with his/her consent) to park it without limitation as to time in an on-street area as specified in the second and third schedule of these byelaws to which the permit relates.

23 Display of valid business / corporate parking permit

A valid business / corporate parking permit shall be displayed on the windscreen in the interior of the vehicle in respect of which it is issued so that it can be read from outside the vehicle.

24 Interference with business parking permit

Where a vehicle displaying a business parking permit is parked in a permit parking place, a person shall not interfere with the permit.

25 Issue of and fee for business parking permit

A business parking permit shall be issued by Ennis Town Council in respect of the parking of a vehicle in a car park as specified in the second, third and fourth schedules of these byelaws to which the permit relates.

The fee for a business / corporate car parking permit shall be as follows:

- (a) €500 for parking in locations specified in Schedules 1- 3
- (b) €300 for parking in locations specified in Schedule 4 only (and also includes on street 4 hour parking zones as per On-Street Pay & Display Bye-Laws 2012 Schedule 3)
- (c) The Council may review these fees by Executive Order, at its discretion.

26 Return and transfer of business / corporate parking permit

26(1) Where during the period to which a business /corporate parking permit relates, the person to whom it is issued ceases to work at the address specified on the permit or ceases to be an owner by disposing of the vehicle to which the permit relates, (s)he may return it to Ennis Town Council by whom the permit was issued, for a refund at the rate of one twelfth of the annual fee for each unexpired month at the date of surrender of the permit.

26(2) Where during the period to which a business /corporate parking permit relates, the person to whom it is issued disposes of the vehicle to which the permit relates, and substitutes another vehicle for the one disposed of, (s)he shall notify Ennis Town Council **in writing** of the change of registration details.

27 Contravention of these Bye-laws

A person who contravenes these Bye-Laws shall be guilty of an offence in accordance with Section 36(8) of the Road Traffic Act 1994.

Commencement Date

These byelaws shall come into operation on 9th May, 2014.

Revocations

The Ennis Town Council Car Park Bye-Laws 2012 are hereby revoked.

First Schedule

Car Parks in which parking is limited to one hour between the hours of 9:00a.m. and 6:00p.m. Monday to Thursday and 10:00a.m. and 6:00pm on Friday & Saturday

**The Casual Trading Byelaws take precedence in the Market Area on
Casual Trading Days**

| Car Park | No. of Spaces |
|-----------------------|----------------------|
| Market Place Car Park | 40 |
| Total | 40 |

Second Schedule

*Car Parks in which parking is limited to three hours between
the hours of 9:30a.m. and 5:30p.m. Monday to Saturday
inclusive*

| Car Park | No. of Spaces |
|--------------------------------------|----------------------|
| Abbey Street Carpark | 139 |
| Bindon Street Carpark | 20 |
| Cornmarket Street Carpark | 25 |
| Francis Street Carpark(Friary CP) | 30 |
| Friars Walk Carpark | 102 |
| Lower Market Street Carpark | 50 |
| Parnell Street Carpark | 63 |
| Woodquay Carpark | 61 |
| Total | 490 |

Third Schedule

*Car Parks in which parking is limited to four hours between the
hours of 9:30a.m. and 5:30p.m. Monday to Saturday inclusive*

| Car Park | No. of Spaces |
|-----------------------|----------------------|
| Kilrush Road Car Park | 25 |
| New Road Car Park | 19 |
| Total | 44 |

Fourth Schedule:

*Car Parks in which parking is long stay (8 hrs) between the
hours of 9:30a.m. and 5:30p.m. Monday to Saturday inclusive*

| Car Park | No. of Spaces |
|-----------------|----------------------|
| Glór Carpark | 115 |

| Car Park | No. of Spaces |
|-----------------|----------------------|
| Cloughleigh | 55 |
| Total | 170 |

* To promote the use of long stay car parks the first hour shall be free

Fifth Schedule:

Car Parks in which parking is permitted for electric vehicles charging only

| Car Park | No. of Spaces |
|----------------------|----------------------|
| Glór Carpark | 1 |
| Abbey Street Carpark | 1 |
| Total | 2 |

Sixth Schedule:

Car Parks in which parking is permitted free of charge for electric vehicles and hydrogen vehicles only

| Car Park | No. of Spaces |
|----------------------|----------------------|
| Glór Carpark | 115 |
| Abbey Street Carpark | 139 |
| Total | 254 |

Made and adopted under the Common Seal of Ennis Town Council this

7th day of April, 2014

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PRESENT when the Common Seal of
Ennis Town Council was affixed hereto.

Meara Baile na hInse

Town Manager/Town Clerk