

LIMERICK COUNTY COUNCIL

NEWCASTLE WEST (PARKING PLACES) BYE-LAWS, 2006

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The Chairman and Members of Limerick County Council, the Road Authority for the County of Limerick, in exercise of the powers conferred upon them by:

- Section 36 of the Road Traffic Act, 1994 (No. 7 of 1994) (and having consulted with the Chief Superintendent of the Garda Síochána)
- Section 101 of the Road Traffic Act, 1961, as amended by Section 49(i) of the Road Traffic Act, 1994,

hereby make the following Bye-Laws in relation to the control and regulation of the parking of vehicles in the scheduled town of Newcastle West.

PART 1 PRELIMINARY

1. These Bye-Laws shall be known as the Limerick County Council Newcastle West (Parking Places) Bye-Laws, 2006.
2. These Bye-Laws shall come into force on the 1st August, 2006.
3. These Bye-Laws apply to the area outlined on the attached schedule map being the town of Newcastle West.
4. **(i)** In these Bye-Laws:
 - “the Act of 1961” means the Road Traffic Act, 1961 (No. 24 of 1961);
 - “the Act of 1968 means the Road Traffic Act, 1968 (No. 25 of 1968).
 - “the Act of 1994” means the Road Traffic Act, 1994 (No. 7 of 1994);
 - “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);
 - “the 1997 Casual Trading Bye-Laws” means Bye-Laws made by the Council of the County of Limerick under Section 6 of the Casual Trading Act, 1995.
 - “the Council” means the Council of the County of Limerick.
 - “business hours” means the period from 9.00 a.m. to 5.30 p.m. on a day from Monday to Friday inclusive which is not a holiday.

“disabled person’s parking bay” has the meaning assigned to it in article 4 of the Regulations of 1997;

“disabled person’s parking permit” means a permit issued under Article 43 of the Regulations of 1997;

“disc parking place has the meaning assigned to it in Article 3 of the Signs Regulations of 1997;

“goods vehicle” has the meaning assigned to it in Article 3 of the Signs Regulations;

“holiday” means Good Friday or any day that is a public holiday as defined by the second schedule of the Organisation of Working Time Act, 1997 (No. 20 of 1997);

“loading bay” has the meaning assigned to it in Article 42 of the Regulations of 1997 and is indicated by means of traffic sign No. RRM 009 of the Signs Regulations accompanied by an information plate;

“parking bay” has the meaning assigned to it in Article 3 of the Signs Regulations of 1997 and identified by means of road markings as described in Article 18 of the said Regulations;

“parking disc” means a disc or document, or a combination of both, having marks or symbols capable of indicating the year, date and time when the disc, document or combination becomes a valid parking disc;

“parking ticket” means a ticket issued by the Council by means of a parking ticket machine which indicates the date of issue of the ticket, and the time at which it ceases to be valid;

“parking ticket machine” means a machine capable of automatically delivering a parking ticket when the fee prescribed by Bye-law 12 of these Bye-Laws is inserted into the machine;

“public road” means that assigned to it by Section 2(i) of the Roads Act, 1993;

“street” a street is that area of public road as indicated on attached Schedule Map;

“car park” means a place (not being part of a public road) for the parking of mechanically propelled vehicles provided by the Council, specified on attached Schedule Map.

“valid parking disc” means a parking disc which-

(a) has been issued by the Council or its agents

- (b) has been perforated or otherwise marked as appropriate to the particular type of parking disc so as to indicate clearly the year, month, day in the month, hour of the day and (to the nearest following five-minute period) minute of the hour of the commencement of a period of parking of the vehicle in which the parking disc is exhibited in accordance with these Bye-Laws.
- (c) indicates no other year, month, day, hour or minute, and
- (d) indicates that the vehicle is so parked for a period not exceeding the period for which it may be parked in a disc parking place in accordance with these Bye-Laws;
- (ii) a reference to a vehicle in these Bye-Laws shall, unless otherwise specified mean a mechanically propelled vehicle within the meaning of Section 3(l) of the Act of 1961 (other than a mechanically propelled wheelchair) and a pedal cycle.
- (iii) A reference in these Bye-Laws to the loading of goods shall be taken to include the supplying of fuel for the operation of the vehicle;
- (iv) (a) A reference in these Bye-Laws to a traffic sign means a reference to a traffic sign prescribed in the Signs Regulations of 1997 and any number referred to in association with a traffic sign shall be the number allocated to such sign in such Regulations.
- (b) Descriptions given to traffic signs in the Signs Regulations of 1997 may be referred to in these Bye-Laws for the purposed of identification.
- (v) A reference in these Bye-Laws to an information plate accompanying a traffic sign shall, unless otherwise specified, be to a plate which shall indicate the period during which the restriction or prohibition indicated by such traffic sign applies.

PART II DISC PARKING

- 5. (i) Where a vehicle is parked in a disc parking place during business hours, the following shall be displayed in accordance with the provisions set out in this Bye-Law;
 - (A) A “valid parking disc” in the following manner –
 - (a) the valid parking disc shall be so exhibited in the interior of the vehicle that a person outside the vehicle can ascertain by reference to the perforations or markings when the parking commenced, and,

- (b)** the valid parking disc shall be exhibited in accordance with paragraph (A) (a) of this Bye-law for so long as the vehicle is parked in that disc parking place,
- (c)** a valid parking disc shall be displayed for every two hour period or part thereof during which the vehicle is parked in a disc parking place.

OR

(B) A “valid parking ticket” in the following manner –

- (a)** a valid parking ticket issued in respect of the vehicle shall be so exhibited in the interior of the vehicle that a person outside the vehicle can ascertain by reference to the parking ticket when the parking ticket shall be so exhibited for so long as the vehicle is parked in a disc parking place, in accordance with the time limit prescribed in the Bye-Laws.
- (b)** the valid parking ticket shall be exhibited in accordance with paragraph (B) (a) of the Bye-law for so long as the vehicle is parked in a disc parking place,

- (ii)** Where a vehicle being parking in a disc parking place during the specified period is a goods vehicle being so parked solely for the loading or unloading of goods, paragraph (5)(1)(A) or (B) of this Bye-law shall not apply until the expiration of thirty minutes after the commencement of the parking.
 - (iii)** Where a vehicle is parked in a disc parking place during business hours, paragraph (i) of this bye law shall not apply until the expiration of one hour after the commencement of the parking.
 - (iv)** Paragraph (iii) of the bye laws shall not apply to the Car Park at Church Street.
- 6.** A vehicle parked in a disc parking place during business hours shall not be so parked for longer than the period indicated as the maximum parking period for that disc parking place by means of an authorised information plate accompanying traffic sign number RUS 018 (Restricted Parking) authorised by the Signs Regulations of 1997.
- 7.** Where a vehicle which had been lawfully parked in a disc parking place is subsequently, lawfully parked in another disc parking place within the same public road, the period to which the subsequent parking is restricted by Bye-law 6 of these Bye-Laws shall be reduced by a period equal to the period from the time indicated on the parking disc or parking ticket to the time when the subsequent parking commenced.

8. Where a vehicle is parked in a disc parking place during business hours, a person shall not interfere with a parking disc or parking ticket exhibited in the vehicle.
9. A vehicle parked in a disc parking place at a time which is not during business hours shall be removed from the disc parking place when a period of business hours commences, unless at such commencement and during the remainder of the period of parking, a valid parking disc or parking ticket is exhibited in the interior of the vehicle in accordance with Bye-law 5 of these Bye-Laws.
10. A vehicle which had been parked in a disc parking place for the maximum parking period referred to in Bye-law 6 of these Bye-Laws shall not be parked again in disc parking place on the public road in which that disc parking place is situated until at least one hour after the vehicle last vacated that disc parking place.
11. Parking discs shall be issued by the Council.
12.
 - (a) The fee for a parking disc shall be 50 cent.
 - (b) The fee for parking in the car park shall be as specified on parking ticket machine.
13. A vehicle which is parked in a disc parking place during business hours shall, where parking bays are provided at that disc parking place, be parked within the area comprising a parking bay.
14. A person shall not park a vehicle in a Disabled Person's Parking Bay without having displayed thereon a Disabled Person's Parking Permit and is parked for the convenience of the person to whom that permit was granted.
15. A mechanically propelled vehicle on which is displayed a Disabled Person's Parking Permit granted in respect of such vehicle, shall be exempt from the requirement to display a valid parking disc or parking ticket specified in Bye-law 5 of these Bye-Laws.
16. Parking in a loading bay is prohibited during business hours except for the loading and unloading of goods from a goods vehicle.
17. Bye-Laws 5 to 13 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 re-construction 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 telecommunications line 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 Siochana in the performance of the duties of that member.

PART III RESIDENTS' PARKING PERMITS

- 18.** 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 on a public road containing a disc parking place;

“resident’s parking permit” means a document issued by the Council for the purposes of Bye-Laws 20 to 28 of these Bye-Laws and containing the particulars specified in Bye-law 22 of these Bye-Laws;

“valid resident’s parking permit” means a resident’s parking permit which related to a particular street or streets and to a date which has not expired and which is issued by the Council;

- 19.** Bye-Laws 5 to 16 (other than Bye-law 13) of these Bye-Laws shall not apply to parking of a vehicle in a disc parking place, other than a disabled person’s parking bay, if there is displayed, in accordance with Bye-law 22 of these Bye-Laws, in the vehicle when it is so parked, a valid resident’s parking permit which related to the street in which that disc parking place is situated.

- 20.** A resident’s parking permit shall contain the following particulars:

- (a) the name of the Council,
- (b) the make and registration number of the vehicle in respect of which it is issued,
- (c) the date of issue,
- (d) the street or streets to which it relates,
- (e) the period to which it relates, including the date of expiry,
- (f) the signature, and the description, of the officer of the Council issuing it.

- 21.** The display, in accordance with Bye-Law 20 of these Bye-Laws of a valid resident’s 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 a disc parking place in a street to which the permit relates.

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

23. Where a vehicle displaying a resident's parking permit is parked in a disc parking place a person shall not interfere with the permit.
24. (1) A resident's parking permit shall be issued by the Council in respect of the parking of a vehicle in a disc parking place in the functional area of the Council.
- (2) The fee for a resident's parking disc shall be €25.00.
- (3) A resident's parking permit 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, in respect of that vehicle and for the road or roads to which the permit relates.
- (4) Not more than one resident's parking permit per domestic unit shall be issued by the Council.
25. Where, during the period to which a resident's parking permit relates, the resident to whom it is issued ceases to reside at the address specified on the permit or ceases to be an owner by disposing of the vehicle to which the permit relates, he/she shall return it to the Administrative Officer, Limerick County Council, Newcastle West Area Office. A refund of the fee or any part thereof shall not be made.
26. Where, during the period to which a resident's 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, he/she shall return the permit to the Administrative Officer, Newcastle West Area Office, who, upon payment of a fee of €1.00 by the resident, shall either insert the make and registration number of the substituted vehicle on the permit or issue to the resident a new permit in respect of that vehicle, and such new permit shall be valid for the period specified.

PART IV CASUAL TRADING.

27. In regard to Casual Trading on the area of The Square, Newcastle West, designated for trading by the 1997 Casual Trading Bye Laws, Bye Laws 5 to 13 shall not apply to those trading in compliance with the 1997 Casual Trading Bye Laws and issued with permits in accordance with same as long as:
- {i} Each authorised trader does not park more than one vehicle for each permit issued under the 1997 Casual Trading Bye Laws, on The Square as indicated on the attached Schedule Map.
- {ii} This vehicle is necessary for the authorised trader to carry out his/her business.

SCHEDULE

- Map outlining Pay Parking areas within the town of Newcastle West.

The Seal of the Council of the County of Limerick

was affixed by: _____
Director/Approved Officer

Authenticated by: _____
County Secretary

Dated this _____ day of _____, 2006.