

DONEGAL COUNTY COUNCIL (BALLYBOFEY CAR PARKS) BYE-LAWS 2003

Donegal County 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 Donegal County Council (Ballybofey Car Parks) Bye-Laws 2003.
2. These Bye-Laws shall come into operation on the 8th day of December, 2003.
3. These Bye-Laws apply to the car parks provided by the Council at the following locations in the Town of Ballybofey: -
 - (a) "Shopping Centre Car Park" - being that to the front of the shopping centre at Lower Main Street, and immediately adjacent to McElhinney's store.
 - (b) "Health Board Car Park" – being that in front of the Health Board Community Care Office at Lower Main Street and extending to the Chestnut Road which divides it from the Shopping Centre Car Park.
 - (c) "Navenny Car Park" – being that to the rear of Navenny Street, Upper Main Street and Donegal Street.
4. In these Bye-Laws –

"Disabled Persons Parking Bay" has the meaning assigned to it in Article 19 of the Signs Regulations of 1997 and shall be indicated by the traffic sign referred to in that Article.

"The Car Parks" means all the car parks specified in Bye-Law No. 3.

"(A/a) Car Park" without further qualifications means any one of the car parks.

"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) (Amendment) Regulations, 1997 (S.I. No. 181 of 1997).

"Business Hours" means the period from 9:00 a.m. to 6:00 p.m. on a weekday which is not a holiday.

"Weekday" means each day from Monday to Saturday inclusive.

"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).

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

"Parking Fee" means in respect of the car parks specified in Bye-Law 3 hereof –

Shopping Centre Car Park – 30c per hour.

Health Board Car Park – 30c per hour.

Navenny Car Park – 30c per hour or €1.20 per day.

"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 in relation to the car parks specified in Bye-Law 3 hereof –

Shopping Centre Car Park – 3 hour or such lesser number of hours as the driver has elected to pay for

Health Board Car Park – 3 hours or such lesser number of hours as the driver has elected to pay for.

Navenny Car Park –

- (a) Any section thereof which is indicated as a one hour zone – 1 hour.
- (b) Balance of car park – 9 hours or such lesser number of hours that the driver has elected to pay for.

"Expiry time" means the expiry time of the parking ticket/permitted period.

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

"The Act of 1994" means the Road Traffic Act, 1994 (No. 7 of 1994).

"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.

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

"An Authorised Person" means a person authorised in writing by the Council for the purposes of these Regulations or a member of an Garda Síochána.

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 the 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. No other vehicles shall be parked in or obstruct a designated casual trading area on days and during the times when casual trading is permitted.

PART II - PAY AND DISPLAY PARKING

7. 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 (or in the case of adhesive tickets on the driver's side 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 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) 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.
8. Where a vehicle which had been lawfully parked in a car park is subsequently lawfully parked in another car park (specified in Bye-Law 3 hereof) a separate parking ticket must be obtained and the provisions of Bye-Law 7 hereof separately complied with i.e. parking tickets are not transferable from one car park to another.
 9. Where a vehicle is parked in a car park during business hours a person shall not interfere with the parking disc 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. Parking Tickets are issued by the Council by means of Parking Ticket Machines.
 13. Bye-Laws 7 to 12 hereof 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 or telephone line or the provision of a traffic sign,
 - (b) A fire brigade vehicle, an ambulance or other vehicle being used by medical personnel in an emergency or a vehicle being used by a member of the Garda Siochana in the performance of his duties as such member.

PART III - DISABLED PERSONS PARKING PERMITS -EXEMPTION

14. 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 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.

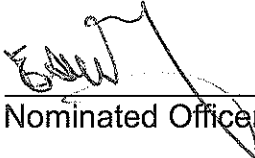
17. (1) A person shall not park or cause to be parked a vehicle in any place in a car park: -
 - (a) In contravention of Bye-Law 11 hereof (where parking bays are provided in the car park), or
 - (b) In such a position that the vehicle or any portion of it extends from one parking bay to another, or
 - (c) In contravention of Bye-Law 16 hereof (whether parking bays are or are not provided in the car park).
- (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. Subject to Bye-Law 6 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 an 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 24 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 the car parks or any contents thereof 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. The Donegal County Council (Car Parks) Bye-Laws 1998 are hereby revoked.

Made and Adopted under the Common Seal of Donegal County Council this
24th day November, 2003.

Seal of Donegal County Council affixed
hereto as authenticated by the
signature of nominated officer.

Signed



Nominated Officer

