

**DONEGAL COUNTY COUNCIL
(LETTERKENNY CAR PARKS) BYE-LAWS 2018**

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 which are specified in Bye-Law 3 hereof:

PART 1 – PRELIMINARY AND INTERPRETATION

1. These Bye-Laws may be cited as the Donegal County Council (Letterkenny Car Parks) Bye-Laws 2018.
2. The Bye-Laws shall come into operation on the 14th day of May 2018.
3. The Bye-Laws apply to the car parks in the town of Letterkenny provided by the Council at the following locations and which are shown coloured red on the map (map no. LK-2018-01) annexed hereto.
 - (A) **Station Car Park** – situated adjacent to the North-east of the Station Roundabout.
 - (B) **Port Road / Grill Car Park** – the small car park which lies on the southerly side of the Ramelton (Port) Road.
 - (C) **Courthouse Car Park** – located behind the former Courthouse and accessed from Justice Walsh Road.
 - (D) **Justice Walsh Car Park** – located behind the AIB Bank and accessed from Justice Walsh Road.
 - (E) **Justice Walsh Coach Car Park** – located just above and to the East of McGinley’s car park (Lower) and accessed from Justice Walsh Road.
 - (F) **Courtyard Middle Deck** – middle deck (only) of the car park behind the Courtyard Shopping Centre and West of the Pearse Road.
 - (G) **Skittle Alley Car Park** – opposite the Convent Road / R250 (Slate Row) junction.
 - (H) **Theatre Car Park** – Located adjacent to an Grianan Theatre and accessed from the Port Road.
 - (I) **Cathedral Car Park** – Located in front of St Eunans Cathedral
 - (J) **Manderley Court Car Park** – Accessed from Lower Oliver Plunkett Road
 - (K) **Bernard McGlinchey Town Park** – Accessed from the N56 road North of the Hospital Roundabout adjacent to St. Conals.
 - (L) **Mart Site Car Park** – Located on the old Mart site at Sentry Hill.
 - (M) **Tadhg Culbert Car Park** – Located on the High Road adjacent to the County Museum.

4. In these Bye-Laws –

“A(a)n Authorised Person” means a traffic warden or a member of An Garda Siochana.

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

“Car Park” without further qualification and unless indicated otherwise means any one of the car parks.

“Disabled Persons Parking Bay” has the meaning assigned to it in Article 4(1) of the Regulations of 1997.

“Disabled Persons Parking Permit” has the meaning assigned to it in Article 4(1) of the Regulations of 1997.

“Electrically Powered Vehicle” has the meaning assigned to it by Article 4(1) of the Regulations of 1997 as inserted by Article 2 of the Regulations of 2014.

“Electrically Powered Vehicle Recharging Bay” has the meaning assigned to it by Article 4(1) of the Regulations of 1997 as inserted by Article 2 of the Regulations of 2014.

“Electronic Payment” means payment by phone, text, electronic device or app as approved by the Council and following the instructions provided.

“Expiry time” means the expiry time of the parking ticket.

“Goods Vehicle” has the meaning assigned to it in Article 4(1) of the Regulations of 1997.

“Holiday” has the meaning assigned to it in Article 4(1) of the Regulations of 1997.

“Information Plate” has the meaning assigned to it in Article 3(2) of the Signs Regulations of 1997.

“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.

“Parking Fee” means the fee (if any) specified below for each car park -

Ref	Car Park	Fee
(A)	Station Car Park	€0.50 per hour
(B)	Port Road/ Grill Car Park	€0.50 per hour or €1.50 all day
(C)	Courthouse Car Park	€0.50 per hour
(D)	Justice Walsh Car Park	€0.50 per hour
(E)	Justice Walsh Coach Car Park	€0.50 per hour or €1.50 all day
(F)	Courtyard Middle Deck	€0.50 per hour or €1.50 all day
(G)	Skittle Alley Car Park	€0.50 per hour or €1.50 all day
(H)	Theatre Car Park	€0.50 per hour or €1.50 all day
(I)	Cathedral Car Park	Nil
(J)	Manderley Court Car Park	€0.50 per hour €1.50 all day
(K)	Bernard McGlinchey Town Park	Nil
(L)	Mart Site Car Park	€1.00 – fixed fee
(M)	Tadhg Culbert Car Park	€0.50 per hour or €1.50 all day

In the above definition of “Parking fee” –

“hour” means an hour during business hours.

“all day” means all remaining business hours on the day in question.

“fixed fee” means the fee for parking during business hours on the day in question regardless of how short or how long the stay is.

“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 appropriate parking fee is inserted into the machine.

“Periodic Parking Ticket” is one issued in accordance with Bye-Law 10 hereof.

“Permitted Period” means the period up to the expiry time shown on the relevant parking ticket or expiry time of electronic payment unless indicated otherwise.

“Residents Parking Ticket” is one issued in accordance with Bye Law 14 hereof.

“T(t)he Act” means the Road Traffic Act, 1961 (No. 24 of 1961).

“(T(t)he) Car Parks” means all the car parks specified in Bye-Law No.3 unless indicated otherwise.

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

“the Regulations of 2014” means the Road Traffic (Traffic and Parking) (Car Clubs and Electrically Powered Vehicles) Regulations 2014.

“T(t)he 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 Authorities (Traffic Wardens) Act 1975 (No.14 of 1975)

“Valid Parking Ticket” means one obtained from a parking ticket machine in accordance with Bye Law 5(2)(a) or a parking ticket or other proof of payment of the Parking Fee provided elsewhere in these Bye Laws to be as effective as a parking ticket issued under said Bye Law 5(2)(a).

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

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

PART II – PAY AND DISPLAY PARKING

5. (1) In this Part references to “Car Park” and “Car Parks” do not include the Car Parks specified at (I) and (K) in Bye-Law 3.
- (2) Where a vehicle is parked in a car park during business hours –
 - (a) The driver shall proceed without delay to the nearest (functioning) parking ticket machine and shall then pay the parking fee and collect the parking ticket.
 - (b) The driver shall then return immediately to the vehicle and display the parking ticket upright on the dashboard so that the parking ticket is clearly visible to a person outside the vehicle.

- (c) The vehicle shall 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 duration of the permitted period.
 - (e) Where the expiry time of the parking ticket is more than 1 hour prior to the end of business hours on the day concerned 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.
 - (g) In relation to car parks (A), (C) and (D) as detailed in Bye Law 3 a vehicle may only be parked in same for a maximum continuous period of 3 hours.
 - (h) Where the Council provides a facility for payment of parking fees under these Bye Laws by electronic payment so that an authorised person can thereby check that payment of the applicable parking fee has been made for any vehicle parked in a car park at a particular time and the fee is (found to be) so paid, that will be treated as effective as the driver having procured a parking ticket from a parking ticket machine in accordance with paragraph (a) hereof and having then displayed the same in accordance with paragraphs (b), (d) and (f) and so will be in compliance with those provisions .
6. Where a vehicle which had been lawfully parked in a car park is subsequently lawfully parked in another car park a separate parking ticket must be procured and the provisions of Bye-Law 5 (2) hereof separately complied with i.e. parking tickets are non transferable from one car park to another.
7. Where a vehicle is parked in a car park during business hours a person shall not interfere with the parking ticket exhibited in the vehicle.
8. 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 5 (2) hereof in which event the vehicle does not have to be removed until the expiry time of the parking ticket.

9. 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.
10. Where the Council provides a facility for electronic payment of Parking Fees as referred to in Byelaw 5(2)(h) same may include provision for payment of such fees covering set periods as opposed to a single day and on such payment being made, same will be treated as effective as the driver having procured a parking ticket from a parking ticket machine in accordance with Byelaw 5(a) hereof and having then displayed the same in accordance with paragraphs (b), (d) and (f) of the same Byelaw and so will be in compliance with all those provisions.

The “Periodic Parking Fee” as referred to above means the fee (if any) specified below for each car park.

Ref	Car Park	6 Months	Annual
(B)	Port Road/ Grill Car Park	€125.00	€240.00
(E)	Justice Walsh Coach Car Park	€125.00	€240.00
(F)	Courtyard Middle Deck	€125.00	€240.00
(G)	Skittle Alley Car Park	€125.00	€240.00
(H)	Theatre Car Park	€125.00	€240.00
(J)	Manderley Court Car Park	€125.00	€240.00
(L)	Mart Site Car Park	€125.00	€240.00
(M)	Tadhg Culbert Car Park	€125.00	€240.00

11. Bye-Laws 5 to 10 hereof shall not apply to –
 - (a) Vehicles to which Article 5 (2) and 5 (3) of the Regulations of 1997 apply and
 - (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 car park concerned.

PART III – DISABLED PERSONS PARKING PERMITS – EXEMPTION

12. 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 are exempted from the provisions of Bye-Laws 5, 6 and 8 hereof.
13. No vehicle shall be parked in a disabled persons parking bay in a car park unless it complies with Bye-Law 12 hereof.

PART IV – RESIDENT'S PARKING TICKET

Where the Council provides a facility for electronic payment of Parking Fees as referred to in Byelaw 5(2)(h) same may include provision for payment of a fee of €20 per annum covering parking by a resident of the Court Apartments in car park (D) as set out in Byelaw 3 and on such payment being made, same will be treated as effective in said car park (during the year so covered) as the driver having procured a parking ticket from a parking ticket machine in accordance with Byelaw 5(2)(a) hereof and having then displayed the same in accordance with paragraphs (b), (d) and (f) of the same Byelaw and so will be in compliance with all those provisions.

15. The holder of a Resident's Parking ticket for the vehicle in respect of which the ticket 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 the car park to which the ticket relates and any other prohibitions in these Byelaws as to duration of such parking will not apply.
- 16.(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 the owner of the vehicle to which the ticket relates, he shall notify the Council in writing.
- (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/she shall notify the Council in writing or email such change and include the registration no. of the new vehicle. The Resident's Parking ticket will then be updated to cover the new vehicle and the old vehicle will be excluded.

17. 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 V – Parking for Electric Vehicles

18. (1) Where an electrically powered vehicle recharging bay is provided within a car park (as indicated by traffic sign number RRM035) a vehicle shall not be stopped or parked in that bay.

(2) Bye Law 18(1) above shall not apply to a vehicle that is an electrically powered vehicle the battery of which is being recharged.
19. Articles 5 (2) to 8 of these Bye-laws apply to a vehicle parked in accordance with Bye Law 18(2) above.
20. A vehicle parked in accordance with Bye Law 18(2) above may be parked for such length of time and period as may be specified on the information plate accompanying the relevant sign RRM035 provided at that parking bay.

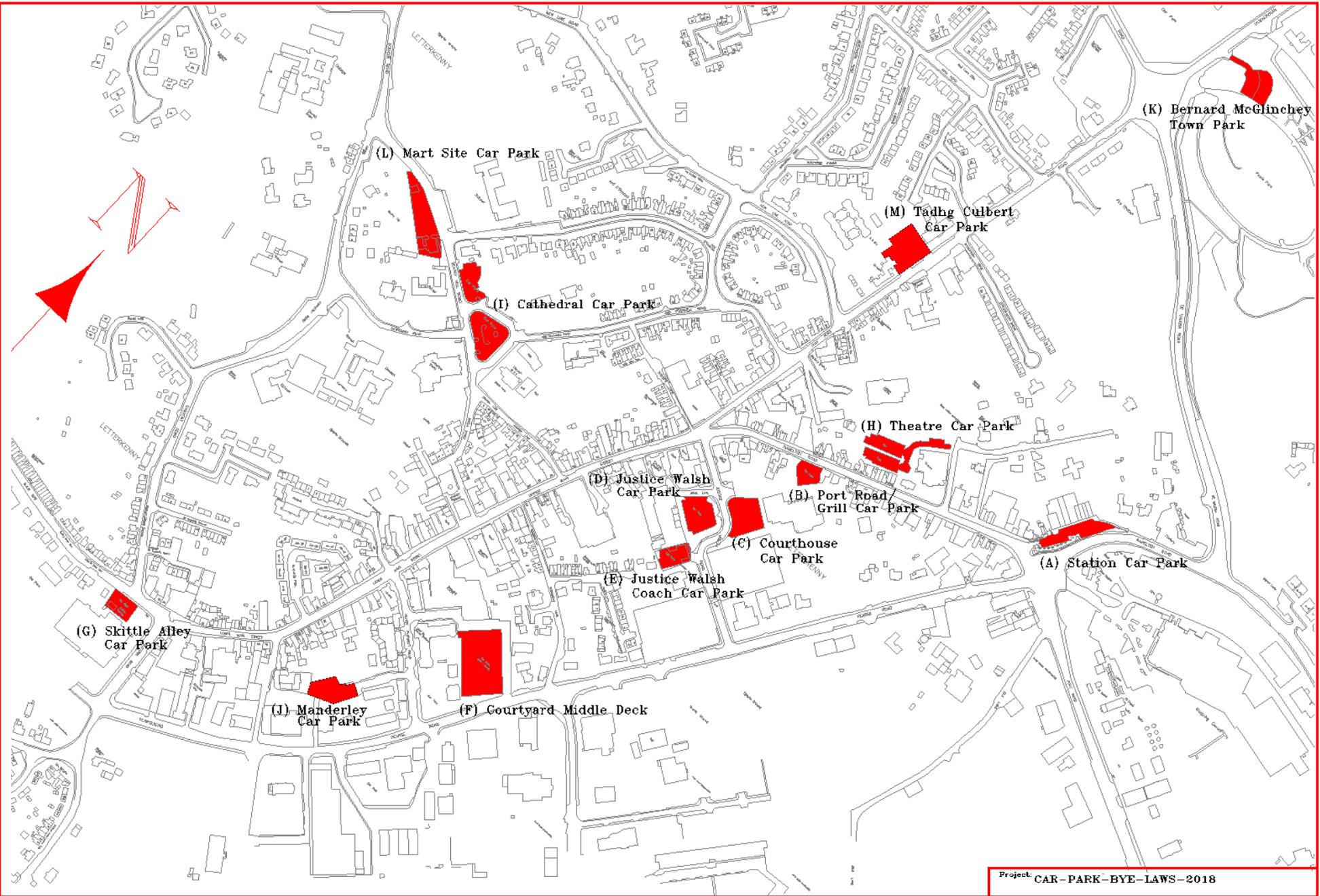
PART VI – GENERAL

21. 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 there from on foot or with vehicles or (ii) in the case of vehicles the use thereof for 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.
22. Without prejudice to the generality of Bye-Law 21 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.
23. 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.

24. (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 9 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.
- (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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. A person shall not in any car park wilfully obstruct, disturb or interrupt an authorised person or another 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.
31. A person in a car park shall give on demand to an authorised person, his/her 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 30 hereof being an agent, officer or servant of the Council in the execution of his/her duty.
32. 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/she shall comply with such request.

33. An authorised person shall produce, if requested to do so, evidence of his/her identity to any person alleged by him/her to be in breach of these Bye- Laws.
34. The Council shall not be liable for any damage caused to or the loss of a vehicle from a car park and vehicles are parked entirely at the owner's risk.
35. Only vehicles as defined in these Bye-Laws may park in a car park.
36. In relation to car park (I) as detailed in Bye Law 3 a vehicle may only be parked in same for a maximum continuous period of 3 hours.
37. In relation to car park (K) as detailed in Bye Law 3 a vehicle may only be parked in same for a maximum continuous period of 2 hours.
38. In addition to the restrictions on duration of parking in a car park contained elsewhere in these Bye Laws, a vehicle shall not be parked in any car park for a continuous period of more than 23 hours.
39. The Letterkenny Town Council (Car Park) Bye-Laws 2010 are hereby revoked.

MAP AS REFERRED TO IN BYE-LAW 3



Project: CAR-PARK-BYE-LAWS-2018	
Location: LETTERKENNY-TOWN	Rev.:
Dwg Title: CAR-PARKS	Map No.: LK-2018-01.

Public Services Centre
 Neil T. Blaney Road
 Letterkenny
 Co. Donegal
 Tel: (074) 8153900

Donegal County Council

Prepared: S.P.	Date: JANUARY 2018
Checked: M.MCF	Date:
Approved:	Date:

Scale: NOT-TO-SCALE

SCALE

Made and Adopted under the Common Seal of Donegal County Council
this day of December 2018 which is affixed hereto as authenticated
by the signature of:

Made the day of December 2018

**DONEGAL COUNTY COUNCIL
(LETTERKENNY CAR PARK)
BYE-LAWS 2018**