

# Comhairle Baile na hInse

## Ennis Town Council

### On-Street Pay & Display Bye-Laws 2014

Ennis Town Council in exercise of the powers conferred on them by Section 36 of the Road Traffic Act 1994 (No.7 of 1994) hereby make the following bye-laws in relation to the control and regulation of the parking of vehicles within the Town Boundary of Ennis.

#### Part 1

##### 1 Short Title

These Bye-laws may be cited as the Ennis Town Council On-Street Pay Display Byelaws 2014.

##### 2 Area of Application

These Bye-laws shall apply to the public streets/areas as specified in the First, Second and Third Schedules hereto within the functional area of Ennis Town Council

##### 3 Interpretation

In these Bye-laws:

“**Council**” means Ennis Town Council.

“**Business Hours**” means the period from 9.00am to 6.00pm from Monday to Saturday excluding the following days:

New Year's Day	1 <sup>st</sup> January
St. Patrick's Day	17 <sup>th</sup> 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 <sup>th</sup> 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.

**"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.

**"Parking Bay"** means a space in the areas identified in the first, second and third schedules 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.

**"Parking Period"** is the duration paid for under byelaw 5 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 byelaw 9 of these Byelaws 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 202) 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 an on-street pay and display location during business hours, a parking ticket shall be so exhibited in 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 as long as the vehicle is parked in the on-street locations listed in the first, second and third schedules.

4(2) Where a vehicle being parked in an on-street pay and display location during business hours and a ticket is exhibited in accordance with paragraph (1) of this bye-law above, 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 the on-street locations identified in the schedules attached hereto 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 these areas during business hours a person shall not interfere with a parking ticket exhibited on the vehicle.

## **7 Conditions for parking**

- 7(1) A vehicle which is parked at an on-street pay and display location specified in these Byelaws on a day and during the hours indicated on an information plate accompanying traffic sign(s) No. RRM 016 and/or No. RUS 018 authorised by the Signs Regulations shall, where parking bays are provided at that location, be parked within the area comprising a parking bay.
- 7(2) No person shall park or cause to be parked in an on-street pay and display 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 on-street parking or to obstruct the free flow of traffic within the street.
- 7(3) A person shall not park or cause to be parked in an on-street pay and display location a vehicle in such position that it or any portion of it extends from one parking bay to another.
- 7(4) A person shall not overhaul or carry out repairs to a vehicle while it is parked in an on-street pay and display location save where it is necessary to do so in order to enable the vehicle to be removed from the street.
- 7(5) A vehicle while parked in an on-street pay and display location 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(6) A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in an on-street pay and display location 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(7) A vehicle other than a motorcycle parked in an on-street pay and display location at a time which is not during business hours shall be removed from the on-street location 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(8) A person shall not use an on-street pay and display location for any purpose other than for parking of a mechanically propelled vehicle.

## **8 Motor cycles, pedal cycles and caravans prohibited from parking in on- street locations**

A motor cycle or a pedal cycle or a caravan, which is used either for residential or trading purposes shall not be parked on a day and during the hours specified on

an information plate accompanying traffic sign or signs No. RRM 016 and/or No. RUS 018 authorised by the Signs Regulations.

## **9 Fees for parking**

- 9(1) Fees for parking shall be in accordance with Ennis Town Council On-Street Pay & Display (Fees) Bye-Laws 2010 or as amended by the Council. The minimum fee payable is 20c.
- 9(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.
- 9(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, a 20 cent piece, a 10 cent piece or any combination of these which totals the prescribed fee.
- 9(4) 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.
- 9(5) 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.
- 9(6) A person shall not interfere with or damage a parking ticket machine or post any advertising or other materials on them.
- 9(7) 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.
- 9(8)

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.

The Council may, by Executive Order, suspend parking charges on special occasions.

## **10 Non application of certain bye-laws**

- 10(1) Bye-laws 4, 5 and 9 of these bye-laws shall not apply to any area where all the relevant parking ticket machines in that location are not in proper working order.
- 10(2) Bye-laws 4, 5 and 9 shall not apply to a vehicle in which a disabled persons' 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.
- 10(3) Bye-laws 4, 5 and 9 shall not apply to a vehicle in the interior of which is displayed a valid Parking Permit which relates to the street in which the vehicle is parked.

## **11 Prohibitions**

A parking bay may not be used for overnight accommodation purposes whether by camper van, caravan, van, car or otherwise.

## **12 Non-application of these bye-laws to certain vehicles**

Bye-laws 4 to 9 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;

## **13 Compliance with lawful direction or request of authorised person**

- 13(1) Every person using an on-street pay and display location 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 an on-street pay and display location or in relation to any of these byelaws.
- 13(2) A person shall not in any on-street pay and display location wilfully obstruct, disturb or interrupt an agent, officer 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 an on-street pay and display location by the council staff or agents.
- 13(3) A person shall give on demand to an officer 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 13(1) in the execution of his or her duty of lawful exercise of his authority.
- 13(4) Where a person is required by an officer of the Council or a member of the Garda Síochána to leave the on-street pay & display location, he or she shall comply with such request.
- 13(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 an on-street pay and display location under bye-law 13(4).

## **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 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;

### **15 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.

### **16 Permission to park a vehicle displaying a residents’ parking permit**

The display, in accordance with bye-law 17 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 an on-street area to which the permit relates.

### **17 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.

### **18 Interference with resident’s parking permit**

Where a vehicle displaying a residents’ parking permit is parked in an on-street area specified in the schedules, a person shall not interfere with the permit.

### **19 Application for, issue of and fee for resident’s parking permit**

- 19(1) A residents parking permit shall be issued by Ennis Town Council in respect of the parking of a vehicle in an on-street area as specified in the schedules within the functional area of Ennis Town Council.
- 19(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 Licencing Certificate, Utility Bill and Financial Statement.
- 19(3) The fee for a residents’ parking permit may be set by the Council at its discretion.
- 19(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 1<sup>st</sup> January to 31<sup>st</sup> December in respect of that vehicle and for the street(s) to which the permit relates.

### **20 Return and transfer of resident’s parking permit**

- 20(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.

20(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**

### **21 Parking permits for business / corporate entities using 2 hour and 4 hour on-street parking locations 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 21 to 27 and containing the particulars specified in bye-law 22;

**"Valid Business / Corporate Parking Permit"** means a business / corporate parking permit which relates to the 2 hour or 4 hour on-street locations only as specified in the second and third schedules and which is issued by Ennis Town Council in whose functional area the vehicle on which the permit is displayed is parking;

### **22 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.

### **23 Permission to park a vehicle displaying business / corporate a parking permit**

The display, in accordance with bye-law No. 24 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.

## **24 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.

## **25 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.

## **26 Issue of and fee for business parking permit**

26(1) A business parking permit shall be issued by Ennis Town Council in respect of the parking of a vehicle in an on-street area as specified in the second and third schedules of these byelaws to which the permit relates.

26(2) The fee for an annual business on-street parking permit shall be as follows:

- (a) €500 for parking in locations specified in Schedule 2
- (b) €300 for parking in locations specified in Schedule 3 only (also includes parking in long stay car parks as per Car Park Bye-Laws 2012 Schedule 4)
- (c) The Council may review these fees by Executive Order, at its discretion.
- (d) These fees may be revised from time to time by the Council at its discretion.

## **27 Return and transfer of business / corporate parking permit**

27(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.

27(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.

## **28 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 9<sup>th</sup> May, 2014.

### **Revocations**

The Ennis Town Council On-Street Pay & Display Bye-Laws 2012 are hereby revoked.



## First Schedule

***Streets or Portions of streets in which parking is limited to one hour between the hours of 9.00 A.M. and 6.00 P.M. Monday to Saturday Inclusive***

<b>Street/Place Name</b>	<b>No. of Spaces</b>
Bank Place	56
Barrack Street	15
Cabys' Lane	5
Carmody Street	22
Considine Terrace/Old Mill Road	27
Garraunakilla	20
High Street	2
O'Connell Street	18
O'Connell Street Upper	9
Abbey Street Loading Bays from 11.00 am	6
Summerhill	12
<b>Total</b>	<b>192</b>

***Streets or Portions of streets in which parking is limited to one hour***

***Between the hours of 9.00 A.M. and 6.00 P.M. Monday, Tuesday, Thursday and 10.00A.M and 6.00 P.M. on Wednesday, Friday and Saturday***

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

<b>Street/Place Name</b>	<b>No. of Spaces</b>
Market Roundabout	8
Lower Market Street	19
<b>Total</b>	<b>27</b>

***Streets or Portions of streets in which parking is limited to one hour***

***Between the hours of 9.00 A.M. and 6.00 P.M. Monday to Thursday and 10.00A.M and 6.00 P.M. on Friday and Saturday***

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

Street/Place Name	No. of Spaces
Market Place	34

### Second Schedule

*Streets or Portions of streets in which parking is limited to two hours*

*Between the hours of 9.00 A.M. and 6.00 P.M. Monday to Saturday Inclusive*

Street/Place Name	No. of Spaces
Abbey Street	9
Bindon Street	38
Buttermarket	14
Dalcassian Drive	10
Francis Street	120
Gort Road	46
Harmony Row	20
Limerick Road	9
McNamara Park	20
New Road	11
Newbridge Road	14
Station Road	67
Cottage Gardens	7
Lifford Road (Kellys Corner)	6
Turnpike Road	66
<b>Total</b>	<b>458</b>

### Third Schedule

*Streets or Portions of streets in which parking is limited to four hours*

*Between the hours of 9.00 A.M. and 6.00 P.M. Monday to Saturday Inclusive*

Street/Place Name	No. of Spaces
College Road	28
Mill Road	46
Drumbiggle Road	34
Cloughleigh Road	36
Simms Lane	18
McHugh Villas	32
<b>Total</b>	<b>194</b>

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

7<sup>th</sup> Day day of April 2014.

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

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Meara Baile na hInse

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Town Manager/Town Clerk