



Comhairle Contae an Chláir
Clare County Council

COMHAIRLE CHONTAE AN CHLAIR

CLARE COUNTY COUNCIL

LAHINCH PROMENADE

CAR PARK BYE LAWS 2012

CLARE COUNTY COUNCIL

(LAHINCH PROMENADE)

CAR PARK BYE-LAWS 2012

The County Council of the County of Clare (hereinafter referred to as “the Council”) in the exercise of the powers conferred on it 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) and Section 49 of the Road Traffic Act, 1994 (No. 7 of 1994) and pursuant to Section 36 of the Road Traffic Act, 1994 (No. 7 of 1994) as amended by Section 12 of the Roads Act, 2007 (No. 34 of 2007) hereby makes the following bye-laws as to the use of the car park provided by the Council as defined in bye-law 1 of these bye-laws.

1. In these bye-laws:

“authorised person” means a person authorised in writing by the Council to carry out any functions for the purposes of these bye-laws.

“car park” means the car parking area provided by the Council at Lahinch Promenade, Lahinch, County Clare as outlined in red on the map, marked Schedule A, attached to these bye-laws.

“casual trading” has the meaning assigned to it by Section 2 of the Casual Trading Act, 1995 (No. 19 of 1995).

“Council” means Clare County Council.

“disabled person” means a person who is suffering from a permanent disability that prevents that person from walking or causes undue hardship to the person in walking.

“disabled persons parking bay” means a space in the car park intended for the parking of a vehicle, the driver of which or a passenger in which is a disabled person and so indicated by ground or other markings or signs.

“disabled persons parking permit” means a disabled drivers permit issued by the Wheelchair Association of Ireland or the Disabled Drivers Association or other authorised body.

“parking bay” means a space in the car park intended for the parking of one vehicle or, where the space is intended for the parking of motorcycles, of

more than one vehicle, and so indicated by surface or other signs or markings.

“parking ticket” means a parking ticket issued by the Council, by means of a parking ticket machine, indicating the name of the Council, the appropriate fee paid, the date, week, hour and minute of expiry of the parking period.

“parking ticket machine” means a machine capable of automatically delivering a parking ticket when the fee prescribed in bye-law 7 of these bye-laws is inserted into the machine.

“parking period” is the duration paid for under bye-law 7 and expiring at the time indicated on the parking ticket.

“traffic warden” has the meaning assigned to it by Section 2 of the Local Authorities (Traffic Wardens) Act, 1975 (No. 14 of 1975).

“valid disabled persons parking ticket” means a disabled persons parking ticket which has not expired.

“valid parking ticket” means a parking ticket issued by means of a parking ticket machine located in the car park, the period of parking permitted by which has not expired.

“vehicle” means a mechanically propelled vehicle and includes trailers.

2. (i) These bye-laws apply to the car park provided by the Council as set out in bye-law 1.
- (ii) Paragraph (i) of this bye-law shall not operate so as to prohibit the use of the car park for access to or egress from any premises adjacent to the car park, where the proprietor has a right of such access to or egress from the said premises by virtue of an agreement with the Council.
3. A person shall not use the car park for any purpose other than for the parking of a vehicle.
4. (i) A vehicle shall not be parked in the car park except wholly within the area comprising a parking bay.
- (ii) Where a parking bay is delineated by road markings, only vehicles of the size appropriate to the delineation may use the space.
- (iii) The parking of buses, coaches and camper vans is only permitted in parking bays, which are delineated for such vehicles by means of road markings or signs.

5. No change to the fee for a parking ticket shall be brought into force save by resolution of the Council.
6.
 - (i) Where a vehicle other than a motor-cycle is parked in the car park between 9.00 am and 7.00 pm on any day, a valid parking ticket shall be 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 and a valid parking ticket shall be so exhibited for so long as the vehicle is parked in the car park.
 - (ii) A vehicle other than a motor cycle parked in a car park between 9.00 am and 7.00 pm each day shall not be so parked for longer than:
 - (a) Where a €2.00 valid parking ticket is exhibited in the vehicle, a period of up to three hours from the time of issue of the ticket.
 - (b) Where a €4.00 valid parking ticket is exhibited in the vehicle, a period of up to 10 hours from the time of issue of the ticket.
7.
 - (i) A fee of €2.00 shall be paid for a parking ticket permitting parking for a period of up to three hours. A fee of €4.00 shall be paid for a parking ticket permitting parking for any period exceeding three hours but not exceeding 10 hours. These fees are inclusive of VAT at the current applicable rate.
 - (ii) A person shall not insert the following coins into a parking ticket machine: 1cent, 2 cent or 5 cent pieces.
8.
 - (i) A vehicle shall not be parked or left unattended in a parking bay, which is a disabled persons parking bay, unless the vehicle displays a valid disabled persons parking permit.
 - (ii) Bye-laws 6 and 7 shall not apply to a vehicle the driver of which is disabled person or a passenger in which is a disabled person and in which a valid disabled persons parking permit is displayed.
9. Where a vehicle is parked in the car park a person shall not interfere with a parking ticket exhibited on the vehicle.
10.
 - (i) A person shall not insert into a parking ticket machine any coin or object other than a coin(s) required to pay the fee prescribed by bye-law 8 of these bye-laws.

(ii) A person shall not interfere with or damage a parking ticket machine.

11. No person shall park or cause to be parked in the car park a vehicle in such a position or location 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 to or exit from the car park or to obstruct the free flow of traffic or pedestrians within the car park or obstruct the access way to the slipway to the beach.
12. A person shall not park or cause to be parked in the car park a vehicle in such a position that it or any portion of it extends from one parking bay to another or extends onto the public road.
13. A person shall not overhaul or carry out repairs to a vehicle while it is parked in the car park save where it is necessary to do so in order to enable the vehicle to be removed from the car park.
14. A vehicle while parked in the car park shall not be used for the sale of food, 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. This includes the advertising of any service or goods.
15. Casual Trading is prohibited within the car park.
16. Overnight camping and overnight parking of vehicles including caravans or mobile campers is prohibited within the car park.
17. A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in the 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 on or in any way connected with the vehicle.
18. 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.
19. Every person using the car park shall comply with any lawful direction given by an authorised person or a member of the Garda Síochána in relation to the parking of a vehicle in or its removal from the car park or in relation to any of these bye-laws.

20. A person using the car park shall not wilfully obstruct, disturb or interrupt any authorised person 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 the car park by Council staff or agents.

21. A person shall give on demand to an authorised person, his or her name and address and a person shall not in the car park resist, obstruct or aid or incite any person to resist or obstruct any of the persons referred to in bye-law 19 in the execution of his or her duty or lawful exercise of his or her authority.

21. Where a person is requested by an authorised person or a member of the Garda Síochána to leave the car park he or she shall comply with such request.

22. An authorised person shall produce, if requested to do so, evidence of his or her authorisation 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 22.

24. A person who contravenes any part of these bye-laws shall be guilty of an offence.

25. In accordance with the Local Authorities (Traffic Wardens) Act, 1975 (no. 14 of 1975) as amended and any Regulations passed thereunder, where a Traffic Warden is of the opinion that an offence is being committed or has been committed under any provision of these bye-laws, he/she may issue a Fixed Payment Notice, specifying a fixed payment not exceeding such amount as may be prescribed by law from time to time, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and the Fixed Payment Notice shall specify:
 1. the amount of the fixed payment; and
 2. the period within which it must be paid in order to avoid prosecution.

26. These bye-laws shall commence on 1st July 2012 and shall be known as the Clare County Council (Lahinch Promenade) Car Park Bye-Laws 2012.

27. The Lahinch Promenade Car Park Bye Laws 2006 are hereby revoked.

Present when the Common Seal of the Council was affixed hereto: -

_____ **COMMON SEAL OF THE**
COUNCIL
CHAIRMAN

_____ **SENIOR EXECUTIVE OFFICER**

This is a true copy of the Lahinch Promenade Car Park Bye Laws as made by Clare County Council at it's meeting of the _____ 2012.

Signed: _____
James Barry, Senior Staff Officer
Clare County Council,
Ennistymon Area Office.