

COMHAIRLE CONTAE AN CHLÁIR

CLARE COUNTY COUNCIL

Sixmilebridge Rail Station Car Park Bye-Laws 2009

The 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 as amended by Section 6 of the Road Traffic Act, 1968 and by Section 36 of the Road Traffic Act, 1994, and Section 199 and 200 of the Local Government Act 2001, and by Section 5 of the Road Traffic Act, 1961, Section 101B of that Act (inserted by the Dublin Transport Authority Dissolution Act, 1987), as amended by section 49 of the Road Traffic Act 1994) and the Road Traffic (Immobilisation of Vehicles) Regulations, 1998, and Section 103 of the Road Traffic Act, 1961 as amended, hereby makes the following Bye-Laws as to the use of the car park at the rail station in Sixmilebridge as defined in Bye-Law 1 of these Bye-Laws.

1. In these Bye-Laws

“Authorised Person” means any person authorised in writing by the Council to carry out any functions for the Council for the purposes of these Bye-Laws.

“Car Park” means the car park provided by the Council at Sixmilebridge Rail Station, Cappalodge, Sixmilebridge, Co. Clare, being a place (not being part of a public road) for the parking of mechanically propelled vehicles.

“Casual Trading” has the same meaning as defined in the Casual Trading Act, 1995.

“Disabled Persons Parking Bay” means a parking bay intended for the parking of a vehicle of which the driver or passenger is disabled and which is so indicated by ground or other markings or signs.

“Immobilisation Device” means any device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion.

“Parking Bay” means a space in the car park intended for the parking of 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 4 of these Bye-Laws is inserted into the machine.

“Parking Period” means the duration paid for under Bye-Law 4 and expiring at the time indicated on the parking ticket.

“Person With A Disability” means a person who is suffering from a disability that prevents that person from walking or causes undue hardship to the person in walking and whose condition has resulted in their having been issued with a disabled person’s permit under Article 43 of the Road Traffic (Traffic and Parking) Regulations, 1997.

“Temporary Dwelling” means any tent, caravan, mobile home, vehicle or other structure or thing (whether on wheels or not) which is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise), and.

(a) is used for human habitation, either permanently or from time to time, or

(b) was designed, constructed or adapted for such use but does not include any such temporary dwelling:

but does not include any such temporary dwelling:

(i) used by a State authority, road authority, local authority or a statutory undertaker during the course of works on, in or under a national road, motorway, busway, protected road, or any other prescribed road or prescribed class, subclass or type of road, or

ii) used in connection with a fire or other emergency.

“Vehicle” means a mechanically propelled vehicle having seating for not more than eight passengers.

2. These bye-laws 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 or lessee has a right of such access to or egress from the said premises by virtue of an agreement with the Council.
3. (i) A person shall not use the Car Park for any purpose other than for the parking of a Vehicle except with the prior written approval of the Council and on the terms specified by the Council.

(ii) Parking of buses and coaches with a seating capacity in excess of eight passengers in the Car Park is prohibited except with the prior written

approval of the Council and on the terms specified by the Council including terms in relation to parking location and parking charge.

4. (i) Where a vehicle, other than a motorcycle, is parked in the Car Park during any day, a parking ticket shall be so 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 the Parking Ticket shall be so exhibited for so long as the vehicle is parked in the Car Park.
 - (ii) Where a vehicle being parked in the Car Park and a Parking Ticket is exhibited in accordance with paragraph (i) of this Bye-Law no further Parking Tickets shall be exhibited on the Vehicle.
 - (iii) The fee for a parking ticket shall be determined by the Council from time to time. According to the fee determined by the Council and detailed herein, a vehicle other than a motor cycle parked in the Car Park during any day shall not be so parked for longer than: -
 - (a) Where a €2.00 parking ticket is exhibited in the vehicle, a period of up to 24 hours from the time of issue of the ticket.
 - (b) Where an €8.00 parking ticket is exhibited in the vehicle, a period of up to 7 days from the time of issue of the ticket.
5. (i) This Bye-Law applies to a vehicle the registered owner and the driver of which is a person with a disability.
 - (ii) Bye-laws 4 and 8 shall not apply where a parked vehicle is registered to a person with a disability and whose vehicle is displaying a valid disabled person's parking permit issued by the Irish Wheelchair Association or the Disabled Drivers' Association, in accordance with the Road Traffic (Traffic and Parking) Regulations, 1997 and the vehicle is parked for the convenience of the person to whom that permit was granted.
6. The only vehicle permitted to park in a Disabled Persons Parking Bay is a Vehicle, the driver of which or the passenger in which is a person with a disability and who has a valid disabled person's parking permit displayed on the Vehicle. The valid disabled person's parking permit must be displayed in the interior of the Vehicle so that a person outside it can readily ascertain the issuing authority, the serial number and the date on which it expires.
7. Where a vehicle is parked in the Car Park, a person shall not interfere with a Parking Ticket exhibited on the vehicle.

8. Where a Vehicle is parked in the Car Park in contravention of these Bye-Laws, including but not limited to the following:
 - (a) Where, upon inspection, the Vehicle is not exhibiting a valid Parking Ticket or is displaying a Parking Ticket that is expired, or
 - (b) Where a vehicle is parked in a no-parking area in the Car Park, being an area outside of a Parking Bay;

the Vehicle may:

- (i) be clamped by the Council or its agents or an Authorised Person by the fixing of an Immobilisation Device to the Vehicle and a release fee as prescribed by regulation (currently €80.00) will apply, or
 - (ii) at the discretion of the Council, be moved from where it is parked (whether or not an Immobilisation Device has been affixed to the vehicle) to another place and be clamped by the Council or its agents or an Authorised Person in that other place by the fixing of an Immobilisation Device to the Vehicle and a release fee as prescribed by regulation (currently €80.00) will apply.
9.
 - (i) At the discretion of the Council, a Vehicle parked in the Car Park in contravention of these Bye-Laws may be removed from the Car Park by the Council or its agents or an Authorised Person to any place it considers convenient and will be released by the Council to a person claiming and producing evidence of ownership of the Vehicle satisfactory to the Council, subject to the owner making a declaration in writing that the person is the owner of the Vehicle or is authorised by its owner to claim it and on payment of the costs reasonably incurred by the Council in removing and storing it.
 - (ii) If ownership of the Vehicle removed by the Council from the Car Park is not claimed, proved and the removal and storage charges paid within ten days of the date of removal of the Vehicle from the Car Park, the Council shall notify the owner of the Vehicle (insofar as the owner's identity can be ascertained) by post of its intention to dispose of the Vehicle.
 - (iii) After the expiration of one month from the notification by post pursuant to Bye-Law 9 (ii), if ownership of the Vehicle removed by the Council from the Car Park is not claimed, proved and the removal and storage charges paid, the Council may dispose of the Vehicle the subject of the notification in whatever manner it considers appropriate and the proceeds of such disposal shall be retained by the Council for use in the discharge of any of its functions.

- (iv) The removal, storage and disposal charges shall be recoverable from the owner by the Council as a simple contract debt in any Court of competent jurisdiction.
10. (i) Temporary Dwellings are prohibited in the Car Park at all times.
- (ii) The Council or its agents or an Authorised Person may remove a Temporary Dwelling located in the Car Park, contrary to these Bye-Laws.
 - (iii) An Authorised Person may store, or procure the storage of, a Temporary Dwelling removed under Bye-Law 10 (ii)
 - (iv) Where the name and address of the owner of a Temporary Dwelling removed and stored under this Bye-Law can be ascertained by reasonable inquiry, the Council shall serve a notice upon the owner informing the owner of the removal and storage and of the address of the place where the Temporary Dwelling may be claimed and recovered, requiring the owner to claim and recover it within one month of the date of the service of the notice and informing the owner of the consequences of the owners failure to do so.
 - (v) A Temporary Dwelling removed and stored under this Bye-Law shall be given to a person claiming the Temporary Dwelling if, but only if, the owner makes a declaration in writing that the person is the owner of the Temporary Dwelling or is authorised by its owner to claim it and, at the discretion of the Council, pays the amount of the expenditure reasonably incurred in removing and storing the Temporary Dwelling.
 - (vi) The Council may dispose, or procure the disposal, of a Temporary Dwelling removed and stored under this section if
 - (a) the owner of the Temporary Dwelling fails to claim it and remove it from the place where it is stored within one month of the date on which a notice under Bye-Law 10 (4) was served on the owner, or
 - (b) the name and address of the owner of the Temporary Dwelling cannot be ascertained by reasonable inquiry.
 - (vii) A Temporary Dwelling shall not be disposed of under this Bye-Law within six weeks of the date of its removal under this Bye-Law.
 - (viii) The proceeds of such disposal shall be retained by the Council for use in the discharge of any of its functions.
 - (ix) The removal, storage and disposal expenditure shall be recoverable from the owner by the Council as a simple contract debt in any Court of competent jurisdiction.

- (x) The provisions of this Bye-Law are without prejudice to the functions of the Council or other public body under any other Bye-Laws or enactment
11. (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 herein.
 - (ii) A person shall not insert coins into a Parking Ticket Machine other than the coins of the currency and denomination shown on the machine.
 - (iii) A person shall not interfere with or damage a Parking Ticket Machine or post any advertising or other materials on them.
 12. No person shall park a Vehicle or cause a Vehicle to be parked in the Car Park 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 to or exit from the car park or to obstruct the free flow of traffic within the Car Park.
 13. A Vehicle shall not be driven within the Car Park in excess of the speed limit notified by signs in the Car Park.
 14. A Vehicle shall not be driven in the Car Park contrary to the flow of traffic in the Car Park indicated by ground or other markings or signs.
 15. A person shall not park a Vehicle or cause a Vehicle to be parked in the Car Park in such a position that it, or any portion of it, extends from one Parking Bay to another.
 16. 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.
 17. A vehicle while parked in the Car Park 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.
 18. Casual Trading is prohibited within the Car Park.
 19. 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 or instruments fitted to or carried in or connected with the

vehicle in any way, or by means of any speaker, loudspeaker or radio, in or on, or in any way connected with the vehicle.

20. No person shall throw, place or leave any bottle, or any broken glass, nail, litter or other substance on or in the car park and the Litter Pollution Act, 1997, as amended, applies to the Car Park.
21. No person shall at any time play ball or any game in the Car Park.
22. (i) Every person using the Car Park shall comply with any lawful direction given by an Authorised Person, the Council or its agent or any 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.
- (ii) A person shall not in the Car Park willfully obstruct, disturb or interrupt an Authorised Person, the Council, its employees or its agents in the execution of their duty, including the execution of any work in connection with the maintenance of any part of the Car Park.
- (ii) A person shall give on demand to an Authorised Person, his or her name and address in exercise of the powers conferred on them, including powers under these Bye-Laws and by Section 11 (20) of the Road Traffic Act 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 22 (i) in the execution of their duty or lawful exercise of their authority. Where an Authorised Person is of the opinion that a person is committing or has committed an offence under these Bye-Laws, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is faulty or misleading, that person shall be guilty of an offence.
- (iii) Where a person is required by an Authorised Person or a member of the Garda Síochána to leave the Car Park he or she shall comply with such request.
- (iv) An Authorised Person shall produce, if requested to do so, evidence of his or her identity and of employment/authorisation 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 the Car Park under these Bye-Laws.

- (v) An Authorised Person may request any person who appears to be contravening a provision of these Bye-Laws to refrain from such activity.
 - (vi) An Authorised Person may request a person who is committing or has committed an offence under these Bye-Laws to leave the Car Park.
 - (vii) A person who refuses to comply with this Bye-Law 22 shall be guilty of an offence.
23. Where an Authorised Person is of the opinion that an offence is being committed or has been committed under any provision of these Bye-Laws, the Authorised Person may serve such person with a Fixed Payment Notice, specifying a fixed payment not exceeding such amount as may be prescribed, 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.
- The amount of the fixed payment applicable to the fixed payment notice shall be €75.00 and the said Fixed Payment Notice shall be in the form set out in the Schedule hereto.
24. A contravention of any of these Bye-Laws shall be an offence in accordance with Section 101(7A) of the Road Traffic Act, 1961, as amended, and shall be liable to a fine for a first offence not exceeding €800.00 on summary conviction and to a fine for a second or subsequent offence to a fine not exceeding €1,500. Each of the following shall be guilty of an offence.
- (i) the registered owner of the vehicle;
 - (ii) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement; and
 - (iii) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.
25. An offence under these Bye-Laws may be prosecuted by the Council.
26. In any prosecution for an offence under these Bye-Laws, a Parking Ticket Machine relied on in such prosecution shall be presumed, until the contrary is shown the defendant, to have been duly placed there under these Bye-Laws and to have been accurate and in good working order.

First Schedule - Fixed Payment Notice
SIXMILEBRIDGE RAIL STATION CAR PARK BYE-LAWS
Clare County Council

Name: _____

Address: _____

It is alleged that you contravened the provisions of Bye-Law number: _____ of the above Bye-Laws made pursuant to Section 101 of the Road Traffic Act, 1961 as amended by Section 6 of the Road Traffic Act, 1968 and Section 36 of the Road Traffic Act, 1994, and Section 199 and 200 of the Local Government Act 2001, and Section 5 of the Road Traffic Act, 1961, Section 101B of that Act (inserted by the Dublin Transport Authority Dissolution Act, 1987) as amended by section 49 of the Road Traffic Act 1994) and the Road Traffic (Immobilisation of Vehicles) Regulations, 1998, and Section 103 of the Road Traffic Act, 1961 as amended,

by _____

at Sixmilebridge Rail Station Car Park

on the _____ day of _____, 200__.

During the period of twenty-one days beginning on the date of this notice you may pay the sum of €75.00 accompanied at this Notice at the offices of Clare County Council located at Áras Contae An Chláir, New Road, Ennis, Co Clare or any Clare County Council area office.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 is paid during that period no prosecution will be instituted at any time.

Signed: _____

Authorised Officer

Date: _____

IMPORTANT: Payment will be accepted at the offices of Clare County Council located at Áras Contae An Chláir, New Road, Ennis, Co Clare or any Clare County Council area office and must be accompanied by this Notice. Payment may be made by post. Cheques etc. should be made payable to Clare County Council. A receipt will be given

You are entitled to disregard this Notice and defend the prosecution of the alleged contravention in court.