

## **THE BOROUGH DISTRICT OF DROGHEDA**

### **CAR PARK BYE-LAWS 2018**

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## THE BOROUGH DISTRICT OF DROGHEDA

### CAR PARK BYE-LAWS 2018

The Municipal District Members of the Borough District of Drogheda in exercise of the powers pursuant to section 101 (7) of the Road Traffic Act 1961 and all other enabling powers hereby makes the following Bye-Laws as to the use of car parks provided by Louth County Council under section 101 of the Road Traffic Act 1961 to relieve or prevent traffic congestion in the Borough District of Drogheda

#### PART I Preliminary

- |                            |       |  |
|----------------------------|-------|--|
| <b>Short Title</b>         | 1.    | These Bye-Laws may be cited as The Borough District of Drogheda Car Park Bye-Laws 2018.  |
| <b>Commencement Date</b>   | 2.    | These Bye-Laws shall come into operation on the 18 <sup>th</sup> July 2018   |
| <b>Area of Application</b> | 3.    | These Bye-Laws apply to all Car Parks provided by Louth County Council in the Borough District of Drogheda specified by name in Part 1 of the First Schedule to these Bye-laws. The locations of the Car Parks are shown on Drawing No. R1759 appended to the Second Schedule of these Bye-Laws.   |
| <b>Revocation</b>          | 4.    | From and after the date on which these Bye-Laws shall come into operation the Drogheda Borough Council Car Park Bye-Laws 2001 and the Drogheda Borough Council Car Park Bye-Laws 2003 shall be and are hereby revoked.   |
| <b>Interpretation</b>      | 5(1). | In these Bye-Laws except where the context otherwise requires the following words and expressions shall have the meanings hereby respectively assigned to them:  |
| “the Act of 1961”          |       | means the Road Traffic Act, 1961 (24 of 1961);   |
| “the Council”              |       | means Louth County Council;  |
| “Authorised Person”        |       | means an employee or agent of Louth County Council authorised to operate, manage and control a Car Park and exercise any or all of the functions of the Council under these Bye-laws;  |
| “Business Hours”           |       | means those hours from Monday to Saturday (other than a Holiday) inclusive, during which a Vehicle may be permitted to park in a Car Park upon payment of a Parking Fee specified in these Byelaws commencing not earlier than 8.30 a.m. and terminating not later than 6.00 p.m. or such other hours as may be determined by the Council from time to time; |

"Car Park"	means the Car Parks (not being part of the public road) specified by name in Part 1 of the First Schedule used for the parking of Vehicles;
"Charging Space"	means in a space in a Parking Place indicated by markings and or signs wherein a charging point for Electric Powered Vehicles is installed for the use of drivers to charge such Vehicles;
"Disabled Person's Parking Bay"	means a space in a Car Park intended for the parking of a Vehicle displaying a valid Disabled Person's Parking Permit;
"Disabled Person's Parking Permit"	means a permit which: (a) issued under Article 43 of the National Regulations or valid EU disabled drivers parking permit, and (b) and has not expired;
"Driver"	in relation to a Vehicle parked, standing or waiting in a Car Park means the registered owner of the Vehicle at the time the contravention was committed unless it is proved to the Council's satisfaction that the Vehicle at the time of the contravention was in the charge of a person other than the registered owner;
""Electric Charging Point"	means an installation adjacent to a Parking bay for the purposes of recharging the supply of an Electric Powered Vehicle by way of a connecting lead;
"Electric Powered Vehicle"	means a mechanically propelled Vehicle that is powered solely by means of a rechargeable battery or by means of a rechargeable battery and an internal combustion engine where either power source may be used to propel the Vehicle;
"Electric Powered Vehicle Parking Bay"	"means bays designed for use by Electric Powered Vehicles in order to recharge their supply, using an Electric Charging Point, defined by lines, symbols and/or signage located within the boundaries of the Parking Space;
"Enactment"	means an Act or a statutory instrument or any portion of an Act or statutory instrument;
"Expiry Time"	is the time indicated on the Pay and Display Ticket and is the time by which the parking period for which the Pay and Display Ticket has expired;
"Fixed Payment Notice"	means a notice in the prescribed form for the purposes of section 3(2) and 3 (3) of the Local Authorities (Traffic Wardens) Act 1975 as amended;
"Goods Vehicle"	means a vehicle used exclusively for carrying goods and taxed for commercial purposes having an unladen weight not exceeding 3.5 tonnes;

“Holiday”	means Good Friday and any day that is a public holiday as construed in accordance with the Second Schedule of the Organisation of Working Time Act, 1997;
“Licence”	means a valid motor vehicle licence (Tax Disc) issued in respect of the vehicle under the provisions of section 5 of the Roads Act 1920;
“park”	in relation to a Vehicle, means keep or leave stationary, and cognate words shall be construed accordingly;
“Parking Bay”	means a space in a Car Park intended for the parking of one Vehicle marked on the surface of the car Park by lines or indicated by signs, which is provided for the parking of a Vehicle;
“Parking Fee”	means any fee payable to which reference is made in Bye-Law 18 for the parking of a Vehicle in a Car Park;
“Pay and Display Ticket”	means a ticket receipt for payment of the appropriate Parking Fee purchased for a period of parking and issued by a Ticket Machine located in a Car Park in which the Vehicle has been parked and which specifies: <ul style="list-style-type: none"> <li>(i) Louth County Council as the issuing authority;</li> <li>(ii) the amount of the Parking Fee paid in respect of the ticket;</li> <li>(iii) the date and time at which the Parking Fee was paid;</li> <li>(iv) the date and time by which the Vehicle must leave the Car Park;</li> <li>(v) the location of the Car Park;</li> </ul>
“Public Road”	has the meaning assigned to it in Section 2(1) of the Act of 1993;
“Relevant Position”	means in respect of a Vehicle displaying a valid Disabled Persons Parking Permit or a Pay and Display Ticket, the Disabled Persons Parking Permit or the Pay and Display Ticket is exhibited on the inside surface of the windscreen or in a clearly visible position on the Vehicle’s dashboard so that it can be easily seen and read from the front of the Vehicle;
“Pay and Display Ticket Machine”	means an apparatus which is capable of automatically issuing a Pay and Display Ticket when the appropriate Parking Fee is inserted into the machine which permits the parking of a Vehicle in the Car Park for the period specified in the ticket;
“Ticket Machine”	means any apparatus operated by the insertion of coins, bank notes, credit or debit cards and that issues Pay and Display Tickets indicating the payment of a Parking Fee, the date and time at which

- that Parking Fee was paid and the time by which the Vehicle must leave the Car Park;
- “Traffic Warden” has the meaning assigned to it by Section 2(1) of the Local Authorities (Traffic Wardens) Act 1975 (No 14 of 1975);
- “Valid Pay and Display Parking Ticket” means a Pay and Display Parking Ticket which was purchased at a Ticket Dispensing Machine and has not expired and which is valid for the Car Park in which the Vehicle is parked;
- “Vehicle” means any one of the specified classes of Vehicle defined in Bye-Law 6.
- (2) A reference to a Ticket Machine shall be construed as a reference to any Ticket Machine provided by the Council in any Car Park within the Borough District of Drogheda.
- (3) A reference to any Enactment in these Bye-Laws shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent Enactment, or any Enactment amending, applying, consolidating or re-enacting the same.
- (4) Unless the context otherwise requires words denoting the singular shall include the plural and vice versa and words denoting persons shall include either gender, bodies corporate or unincorporated associations.
- (5) Except where the context otherwise requires, any reference in these Bye-Laws to a numbered Bye-Law shall be construed as a reference to the Bye-Law bearing that number in these Bye-Laws and any reference to a Schedule or a Drawing is a reference to a Schedule or a Drawing incorporated into these Bye-Laws.
- (6) Headings are for ease of reference only and shall not affect construction.

**PART II**  
**Use of Car Parks**

- Classes of Vehicle** 6. In these Bye-Laws the following specified classes of Vehicle may be admitted to a Car Park:
- (a) mechanically propelled vehicles designed and constructed for the carriage of no more than 7 passengers
  - (b) Electric Powered Vehicles
  - (c) Disabled Person’s Vehicles
  - (d) Goods Vehicles;
- and specified classes shall be construed accordingly.

- User** 7. No person shall use a Car Park for any purpose other than for the parking of a specified Vehicle.
- Overstay** 8. No person shall leave a Vehicle in a Car Park during Business Hours for longer than the period for which payment has been made of the Parking Fee.
- Positioning of Vehicle** 9. No person shall cause or permit a Vehicle to park in a Car Park other than in a Parking Bay, or in such a manner that any wheel of the Vehicle is located outside the markings defining the limits of the Parking Bay.
- Obstruction** 10. No person shall park or leave a Vehicle in a Car Park or as the case may be in any Parking Bay within the Car Park in such a manner as to:
- (i) obstruct vehicular access to or egress from the Car Park or any Parking Bay in the Car Park, or
  - (ii) otherwise obstruct the free flow of pedestrian or vehicular traffic within the Car Park.
- Disabled Person's Parking Bay** 11. No person shall cause or permit a Vehicle to park in a Disabled Person's Parking Bay unless that Vehicle displays a Disabled Person's Parking Permit in a Relevant Position and unless the Vehicle has been used or is about to be used by the person in respect of whom the Disabled Person's Parking Permit has been issued either immediately before or immediately after the act of parking.
- Electric Vehicle Charging Space Space** 12. Where within a Car Park there is a sign and/or surface marking that indicates a Charging Space for Electric Powered Vehicles, no Vehicle or Electric Powered Vehicle shall be permitted to park in the Charging Space unless it is connected to the Electric Charging Point for the entire duration.
- Speed** 13. No Vehicle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any Car Park.
- Current Tax Disc Display** 14. The Driver of the Vehicle shall not permit a Vehicle to enter a Car Park or to park in a Car Park unless there is fixed on exhibited in the Vehicle a current Licence. It is an offence contrary to section 73 of the Finance Act 1976 to use, park or otherwise keep a Vehicle in a public place at any time if there is not fixed to and exhibited on the Vehicle a licence which is both issued in respect of the Vehicle and is for the time being in force.
- General Terms and Conditions** 15. No person shall use any part of a Car Park or any Vehicle parked in a Car Park:
- (a) for the sale or hire of a Vehicle, or
  - (b) for advertising or offering the Vehicle as a prize, or

- (c) for the sale of any article to persons in or near the Car Park or in connection with the selling or offering for hire of his skill or services without the prior written consent of the Council, or
- (d) for use as an office, or
- (e) for recreation or sleeping or camping or cooking, or
- (f) for the purpose of advertising or promoting any cause, event or other matter whatsoever or for the distribution of leaflets or other materials, or
- (g) for the erection of any tent, booth, stand, building or other structure, or
- (h) for the playing of ball games, or
- (i) for the purpose of servicing, maintaining, repairing or washing any Vehicle or any part thereof other than so far as is reasonably necessary to enable that Vehicle to depart from the Parking Place, or
- (j) to play or cause or permit to be played any radio, cassette, compact disc, instrument or similar item in such manner as may become a nuisance to other users of the Car Park or to the owners or occupiers of properties adjoining the Car Park, or
- (k) to fill any Vehicle or container with petrol, diesel, oil or other form of fuel or inflammable liquid other than so far as is reasonably necessary to enable that Vehicle to depart from the Car Park, or
- (l) to defile, remove, displace or damage any part of the parking surface or wall or fence in or enclosing the Car Park or any barrier, post, notice, sign, railing or other erection therein, or
- (m) to throw down, drop or otherwise deposit in any Car Park any bottles, broken glass, nails, or article of rubbish or waste material (other than in a waste receptacle) so as to contribute to or tend to lead to the defacement of that Car Park by litter, or
- (n) for any other purpose other than the designated purpose of the Car Park.

**PART III**  
**Fees for Parking**

- |                          |     |  |
|--------------------------|-----|--|
| <b>Payment</b>           | 16. | A person shall upon parking a Vehicle in a Car Park and prior to leaving that Car Park purchase a Pay and Display Ticket at the appropriate fee in accordance with the Parking Fees specified in Bye-Law 17. |
| <b>Parking Fee</b>       | 17. | The fee for the parking of Vehicles during Business Hours in any Car Park specified in Part 1 of the First Schedule is as set out in Part 11 of First Schedule.  |
| <b>Manner of Payment</b> | 18. | The fee for the parking of a Vehicle shall be paid in the manner specified on the notices or on the Ticket Machine in the Car Park by  |



obtaining a Pay and Display Ticket by inserting the appropriate coin or coins into the Ticket Machine or by any other method of payment provided by the Council.

- |                                  |         |   |
|----------------------------------|---------|---|
| <b>Manner of Display</b>         | 19.     | Once a Vehicle has been parked in a Car Park the driver of the Vehicle shall <ol style="list-style-type: none"><li>(a) purchase a Pay and Display Ticket to cover the entire period that the Vehicle is intended to be parked in the Car Park, and</li><li>(b) display the Pay and Display Ticket in the Relevant Position on the Vehicle.</li></ol>  |
| <b>Validity of Ticket</b>        | 20.     | A Pay and Display Ticket is valid only in the Car Park in which it was issued.  |
| <b>Additional Ticket</b>         | 21.     | When a Pay and Display Ticket is purchased for less than the maximum period specified on the Ticket Machine or on the signage in the Car Park, a further Pay and Display Ticket may be purchased prior to the expiry of the first so purchased to extend the Vehicle's period of parking up to the maximum parking period permitted in that Car Park.   |
| <b>Expiry Time</b>               | 22.     | The Expiry Time for the use of a Parking Bay shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket and the expiry date and time printed on the Pay and Display Ticket is earlier than the date displayed on the clock of the issuing Ticket Machine.   |
| <b>Expired Ticket</b>            | 23.     | When the parking of a Vehicle is authorised by a valid Pay and Display Ticket, no person shall keep that Vehicle in the Car Park for longer than the period permitted by that ticket.   |
| <b>Non-Display</b>               | 24. (1) | If at any time while a Vehicle is left in a Car Park and no Pay and Display Ticket is displayed on that Vehicle in the Relevant Position, it shall be deemed that the Parking Fee has not been paid, unless the Vehicle displays a Disabled Person's Parking Permit   |
| <b>Absence of Ticket Machine</b> | 25. (1) | If at the time when a Vehicle is left in a Car Park the nearest Ticket Machine is out-of-order then a Pay and Display Ticket shall be purchased from another Ticket Machine within the same Car Park (where another such machine is so provided). Otherwise Bye-Law 25(2) shall prevail where there is no Ticket Machine, or all Ticket Machines are out of order.<br><br>(2) Where no valid Pay and Display Ticket can be purchased and displayed pursuant to the circumstances described in Bye-Law 25(1), Vehicles may be left in a Car Park but may not be left for longer than the maximum period of parking permitted in that Car Park. |
| <b>Interference</b>              | 26.     | No person shall interfere with a Pay and Display Ticket   |

**with Pay and Display Ticket**

displayed in a Vehicle. Any improper use of a Pay and Display Ticket or breach of the conditions (if any) printed on the reverse of the Pay and Display Ticket shall render that ticket void.

**Interference with Pay and Display Ticket Machine**

27. Any person who with intent to defraud interferes with a Pay and Display Ticket Machine or operates it or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender and of the appropriate denomination, or other approved method of payment, shall be liable to prosecution.

**PART IV**  
**Miscellaneous**

**Holding and use of data**

28. Any data obtained by the Council for the purposes of, or in connection with, the issuing of any Fixed Payment Notice may be held and used by the Council for the purposes of parking control management, and administration and/or the taking of legal proceedings or other enforcement action in respect of any contravention of these Bye-Laws. This data may be used for these purposes by the Council, and/or their respective servants and agents, and may be disclosed to other law enforcement agencies for such purposes, when considered necessary for the prevention and detection of crime, or when otherwise required by law.

**Interference with Suspension Device**

29. No person other than an Authorised Person, a Traffic Warden or a member of An Garda Síochána shall interfere in any way with a hood, sign or other device placed on a Pay and Display Ticket Machine in a Car Park.

**Closure of Car Park**

30. Nothing in these Bye-Laws shall restrict the power of the Council to close any Car Park or any part thereof when such Car Park or part thereof is required for any purpose of the Council or any purpose authorised by the Council.

**Directions**

31. Any person using a Car Park shall comply with any direction given by an Authorised Person, a Traffic Warden or a member of An Garda Síochána in relation to the parking of a Vehicle or the removal of a Vehicle from the Car Park. An Authorised Person shall produce evidence, if requested to do so to by a person to whom a direction has been given, evidence of his identity and employment by the Council.

**Removal of Vehicles**

32. A Vehicle parked in a Car Park at a time, which is not during Business Hours shall be removed from the Car Park when Business Hours recommence unless a valid Pay and Display Ticket is exhibited in the Relevant Position in the Vehicle or the appropriate Parking Fee is paid. Any vehicle that is not a specified vehicle as defined in Bye-Law 6 will be removed from the Car Park.

**Exemption from Parking Fee**

33. Notwithstanding the foregoing provisions of these Bye-Laws, Bye-Law 16 to 27 shall not apply in respect of the use of a Car Park by a Vehicle where a valid Disabled Person's Parking Permit is duly displayed in the Relevant Position on the Vehicle throughout the period during which that Vehicle is parked in the Car Park.

**PART V**  
**Contravention and Enforcement**

**Contravention of Bye-Laws**

34. It is an offence under section 101(7A) of the Road Traffic Act 1961 to contravene any provision of these Bye-Laws.

**Penalty**

35. Any person found guilty of an offence shall be liable on summary conviction to a fine not exceeding €1,000.00.

**Fixed Payment Notice**

36. (1) The offence of contravening a Bye-Law made under section 101(7) of the Road Traffic Act 1961 in relation to the use of a Car Park provided by a local authority is an offence to which section 3 (inserted by section 12 (1) of the Road Traffic Act 2002) of the Local Authorities (Traffic Wardens) Act 1975 as amended applies. Where a Traffic Warden has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person, the Traffic Warden may
- (a) if the Traffic Warden identifies the person, serve or cause to be served, personally or by post, on the person a fixed payment notice under section 3 of that Act, or
  - (b) if the Traffic Warden does not identify the person and the offence involves the use of a Vehicle, may serve or cause to be served, personally or by post, a Fixed Payment Notice on the registered owner of the Vehicle or shall affix such a notice to the Vehicle as an alternative to a prosecution requiring the payment of a fixed payment of €40.00 within a period of 28 days of the date of service of the fixed payment notice.
- (2) A prosecution in respect of a fixed charge offence will not be instituted unless a Fixed Payment Notice has been served on the person concerned and the person fails to pay the fixed charge specified in that notice.
- (3) In the event of non-payment of the fixed charge within the 28-day period, the person upon whom the Fixed Payment Notice was served may, during the period of 28 days beginning on the expiration of that first 28-day period, make a payment to the Council of a fixed charge of an amount 50 per cent greater than the prescribed amount referred to in that notice to avoid prosecution.

**FIRST SCHEDULE**

**PART 1 - CAR PARKS**

**Bolton Square Car Park**  
**Father Connolly Way (Murdochs) Car Park**  
**Abbey Car Park**  
**Peter's Hill Car Park**  
**King Street Car Park**  
**Fair Street Car Park**  
**Georges' Street Car Park**  
**Mary Street Car Park**  
**Donore Road Car Park**  
**Mell Car Park**

**PART 11 – PARKING FEES**

<b>Name of Car Park</b>	<b>Maximum Stay (Hours)</b>	<b>Minimum Fee Payable</b>	<b>Maximum Fee Payable</b>	<b>Hourly Rate</b>	<b>*Pro-Rata Fee</b>
Bolton Square	4	€0.20	€4.80	€1.20	€0.20
Father Connolly Way	4	€0.20	€4.80	€1.20	€0.20
Abbey	4	€0.20	€4.80	€1.20	€0.20
Peter's Hill	4	€0.20	€4.80	€1.20	€0.20
King Street	4	€0.20	€4.80	€1.20	€0.20
Fair Street	4	€0.20	€4.80	€1.20	€0.20
Georges' Street	4	€0.20	€4.80	€1.20	€0.20
Mary Street	4	€0.20	€4.80	€1.20	€0.20
Donore Road	<b>Full day</b>	<b>No Fee</b>	<b>No Fee</b>	<b>No Fee</b>	<b>No Fee</b>
Mell	<b>Full day</b>	<b>No Fee</b>	<b>No Fee</b>	<b>No Fee</b>	<b>No Fee</b>

**\*The Parking Fee applies on a pro-rata basis for any period of parking up to the maximum period allowed for parking in the Car Park so that every continuous period of 10 minutes is charged at the rate of €0.20**

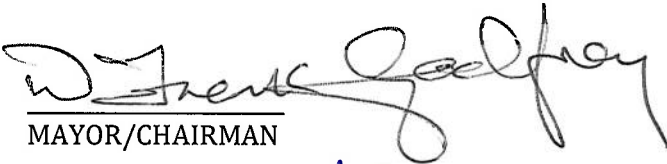
**SECOND SCHEDULE:**

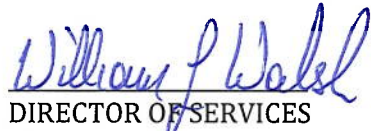
**Drawing No. R1759**

MADE AND ADOPTED UNDER THE COMMON SEAL  
OF LOUTH COUNTY COUNCIL

THIS 2<sup>nd</sup> DAY OF July 2018

PRESENT WHEN THE COMMON SEAL OF  
LOUTH COUNTY COUNCIL  
WAS AFFIXED HERETO

  
MAYOR/CHAIRMAN

  
DIRECTOR OF SERVICES

  
CHIEF EXECUTIVE



