

COMHAIRLE CHONTAE NA h-ÍARMHÍ

Westmeath County Council



MULLINGAR

PARKING, TRAFFIC AND CAR PARK BYE-LAWS 2011

Westmeath County Council (Mullingar)
Parking, Traffic and Car Park Bye-Laws 2011

Long Title: Westmeath County Council (hereinafter referred to as “the Council”) in exercise of the powers vested in it by Section 36 of the Road Traffic Act 1994 (no. 7 of 1994) together with 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 having consulted with the Commissioner of An Garda Siochana hereby make the following bye-laws.

Part 1 – Preliminary

Short Title: 1. These bye-laws may be cited as the Westmeath County Council (Mullingar) Parking, Traffic and Car Park Bye-Laws 2011.

Commencement: 2. These bye-laws shall come into operation on the **1st November, 2011**

Area of Application: 3. These bye-laws apply to the area comprising the functional area of Westmeath County Council excluding the functional area of Athlone Town Council.

Revocation: 4. Westmeath County Council Car Park Bye-Laws 2004 and County of Westmeath Traffic and Parking Bye-Laws 2004 are hereby revoked.

Interpretation: 5. In these bye-laws:

“**the Act of 1994**” means the Road Traffic Act, 1994 (no. 7 of 1994).

“**the Regulations of 1997**” means the Road Traffic (Traffic and Parking) Regulations 1997 (S.I. no. 182 of 1997)

“**the Signs Regulations of 1997**” means the Road Traffic (Signs) Regulations 1997 (S.I. no. 181 of 1997)

“**local authority**” means the County Council of the County of Westmeath.

“**agent**” of the Council” means any person employed by Westmeath County Council or any other person authorised by the Council to carry out functions under these bye-laws.

“**authorised person**” has the meaning assigned to it by Section 103(8) (inserted by the Road Traffic Act 1968) (no. 25 of 1968) of the Road Traffic Act 1961.

“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

“car park” means a place not being part of the public road which is maintained by the Council for the parking of mechanically propelled vehicles.

“casual trading” has the meaning assigned to it by section 2 of the Casual Trading Act, 1995.

“parking place” means a space intended for the parking of a mechanically propelled vehicle and defined by traffic sign numbers RRM 011, RRM 012, RRM 013 and RRM 014 as authorised by the Signs Regulations of 1997.

“buffer area” means an area between two parking bays.

“appropriate fee” means the fee, prescribed in these bye-laws, for the parking area in which the vehicle is parked.

“business hours” means the period from 9.30am to 5.30pm from Monday to Saturday inclusive other than a holiday except where otherwise indicated on:

- (i) an information plate accompanying traffic sign no. RUS 018 authorised by the Signs Regulations of 1997 in the ticket parking area where the vehicle is parked, or,
- (ii) the appropriate pay and display parking ticket machine located on the public road or car park in which the vehicle is parked or on an adjacent public road, where indicated on an information sign.

“disabled persons parking permit” means a permit granted in accordance with Article 43 of the Regulations of 1997.

“goods vehicle” means a vehicle used exclusively for the carriage of goods or burden in the course of trade or business and taxed as a goods vehicle.

“holiday” means Good Friday or any day that is a public holiday for the purposes of the Holidays (Employees) Act 1973 (no. 25 of 1973).

“information plate” means a plate accompanying a traffic sign which indicates the period during which the restrictions or prohibition indicated by such traffic sign applies.

“parking fee” means a fee payable in accordance with these bye-laws for the parking of a vehicle.

“pay and display parking ticket” means a parking ticket which is issued by the Council by means of a pay and display parking ticket machine or otherwise and which contains the following particulars:

- (a) the fee paid in respect of the ticket
- (b) the zone or location to which it applies
- (c) the time of expiry of the ticket and/or the time of issue

“pay and display parking ticket machine” means a machine capable of automatically delivering a pay and display parking ticket when the appropriate parking fee prescribed by these bye-laws is paid.

“ticket parking area” means an area on a public road or car park where traffic sign no. RUS 018 authorised by the Signs Regulations of 1997 together with an accompanying information sign indicates that parking of vehicles is subject to the exhibition of a valid pay and display parking ticket or parking disc.

“ticket parking place” means a place on a public road or car park where the parking of vehicles is subject to the exhibition of a valid pay and display parking ticket or parking disc.

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

“valid coins” means the coins indicated on the appropriate pay and display parking ticket machine.

“valid parking disc” means a parking disc which:

- (a) has been issued by the Council by means of a pay and display parking ticket machine, or,
- (b) has been taken from a book of parking discs perforated or otherwise scratched as appropriate to the particular type of parking disc so as to indicate clearly the year, month, day in the month, hour of the day and (to the nearest following five minute period) minute of the hour of commencement or expiry of the period of parking of the vehicle in which the parking disc is exhibited in accordance with these bye-laws.
- (c) indicates that the vehicle is so parked for a period not exceeding the period for which it may be parked in a disc parking area in accordance with these bye-laws.

Drawing no. 213_11_1 ‘Mullingar Town Centre Parking Spaces 2011’ attached hereto shall be deemed to form part of these bye-laws.

Part 2 – Pay and Display Ticket Parking

Parking in pay and display ticket parking places

6. The following provisions shall apply during business hours to the parking of a vehicle in a ticket parking place:
- (a) a vehicle which is parked in a ticket parking place during business hours shall, where parking bays are provided at that ticket parking place, be parked within the area comprising a parking bay;
 - (b) a vehicle which had been parked in a ticket parking place for the maximum period permitted in that ticket parking place, as indicated on the appropriate pay and display ticket parking machine in accordance with bye-law 11, shall not be parked again in a ticket parking place on the public road in which that ticket parking place is situated until at least one hour has elapsed since the vehicle was last parked in that ticket parking place;
 - (c) a vehicle shall not be parked in a buffer area;
 - (d) a vehicle parked in a ticket parking place at a time which is not during operational hours shall be removed from the ticket parking place when a period of business hours commences, unless at such commencement and during the remainder of the period of parking, a valid pay and display parking ticket is exhibited in the interior of the vehicle in accordance with bye-law 8(2) of these bye-laws and bye-law 8(3) of these bye-laws shall apply from such commencement in respect of such parking.

Vehicles which may be parked in pay and display ticket parking places

7. Mechanically propelled vehicles only, of the following classes, may be parked in a ticket parking place during operational hours:
- (a) a passenger vehicle with passenger accommodation for not more than twelve persons excluding the driver and not drawing a trailer or other vehicle;
 - (b) a goods vehicle whose unladen weight does not exceed 3 tonnes and not drawing a trailer or other vehicle;
 - (c) a goods vehicle, other than a vehicle described in paragraph (b) of this bye-law, which is parked while goods are being actively loaded in or on to it or unloaded from it, and where a loading bay is not available within 150m.

Obligation to Display a valid Parking ticket

8. (1) A valid pay and display parking ticket shall be displayed as specified in this bye-law on the interior of a vehicle lawfully parked in a pay and display ticket parking place in a ticket parking area during operational hours.
- (2) The valid pay and display parking ticket shall be so exhibited in the interior of the vehicle that a person outside

the vehicle can ascertain when the parking ticket ceases to be valid.

- (3) The pay and display parking ticket shall be exhibited in accordance with paragraph (2) of this bye-law for so long as the vehicle is parked in that ticket parking place.

Fees

9. (a) The current zones and fees for pay and display parking are outlined in Schedule 1
- (b) These fees may be revised from time to time by the Council

10. (1) In this Part – “**parking disc**” means a disc or document, or a combination of both, issued by a local authority whether obtained by means of a disc parking machine or otherwise and having marks or symbols capable of indicating the year, date and time when the disc document or combination becomes a valid parking disc; and also indicating the time of expiry.

Manner and time of payment of parking fee.

- (2) A pay and display parking ticket shall be purchased from an appropriate pay and display parking ticket machine.
- (3) The fee for the pay and display parking ticket shall be payable by means of any combination of valid coins.
- (4) Payment by cash shall be made by inserting the appropriate fee for the parking time required into the appropriate parking ticket machine and following the instructions on the parking ticket machine in order to obtain a valid pay & display parking ticket.
- (5) The valid parking ticket shall be displayed immediately on parking provided that, where a vehicle is parked at a time not during operational hours, the valid parking ticket shall be displayed in accordance with bye-law 8 at the commencement of business hours.

Period of parking in ticket parking place

11. A vehicle parked in a ticket parking place during business hours shall not be so parked for a period longer than the maximum period for which parking is permitted on that day in that ticket parking place as indicated on the appropriate pay and display parking ticket machine located on the public road in which the vehicle is parked or on an adjacent public road, where indicated on an information sign.

Motor cycles and pedal cycles

12. A motor cycle or pedal cycle shall not be parked during operational hours in a ticket parking place.

Suspension of pay & display machines or ticket parking places

13. (a) The Council or its agents may suspend from operation a pay and display parking ticket machine or a ticket parking place in a ticket parking area. The suspension shall be subject to any conditions which may be specified in writing by the Council,

- (b) The suspension of a pay and display parking ticket machine or a ticket parking place shall be indicated by the placing thereon of a sign or other device clearly indicating that it is non-operational or by the temporary removal of the pay and display parking ticket machine and the erection of a sign indicating that the parking of vehicles is prohibited in the ticket parking place.
- (c) It shall be an offence to breach a condition specified in writing by the Council when a pay and display ticket parking machine or a ticket parking place is being suspended. In the event of vehicles being parked in contravention of these conditions they shall be deemed to be unlawfully parked for the purposes of the Road Traffic Acts and any Regulations made thereunder.

Interference.

- 14. (a) No person shall insert any coin, article, or object, other than the coins specified for the purchase of a pay and display parking ticket, in a pay and display parking ticket machine, or interfere in any other way with a pay and display parking ticket machine in a ticket parking place.
- (b) No person other than an agent of the Council, a member of the Garda Síochána, an authorised person, or a Traffic Warden shall interfere in any way with a hood, sign or other device placed on a pay and display parking ticket machine in a ticket parking place.
- (c) A person shall not interfere with, alter or deface a pay display parking ticket.

Part 3 - Parking Permit for Residents

Definitions for Part 3

- 15. In this part of these bye-laws
 - “**acceptable evidence**” means certification, proofs or information required by the Council.
 - “**owner**” means a resident by whom a vehicle is habitually kept and used;
 - “**resident**” means a person, other than the occupant of a purpose built apartment block or a premises which has more than 4 residential units, who satisfies the Council that his/her normal dwelling place is at a premises situated in a street in a ticket parking place;
 - “**resident’s parking permit**” means a document issued by the Council or its agents for the purposes of bye-laws 16 to 22 and containing the particulars specified in bye-law 17;

“valid resident’s parking permit” means a resident’s parking permit issued in respect of the vehicle on which the resident’s parking permit is displayed which relates to the ticket parking place in which the vehicle is parked or the nearest Council controlled carpark and to a period which has not expired and which is issued by the Council or its agents.

“vehicle” means

- (a) a passenger vehicle with passenger accommodation for not more than twelve persons excluding the driver and not drawing a trailer or other vehicle
- (b) a goods vehicle whose unladen weight does not exceed 3 tonnes and not drawing a trailer or other vehicle

Non-application
bye-laws 6 to 12 of
these bye- laws.

16. Bye-laws 6 to 12 of these bye-laws shall not apply to the parking of a vehicle in a ticket parking place if there is displayed, in accordance with bye-law 19 of these bye-laws, in the vehicle when it is so parked, a valid resident’s parking permit appropriate to that place.

Particulars of
residents
parking permit.

17. A resident’s parking permit shall contain the following particulars -
- (a) the registration number of the vehicle in respect of which it is issued,
 - (b) the ticket parking place to which it relates, or the Council controlled car park
 - (c) the date of expiry of the residents parking permit,

Permission to
park vehicle
displaying
residents
parking permit.

18. The display, in accordance with bye-law 19 of a valid resident’s parking permit on the vehicle in respect of which the permit was issued, shall permit the vehicle to be parked without limitation as to time in a parking place in the ticket parking area to which the permit relates.

Display of
residents
parking permit.

19. A valid resident’s parking permit shall be so displayed in the interior of the vehicle in respect of which it is issued that it can be read from outside the vehicle.

Interference
with residents
parking permit

20. Where a vehicle displaying a resident’s parking permit is parked in a parking place a person shall not interfere with the residents parking permit

Issue of, and
fee for residents
parking permit

21. (1) A resident’s parking permit may be issued by the Council or its agents in respect of the parking of a vehicle in a ticket parking place. The resident’s parking permit will be subject to an annual fee which will be determined by the Council and may be amended from time to time.

- (2) A resident's parking permit may be issued by the Council or its agents subject to the provisions of subsection 3 of this bye-law in respect of one vehicle of which the resident is the owner where the Council is satisfied, following production of acceptable evidence, that the applicant is resident in a street in the ticket parking place to which the permit will relate and that the vehicle is normally kept at the residents normal dwelling place in that street. The residents parking permit shall be granted for a period of one year from the date of issue, in respect of that vehicle and for the ticket parking place to which the permit relates.
- (3) (i) Where the premises is a single housing unit, one permit only for a street parking area shall be issued. Additional residents may be catered for in the nearest Council controlled car park
- (ii) Where the premises consists of not more than one residential unit, one permit only for a street parking area shall be issued. Additional residents may be catered for in the nearest Council controlled car park
- (iii) Where off street car parking has been provided or is required to be provided pursuant to a planning permission in respect of any premises, a residents parking permit will not be issued to any resident thereof.

Issue of replacement resident's parking permit

22. Where the Council is satisfied that a valid residents parking permit has been lost, destroyed or stolen the Council or its agents shall issue a replacement to the owner on payment of the appropriate fee and such replacement disc shall be substituted for the original disc and the original disc shall be void.

Return of resident's parking permit

23. Where, during the period to which a resident's parking permit relates, the holder ceases to reside at the address notified at the time of issue of the permit or ceases to be an owner by disposing of the vehicle to which the permit relates he shall return the resident's parking permit to the Council or its agents.

Transfer of parking permit

24. If the holder of a resident's parking permit for a vehicle replaces that vehicle with another the Council or its agents may, following the surrender of the original permit, issue a resident's parking permit in respect of the new vehicle which shall be valid for the remainder of the period specified on the original permit.

Display of a void resident's parking permit

25. It shall be an offence to display a void residents parking permit.

Part 4 Car Parks

General

26. No person shall use a car park for any purpose other than for the parking of a mechanically propelled vehicle.
27. A vehicle shall not be parked in a car park for any period exceeding eighteen hours in any period of twenty four hours.
28. No person shall park or cause to be parked in a car park a vehicle 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.
29. No person shall park or cause to be parked in a car park a vehicle in such a position that it or any portion of it extends from one parking bay to another.
30. No person shall 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.
31. (a) A vehicle while parked in a car park shall not be used for advertising purposes or 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.
(b) This bye-law shall not operate so as to prohibit casual trading in accordance with the Casual Trading Act, 1995.
32. No person shall 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 equipment, fitting instruments fitted to or carried on the vehicle or any loudspeaker or radio in or on or in any way connected with the vehicle.
33. Every person using a car park shall comply with any lawful direction given by an agent, officer or employee of the Council, 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.
34. No person shall in any car park wilfully obstruct, disturb, interrupt or annoy any agent, officer or employee of the Council, or a member of the Garda Síochána 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 a car park by Council staff or agents.
35. (a) A person shall not in any car park resist, obstruct or aid or incite any person to resist or obstruct any agent, officer or employee of the Council or a member of the Garda Síochána in

the execution of his or her duty or lawful exercise of his or her authority.

(b) Where an agent, officer or employee of the Council or a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under these bye-laws, that person shall give on demand his or her name and address to the agent, officer or employee of the Council or member of the Garda Síochána.

(c) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under Section 35. (b) of these bye-laws, that member may arrest the person without warrant, for the purpose of verifying the persons name and address.

36. Where a person is requested by an agent, officer or employee of the Council or a member of the Garda Síochána to leave a car park the person shall comply with such request.
37. An agent, officer or employee of the Council shall produce, if requested to do so, evidence of his or her identity and employment by the Council to any person alleged by him or her to be in breach of these bye-laws or has been requested to leave a car park under these bye-laws.
38. A vehicle shall not be parked in a car park
- (a) on that side of a section of roadway in a car park, along the edge of which traffic sign number RRM008 [double yellow lines] has been provided;
 - (b) on a footway, grass margin, or a median strip within the car park;
 - (c) on a part of the car park which is a casual trading area, during hours of trading, unless the vehicle is for the time being in use for the purposes of casual trading;
- Conditions for parking in car parks 39. A vehicle which is parked in a car park in accordance with these bye-laws shall, where parking bays are provided at that car park, be parked within the area comprising the parking bay.
- Disabled persons Parking bay 40. (1) Subject to paragraph (2) of this bye-law, where traffic sign RRM015 [Disabled Persons Parking Bay] is provided, a vehicle shall not be stopped or parked.
(2) paragraph (1) of this bye-law shall not apply to a vehicle in which is displayed a valid disabled person's parking permit and which is parked for the convenience of the person to whom the permit was granted
- Free Parking Space 41. This bye-law applies to a vehicle which is parked in a free parking space:
(a) a free parking space shall be indicated by signs or other markings which shall contain the words "Free Parking Space"
(b) bye-law 8 shall not apply to a vehicle which is parked in a free parking space.

- Reserved Parking Space 42. This bye-law applies to a vehicle which is parked in a reserved parking space:
 (a) a reserved parking space shall be indicated by signs or other markings which shall contain the word “Reserved”
 (b) a vehicle shall not be stopped or parked in a reserved parking space, other than a vehicle authorised by the Council
 (c) bye-law 8 shall not apply to an authorised vehicle which is parked in a reserved parking space.

Part 6 – Special and Employee Permits

- Parking Permits 43. The Council may issue parking permits for parking within designated areas in ticket parking places. The display of this permit shall exempt the owner of the vehicle described on the permit from bye-law 8 and bye-law 11 of these bye-laws.
- Employee Permits, Fee and duration 44. An employee parking permit may be issued by the Council or its agents in respect of one vehicle of which the employee is the owner where the Council is satisfied, following production of acceptable evidence that the applicant is an employee of a business in the area of application of these bye-laws. The employee permit shall be granted for a period of one year or month from the date of issue, in respect of that vehicle and for the ticket parking place to which the permit relates. An annual or monthly fee will apply which will be determined from time to time by the Council.
- Display of Employee permit 45. A valid employee parking permit shall be so displayed in the interior of the vehicle in respect of which it is issued that it can be read from outside the vehicle.
- Display of a void Employee permit 46. It shall be an offence to display a void employee parking permit.

Part 7 - Miscellaneous

- Non-application of Bye-laws 6 to 12, 47. Bye-laws 6 to 12, of these bye-laws shall not apply to:
 (a) a vehicle being used in connection with the removal of an obstruction to traffic, the removal of a vehicle pursuant to section 97 of the 1961 Road Traffic Act as amended, the immobilisation and release of vehicles, 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 telephone line or the provision of a traffic sign,

- (b) a fire brigade vehicle, an ambulance or a vehicle being used by a traffic warden, an authorised person or a member of the Garda Síochána or the Defence Forces in the performance of his/her duties as such member.
- (c) a vehicle in which a valid disabled persons permit is displayed and which is parked for the convenience of the person to whom that permit was granted if the permit is prominently displayed on the vehicle when that vehicle is parked in a ticket parking place.

Made and adopted under the common Seal of Westmeath County Council

this 26th day of October, 2011 which Seal was affixed hereto

Present when the Seal of the Council was affixed hereto

B. Coughlan

Administrative Officer

M. Cooney
Chairman

SCHEDULE 1

Current Fees

(a) The functional area of the Council shall be divided into Zones A, B, C, D and E and each ticket parking area shall be assigned to, and form part of, a zone. Zones shall be as indicated on the appropriate pay and display parking ticket machine and/or information sign.

(b) The parking fee for a pay and display parking ticket for an appropriate ticket parking area shall be as follows:

- (i) **Zone A – maximum stay of one hour**
- | | | |
|------------------|---|-------|
| 0 to 20 minutes | - | €0.30 |
| 21 to 40 minutes | - | €0.60 |
| 41 to 60 minutes | - | €1.00 |
- (ii) **Zone B – maximum stay all day**
Minimum fee €0.50
- | | | |
|-------------------|---|-------|
| 0 to 1 hour | - | €1.00 |
| 1 to 2 hours | - | €2.00 |
| Maximum daily fee | - | €3.00 |
- (iii) **Zone C – free parking**
- (iii) **Zone D – maximum stay of two hours**
Minimum fee €0.50
- | | | |
|--------------|---|-------|
| 0 to 1 hour | - | €1.00 |
| 1 to 2 hours | - | €2.00 |
- (iv) **Zone E – maximum stay all day (Monday to Friday)**
Maximum daily fee - €1.00

These fees may be revised from time to time by the Council.

- **Annual Employee Permits** - €200 for payment in full prior to issue of permit or €20 per month by Standing Order.
- **Monthly Permits** - €25 per month payable prior to issue of permit
- **Residents Permits** - €25 per annum payable prior to issue of permit