



Comhairle Chontae na Gaillimhe
Galway County Council

CLEGGAN CARPARKS BYE-LAWS 2016

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GALWAY COUNTY COUNCIL (hereinafter referred to as “the Council”) in exercise of the powers conferred on them by Section 101 of the Roads 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 Roads Traffic Act 1994 (No. 7 of 1994), hereby makes the following bye laws:-

PART 1: PRELIMINARY

Short Title

1. These Bye-Laws shall be known as Galway County Council Cleggan Car Parks Bye-Laws 2016.

Area of Application

2. These Bye-Laws apply to car parks provided by the Council as specified hereunder:
 - i. Cleggan Carpark, Cleggan, Co. Galway
 - ii. Head of Pier Carpark, Cleggan, Co Galway

Commencement

3. These bye-laws will come into operation on 27th June 2016.

Interpretation

4. In these Bye-Laws:

“**agent of the council**” means any person employed by the 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 of 1968) (No. 25 of 1968) of the Road Traffic Act, 1961.

“**car park**” means the car parks referred to at 2 above.

“**council**” means the Galway County Council

“**designated parking bay**” means parking bays identified as being for the parking of vehicles in Cleggan Carpark, by persons who are the holders of a valid Inishbofin residents parking permit.

“disabled person’s parking bay” means a space intended for the parking of a mechanically propelled vehicle in which is displayed a valid disabled person’s parking permit;

“disabled person’s parking permit” means a parking permit for a person with a disability issued under Article 43 of the Regulations of 1997.

“information plate” means an information plate accompanying a traffic sign, which indicates the period during which a valid pay & display parking ticket must be displayed and the maximum parking period if any.

“local authority” means the Galway County Council.

“normal employment” means fulltime service for at least 183 days per year.

“normal place of residence” means the domestic housing unit where a person lives and resides overnight for more than 183 days per year.

“operational hours” means all day for each and every day ie. Monday to Sunday inclusive.

“owner” means a person named on the vehicle licensing certificate or vehicle log book

“parking bay” means a space in a car park intended for the parking of one mechanically propelled vehicle or, where the space is intended for the parking of motorcycles, or more than one such vehicle, and so indicated by surface or other signs or markings.

“pay and display car park” means a car park where the parking of vehicles is subject to the exhibition of a valid pay & display parking ticket or a valid parking permit, in accordance with these Bye-Laws and which is indicated by an information plate.

“pay & 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.

“regular use” means the use of the main pier in Cleggan Harbour, as the main base for a vessel for more than 270 days per year.

“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).

“traffic warden” has the meaning assigned to it by Section 2 (3) of Local Authorities (Traffic Wardens) Act 1975 (No. 14 of 1975);

“valid disabled person’s parking permit” means such a parking permit which has not expired.

“valid Inishbofin resident’s parking permit” means a parking permit issued by the Council to a vehicle owner whose normal place of residence is situated on the island of Inishbofin.

“valid Cleggan Harbour user parking permit” means a parking permit issued by the council to a vehicle owner whose normal employment is serving on vessels which make regular use of the main pier at Cleggan Harbour.

“valid pay & display parking ticket” means a pay & display parking ticket which has been issued by the Council by means of a pay and display machine indicating the time, date and year of issue of the ticket and the time at which it ceases to be valid and which has not expired.

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

“vessel” means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water and includes:

- (b) a passenger vessel, in regular use, engaged in the conveyance of passengers by sea,
- (c) a cargo vessel, in regular use, engaged in the conveyance of goods or merchandise by sea,
- (d) a fishing vessel, in regular use, engaged in sea-fishing, and includes any vessel or boat used for the treatment of fish or partly or wholly for the transport of fish,
- (e) Any vessel or boat used for recreational fishing or the facilitation of recreational activities.

PART 2: GENERAL

5. It shall be an offence to park a vehicle in a car park to which these Bye-Laws apply other than in accordance with the said Bye-Laws.
6. A person shall not use a car park for any purpose other than parking a mechanically propelled vehicle except with the prior written approval of the Council.
7. Parking of buses and coaches with a seating capacity in excess of eight passengers in Cleggan Car Parks is prohibited.
8. A vehicle shall not be driven within Cleggan Car Parks in excess of a speed of 15 kilometres per hour.
9. A vehicle shall not be driven in Cleggan Car Parks contrary to the flow of traffic in the car park indicated by ground or other markings or signs.

Conditions for parking in Cleggan Car Parks

10. A vehicle shall not be parked in Cleggan Car Parks except fully within a parking bay. It shall be deemed an offence to park other than in this way and a prosecution may follow.
11. A person shall not park or cause to be parked in Cleggan Car Parks 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 or traffic within the car park.
12. A person shall not overhaul or carry out repairs to a vehicle while it is parked in Cleggan Car Parks save where it is necessary to do so in order to enable the vehicle to be removed from the car park.
13. A vehicle while parked in Cleggan Car Parks 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.
14. A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in Cleggan Car Parks 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.
15. A person shall not throw, place or leave any bottle, or broken glass, nail, litter or other substance on or in Cleggan Car Parks, and a person shall not at any time play any ball or other game in these car parks.

Co-operation with Council staff, agents & Gardai

16. A person shall give on demand to an agent, officer or employee of the Council or a member of the Garda Síochána his or her name and address and a person shall not, in Cleggan Car Parks, 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.
17. Every person using Cleggan Car Parks shall comply with any lawful direction given by an agent, officer or employee of the Council, or a member of the Garda Síochána.
18. Where a person is requested by an agent, officer or employee of the Council or a member of the Garda Síochána to leave a Cleggan Car Park, the person shall comply with the request.
19. 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 who has been requested to leave a Cleggan Car Park under these Bye-Laws.

Suspension of Parking in Cleggan Car Parks

20.

- (a) The Council or its agents may suspend from operation Cleggan Car Parks. The suspension shall be subject to any conditions, which may be specified in writing by the Council, including the payment of a fee/fees by the person requesting the suspension.
- (b) The suspension of parking in Cleggan Car Parks may be indicated by the placing of a sign or other device clearly indicating that it is non-operational or by the temporary removal from operation of the pay and display parking ticket machine and the erection of a sign indicating that the parking of vehicles is prohibited in the car park.
- (c) It shall be an offence to breach a condition specified in writing by the Council when parking in Cleggan Car Parks 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.

Disabled Person's Parking Bay

21. A person shall not park a vehicle in a Disabled Person's Parking Bay without having displayed therein a valid Disabled Person's Parking Permit.

Disabled Person's Parking Permit

22. Where a disabled person holds a "disabled person's parking permit" issued under Article 43 of the Regulations of 1997, Bye-Law 23 of these Bye-Laws shall not apply to a specified vehicle parked for the convenience of the person to whom that permit was granted. A valid disabled person's parking permit shall be so displayed in the interior of the vehicle in respect of which it was issued so that it can be read from outside the vehicle.

PART 3: PARKING SYSTEM (PAY AND DISPLAY)

Obligation to display a valid Pay & Display Parking Ticket in Cleggan Car Park

23. Where a vehicle is parked in Cleggan car park during operational hours the following shall be displayed in accordance with the provisions set out in this Bye-Law:

A "valid pay and display parking ticket" in the following manner:

- i. a valid pay and display parking ticket issued in respect of the vehicle shall be so exhibited in the interior of the vehicle, on the dashboard or window which is closest to the footpath, so that a person outside the vehicle can ascertain by reference to the pay & display parking ticket, when the pay & display parking ticket ceases to be valid.
- ii a valid pay and display parking ticket shall be exhibited in accordance with Bye-Law 23 i for so long as the vehicle is parked in Cleggan car park.

Interference with a Pay and Display Parking Ticket Machine and/or a Pay & Display Parking Ticket

24.

- (a) Where a vehicle is parked in Cleggan car park in compliance with these Bye-Laws, a person shall not interfere with a pay & display parking ticket exhibited in the vehicle.
- (b) A person shall not damage a pay and display parking ticket machine.
- (c) A person who is not an agent of the Local Authority, a member of the Garda Síochána in uniform, an authorised person or a traffic warden, shall not interfere with a pay and display parking ticket machine.

Method of Payment of Parking Fees

25. (a) A pay & display parking ticket shall be purchased from a pay & display parking ticket machine.
- (b) The fee for the pay and display parking ticket shall be payable by means of any combination of valid coins or by a payment card.
 - (b) Payment by cash shall be made by insertion of the appropriate amount, for the parking time required, in the pay & display parking ticket machine in order to obtain a valid pay & display parking ticket.
 - (c) Payment by a payment card shall be made by inserting the payment card into the pay & display parking ticket machine and following the instructions thereon to obtain a valid pay & display parking ticket.

26. The fee for a pay & display parking ticket shall be as set out hereunder;

- **Pay & display parking ticket - €1 per hour between 9.30 am and 6.30 pm each day**
- **€5 for day 1 (24 hours)**
- **€10 for up to 3 days**
- **€15 for up to 5 days**
- **€20 for up to 7 days**
- **€3 per day from day 8 onwards.**

PART 4 – PARKING PERMITS

Inishbofin Residents Parking Permit to park in Designated Parking Bays within Cleggan Car Park.

Fee for and issue of, Inishbofin Residents Parking Permit

27. The fee for an Inishbofin residents parking permit, shall be €10.
28. One Inishbofin residents parking permit may be issued, in respect of one vehicle per household on Inishbofin Island and will be valid for a period of one year from the date of issue.

Display and particulars of Inishbofin Residents Parking Permit

29. A valid Inishbofin residents parking permit shall be so displayed in the interior of the vehicle in respect of which it was issued, so that it can be read from outside the vehicle. It shall contain the following particulars:
- (a) the name of the Council,
 - (b) the registration number of the vehicle in respect of which it is issued,
 - (c) the date of expiry,
 - (d) the car park to which it relates

Permission to park a vehicle displaying an Inishbofin Residents Parking Permit

30. The display of a valid Inishbofin residents parking permit in accordance with bye-law number 29 shall permit the vehicle to be parked without limitation as to time, in designated parking bays, within Cleggan Carpark.

Cleggan Harbour User Parking Permit to park in Head of Pier Carpark, Cleggan

Fee for and issue of, Cleggan Harbour User Parking Permit

31. The fee for a Cleggan Harbour User Parking Permit, shall be €10.
32. Cleggan Harbour User Parking Permits, will be issued in respect of vehicle owners, who are employed for more than 183 days per year on a vessel, which uses the Main Pier in Cleggan as its base for more than 270 days per year.

The overall number of Cleggan Harbour User Parking Permits which may be issued will be limited to 14.

Cleggan Harbour User Parking Permits will be valid for a period of one year from the date of issue.

Display and particulars of Cleggan Harbour User parking permit

33. A valid Cleggan Harbour user parking permit shall be so displayed in the interior of the vehicle in respect of which it was issued, so that it can be read from outside the vehicle. It shall contain the following particulars:

- (a) the name of the Council,
- (b) the registration number of the vehicle in respect of which it is issued,
- (c) the date of expiry,
- (d) the car park to which it relates

Permission to park a vehicle displaying a Cleggan Harbour User Parking Permit

34. The display of a valid Cleggan Harbour user parking permit in accordance with bye-law number 33 shall permit the vehicle to be parked, for a maximum of 24 hours within any 48 hour period, within the Head of Pier Carpark, Cleggan.

Return and Transfer of Parking Permits

35. (i) Where during the period to which an Inishbofin residents parking permit relates, the resident to whom it is issued, ceases to reside at the address specified on the permit or ceases to be the vehicle owner, by disposing of the vehicle to which the permit relates, the permit shall then cease to be valid and it shall be returned to Galway County Council. An Inishbofin residents parking permit is non-transferable.

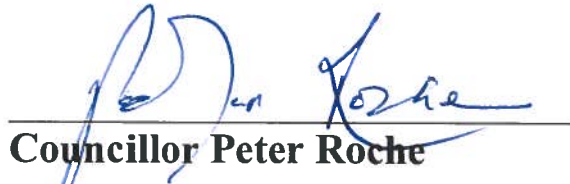
(ii) Where during the period to which a Cleggan Harbour user permit relates, the harbour user to whom it is issued, ceases to be a harbour user or ceases to be the vehicle owner, by disposing of the vehicle to which the permit relates, the permit shall then cease to be valid and it shall be returned to Galway County Council. A Cleggan Harbour user parking permit is non-transferable.

36. In any prosecution for an offence under these Bye-Laws, a Pay & Display Parking Ticket Machine relied on in such prosecution shall be presumed, until the contrary is shown by the Defendant, to have been duly placed there under these Bye-Laws and to have been accurate and in good working order.

Made and Adopted under the Common Seal of Galway County Council

DATED THIS 23rd DAY OF MAY 2016

**Present when the Common Seal of Galway County Council was
affixed hereto:**



Councillor Peter Roche

Cathaoirleach of the County of Galway

