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The Municipal District of Carlow

Carlow County Council

Parking Control (Pay Parking) Bye-Laws 2021

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THE MUNICIPAL DISTRICT OF CARLOW

PARKING CONTROL (PAY PARKING) DRAFT BYE-LAWS 2021

The Municipal District Council of Carlow (herein after referred to as “the Council” in exercise of the powers vested in them under Section 36 of the Road Traffic Act 1994 (No. 7 of 1994) (as amended), Section 131A (1) (a) and paragraph 26 of Schedule 14 A (inserted by Section 21 (3) of the Local Government Reform Act, 2014) of the Local Government Act, 2001 (as amended) and all other enabling powers and having consulted with the Commissioner of An Garda Síochána in accordance with Section 36 (3)(a) of the Road Traffic Act, 1994, hereby makes the following Bye-Laws for the control and regulation of the parking of vehicles in parking places on public roads in the Municipal District of Carlow Town.

**PART 1
Preliminary**

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| Short Title | 1. | These Bye-Laws may be cited as the Municipal District of Carlow (Parking Control) Pay Parking Bye Laws 2021. |
| Commencement | 2. | These Bye-Laws shall come into operation on:
19th July 2021 |
| Area of Application | 3. | These Bye-Laws apply to all Parking Places in the Municipal District of Carlow located in Carlow Town within the areas shown on Drawings BL1-BL20 appended to the schedule hereto and incorporated in these Bye-Laws. |
| Revocation | 4. | From and after the date on which these Bye-Laws shall come into operation the Carlow Town Parking Bye-Laws 2010 and all amendments to same shall be and are hereby revoked. |
| Interpretation | 5. | In these Bye-Laws, except where the context otherwise requires the following words and expressing shall have the meanings hereby respectively assigned to them: |
| “the Act of 1961” | | means the Road Traffic Act, 1961 (24 of 1961); |
| “the Act of 1968” | | means the Road Traffic Act, 1968 (25 of 1968); |
| “the Act of 1993” | | means the Roads Act, 1993 (no. 14 of 1994); |
| “the Act of 1994” | | means the Road Traffic Act, 1994 (no. 7 of 1994); |
| “The Road Traffic Acts” | | means the Road Traffic Acts 1961 to 2014; |

“the Signs Regulations”	means the Road Traffic (Signs) Regulations 1997 (as amended);
“the National Regulations”	means the Road Traffic (Traffic and Parking) Regulations 1997 (as amended) to 2016;
“the Council”	means Carlow Municipal District of Carlow County Council;
“Acceptable Evidence”	means (i) A current insurance certificate confirming that the vehicle is normally kept by the resident at the resident’s address in the residents parking place to which the permit will relate, and (ii) A vehicle licencing certificate or a vehicle registration book confirming that the resident applying for a residents parking permit is the registered owner of the vehicle in respect of which the application for a residents parking permit is being made and that the vehicle is registered at the resident’s address in the residents parking place to which the permit will relate, or (iii) Where the applicant is not the registered owner of the vehicle in respect of which the application for a residents parking permit is being made, the vehicle licensing certificate or a vehicle registration book for the vehicle, satisfactory documentary evidence from the registered owner that the vehicle is normally kept by the applicant at the residents address in the residents parking place to which the permit will relate and evidence from the Revenue Commissioners that a vehicle owned by the registered owner is normally kept by the applicant, and (iv) A driving or provisional licence in the name of the resident applying for the residents parking permit and (v) Any two of the following documents being utility bills, bank statements or other documentation, acceptable to the Council, addressed to the applicant at his / her address in the residents parking place to which the residents parking permit will relate, and (vi) Tenancy agreement or proof of ownership of the residential property and (vii) Any other information which may be requested by Carlow County Council.
“Age Friendly Parking”	means parking spaces at defined locations with Age Friendly Parking signage providing convenient parking for the over 55 age group. The applicable pay parking fee is payable for using these spaces as applied in each of the Parking Zones A, B, C and D.
“Authorised Person”	has the meaning assigned to it by Section 103 (8) as inserted by the 1968 Act) of the 1961 Act.
“Authorised Outlet”	means a point of sale outlet appointed by the Council or its agent to facilitate a cashless parking system.

“Buffer Area”	means an area between two parking bays.
“Business Hours”	means the period from 8:30 a.m. to 18:30 p.m. on Monday to Saturday.
“Charging Hours”	means in respect of a Parking Place those hours during which a vehicle may only be permitted to park in the Parking Place upon payment of a fee specified in Part III of these Bye-Laws.
“Coach Parking”	means an area designated for the parking of Coaches or Buses where traffic sign F 205 with an accompanying information plate indicates the operation of Coach Parking.
“Disc Parking Place”	means a place on a Public Road indicated by Traffic Sign number RRM 016 where the parking of Vehicles is subject to the display of a Resident’s Parking Disc in accordance with these Bye-Laws.
“Disabled Parking Permit”	means a permit granted in accordance with Article 43 of the Regulations of 1997.
“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.
“Enactment”	means an Act or a statutory instrument or any portion of an Act or statutory instrument.
“Exemption Permit”	means a document issued by the Council, valid for a stated period of time which permits a specified vehicle to be parked without displaying a pay and display parking ticket or a parking disc and without a time limitation, in a pay and display parking place or disc parking place.
“Goods Vehicle”	means a vehicle used exclusively for carrying goods or burden in the course of trade or business and taxed for commercial purposes as a goods vehicle.
“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 (no. 20 of 1997).
“Information Plate”	means a plate accompanying a Traffic Sign which contains information in regard to the permission, restriction or prohibition, including the days and hours when the permission, restriction or prohibition applies and or the length of time to which parking is restricted.

“Loading Bay Sign”	means that portion of a Public Road indicated by means of Traffic number RRM 009 which is provided for the temporary parking of Goods Vehicles for a period of no more than 30 minutes for Loading or Unloading purposes.
“Loading or Unloading”	refers to when a Goods Vehicle is parked in a Loading Bay for the purpose of delivering or collecting goods or merchandise or Loading or Unloading the Goods Vehicle at premises adjacent to the Loading bay and the Goods Vehicle does not park for more than 30 minutes for such purposes from the period of 8.30am to 18.30pm daily.
“Meter Parking Place”	means a place on a Public Road where the parking of Vehicles is subject to the payment of a fee in accordance with Part III of these Bye-Laws by means of parking meters, Ticket Dispensing Machines or other modes of Pay and Display.
“Mobile Phone Payment”	means payment by mobile phone which can be used for the payment of goods and services either whether by means of credit, direct debit or charging the mobile phone holders account.
“Park”	in relation to a vehicle, means keep or leave stationary and cognate words shall be construed accordingly.
“Parking Bay”	means a space within a Parking Place intended to be used for the parking of a single Vehicle delineated or indicated by boundary markings painted upon the surface of the Parking Place sufficient to differentiate the space within such markings from the adjacent surface of the Parking Place and for which a fee is payable for parking during the Charging Hours pursuant to these Bye-Laws.
“Parking Fee”	means any fee to which reference is made in these Bye-Law 14 for the parking of a Vehicle in a Parking Place.
“Parking Place”	means a Meter Parking Place or a Disc Parking Place and includes any part thereof within the areas shown on Drawing No. 1 for the parking of Vehicles where any one of the following Traffic Sign Numbers RRM 011, RRM 012, RRM 013, RRM 014 or RRM016 authorised by the Signs Regulations is provided and for which a fee is payable in accordance with Part III of these Bye-Laws.
“Pay and Display”	means a type of Parking Place where upon parking a Vehicle in a Parking Bay within the Parking Place and prior to leaving the Parking Place a Pay and Display Ticket must be purchased for the appropriate Parking Fee and displayed in the Vehicle.
“Pay and Display Ticket”	means a ticket receipt for payment of the appropriate Parking Fee purchased or obtained for a period and issued by a Ticket Dispensing

Machine or parking meter located in the Parking Place in which the Vehicle has been parked and which specifies

- (i) Carlow County Council as the issuing authority
- (ii) The amount of the fee paid in respect of the ticket
- (iii) The year, date and time of the issue of the ticket
- (iv) The date and time of the expiry of the ticket
- (v) The location of the Parking Place where the ticket is valid.

“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 inserted into the machine.

“Pay by Phone operator”

means an operator authorised by the council to take payment for a parking fee, by means of phone call, SMS text, mobile phone App or via some other means as decided by the Council.

“Pay by Phone Parking Ticket”

means a parking ticket obtained from a pay by phone operator where

- (i) The person has registered their details as may be required with the phone operator
- (ii) The person has activated the pay by phone ticket by communicating with the pay by phone operator, by text, phone, mobile phone app or via some other electronic means indicating the parking place they wish to park and the time period for which they wish to park whereupon the persons account is debited with the appropriate fee payable and the pay by phone ticket is credited with the period of time paid for in the specified parking place
- (iii) Provided the period paid for has not expired.

“Payment Card”

means any card which can be used for the payment of goods and services whether by means of credit, direct debit or charging the cardholders account.

“Pay Parking Zone”

means the street or streets or carpark specified on a resident’s Parking Disc.

“Public Road”

has the meaning assigned to it in Section 2 (1) of the Act of 1993.

“Residents Parking Disc”

means a Disc issued by the Council to a resident which specifies;

- (i) Carlow County Council as the issuing authority
- (ii) The registration number, colour, make & model of the Vehicle in respect of which it is issued.
- (iii) The date of expiry

- (iv) The name of the street or streets or car park where the disc entitles the resident to park the Vehicle pursuant to the provisions of Part VI of these bye-laws.

“Schedule” means a separate document forming part of these bye-laws and which should be read together with these bye-laws containing information regarding fees, charges and specification of locations relating to these bye-laws which may be amended from time to time by the Council. The latest, dated, approved version of each Schedule should be taken as the current version in conjunction with these bye-laws.

“Set Down Only” means to allow for the set down/collection of goods or persons and a driver of the vehicle should be in attendance.

“Ticket Dispensing Machine” means an apparatus which is capable of automatically issuing a Pay and Display Ticket when the appropriate Parking Fee prescribed in Part III of these Bye-Laws is inserted into the machine which permits the parking of a Vehicle in the Parking Place for the period specified in the ticket.

“Traffic Sign” has the meaning assigned to it by Section 95 (as amended by Section 78 of the Act of 2019) of the Act of 1961;

(i) A reference in these Bye-Laws to a Traffic Sign means a reference to a Traffic Sign specified in the Signs Regulations and any number referred to it in association with a Traffic Sign is the number allocated to the sign in those Regulations.

(ii) A reference to a Ticket Dispensing Machine shall be construed as a reference to any Ticket Machine which is provided by the Council and situated within the boundaries of the Town of Carlow.

(iii) A reference in these Bye-Laws to an Information Plate accompanying a Traffic Sign means an Information Plate indicating the period (which shall include the days and hours) when the allowance, restriction or prohibition indicated by such Traffic Sign applies.

(iv) A reference in these Bye-Laws to the Loading of Goods shall be taken to include the supplying of fuel for the operation of a vehicle.

(v) A reference to any Enactment in these Bye-Laws shall be construed as a reference to that Enactment as amended, applied, consolidated, re-enacting the same.

(vi) 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.

(vii) 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 Drawing incorporated into these Bye-Laws.

(viii) Headings are for ease of reference only and shall not affect construction.

(ix) The requirements, prohibitions and restrictions imposed by these Bye-Laws shall be in addition and not in derogation from any requirement, prohibition or restriction imposed by the National Regulations or under any other Enactment.

“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 Parking Place in which the vehicle is parked.

“Vehicle”

means an electric powered or mechanically propelled Vehicle (other than a mechanically propelled wheelchair or a pedal cycle) which is designed or constructed for the carriage of not more than 12 passengers and not drawing a trailer.

PART II

Use of Parking Places

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| Use | 6. | Each Parking Place within the areas shown on Drawing No. 1 may be used, subject to these Bye-Laws, as a place to Park or leave Vehicles of such classes, in such positions, on such days, during such hours and for such periods as are specified at each Parking Place by means of a Traffic Sign, Information Plate or Ticket Dispensing Machine. |
| Positioning Of Vehicle | 7. | No person shall cause or permit a Vehicle to stop, park or wait in a Parking Place other than in a Parking Bay, or in such a manner that any wheel of that Vehicle is located outside the markings defining the limits of that Parking Place. |
| Obstruction | 8. | Where a Parking Place is available for the parking of a Vehicle, no person shall park or leave a Vehicle in that Parking Place or as the case may be in any Parking Bay within the Parking Place in such a manner as to; <ul style="list-style-type: none"> (i) Obstruct vehicular access to or egress from the Parking Place or any Parking Bay in the Parking Place, or (ii) Obstruct any footway, footpath or pedestrian access way in the Parking Place, or (iii) Otherwise obstruct the free flow of pedestrian or vehicular traffic within the Parking Place. |

(iv) Obstruct cycle lanes.

Electric Vehicle Charging Space	9.	No person shall cause or permit any Vehicle other than an Electric Powered Vehicle to stop, stand, wait, load or unload or otherwise park in a Charging Space within a Parking Place marked and signed for an Electric Powered Vehicle.
Electric Vehicles	10.	No person shall cause or permit any Electric Powered Vehicle to stop, stand, wait, load or unload or otherwise park in a Charging Space within a Parking Place marked and signed for an Electric Powered Vehicle unless the Vehicle is connected to the charging point (via a charging lead provided) at all times but not exceeding 3 hours while it is left at the charging point. Such vehicle shall not return to the same Charging Space on the same day. The applicable parking fee is payable for using these spaces applied in each of the Parking Zones A, B, C and D.
Loading Bays	11.	Parking in Designated Loading Bays is permitted for parking purposes from the hours of 18:30pm to 8.30am daily.
Motor Cycles and Pedal Cycles	12.	No person shall cause or permit a motor cycle or a pedal cycle to park during Charging Hours in a Parking Place of Parking Bay.
Maximum Period Of stay	13.	<p>[1] Where a Pay and Display Parking Place or any Parking Bay within a Pay and Display Parking Space is described by a sign or notice on the Ticket Dispensing Machine as being available for use on specified days during specified hours or for a maximum period of parking, no person shall cause or permit a Vehicle to park in that Parking Place or in any Parking Bay within that Parking Place on any day during such hours or for any period other or longer than that specified.</p> <p>[2] No person shall deposit or cause to be deposited any coins or coins in a Ticket Dispensing Machine for the purpose of extending the parking period beyond the total lawful parking period specified for that Parking Place during the Charging Hours.</p> <p>[3]) No Vehicle for which a Parking Fee has been paid which has been taken away from a Pay and Display Parking Place during the charging hours after the parking fee has been incurred, shall stay until the expiration of one hour from the time the Vehicle was taken away shall be parked in that Pay and Display Parking Place during the Charging Hours.</p> <p>[4] Where a Vehicle which has been lawfully parked in a Parking Place is subsequently lawfully parked in another Parking Place, the period to which the subsequent parking is restricted by Bye-Law 6, shall be reduced by a period equal to the period from the time indicated on the Pay and Display Ticket to the time when the subsequent parking commenced.</p>

PART III

Fees for Parking

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| Payment | <p>14. A person using a Pay and Display Parking Place, or any Parking Bay within a Pay and Display Parking Place, shall upon parking the Vehicle and prior to leaving the Parking Place, purchase a Pay and Display Ticket at the appropriate fee in accordance with the fees specified in Bye-Law 14.</p> <p style="padding-left: 40px;">In locations with age friendly designated parking spaces the relevant parking fee and conditions for that zone shall apply.</p> |
| Parking Fees | <p>15. The Parking Fee for the Parking Place situate in Zones specified as Pay and Display Zones A, B, C, D, as outlined in Schedule Drawings BL1-BL20 shall be;</p> <p>[1] PARKING ZONE A – On Street</p> <p>High Demand Streets for which a Parking Fee of €1.00 per hour shall apply with a minimum charge of €0.50. A maximum stay of 2 hours shall apply for Parking Zone A.</p> <p>VAT shall be applied where required at the appropriate rate.</p> <p>(i) Parking Zone A shall include the following on street locations;</p> <ul style="list-style-type: none"> Tullow Street Upper (includes 2. No Age Friendly parking spaces) Tullow Street Lower Barrack Street Kennedy Avenue (includes 2 no. Age Friendly parking spaces) Potato Market Burrin Street Pembroke Road Haymarket Centaur Street John Street Castle Hill Castle Street Kennedy Street Dublin Street Old Dublin Road Athy Road to its junction with Greenbank Road Staplestown Road to its junction with Bridge Street Bridge Street Pollerton Road to its junction with Bridge Street College Street Montgomery Street St. Josephs Road . |

- (ii) **Parking Zone A – Car Parks** -shall include the following car parks for which a parking fee of €1.20/hr shall apply with a minimum charge of €0.60.

Workman’s Club Carpark located on Charlotte Street and Brown Street

Plás na Saoirse Car Park located on Kennedy Street and Potato Market.

Brown Street Car Park located at Brown Street (includes 2 no. Age Friendly parking spaces

[2] PARKING ZONE B

Long Term Car Parks for which a Parking Fee of €0.60 per hour or €3.60 for all day parking applies.

VAT shall be applied where required at the appropriate rate.

- (i) **Parking Zone B shall include the following car parks;**

Water Lane / Kennedy Street Car Park located at Kennedy Street.

Greenbank Car Park located at Athy Road and Greenbank Road

Bus Park Car Park located at Hanover Bridge

Visual Car Park located at Old Dublin Road (includes 2 no. Age Friendly parking spaces).

Town Hall Carpark located at Cox’s Lane and Barrow Track (€3.00 all day parking applies)

[3] PARKING ZONE C

Lower demand streets and residential areas for which a Parking Fee of €0.60 per hour / maximum stay 2 hours with a minimum charge of €0.50.

VAT shall be applied where required at the appropriate rate.

- (i) **Parking Zone C shall include the following on street locations;**

Chaff Street

Maryborough Street.

[4] PARKING ZONE D

Short Term Parking Zone D shall be marked with “Short Term Parking maximum stay 2 hours” and shall have a zero Parking Fee.

- (i) **Short Term Parking maximum stay 2 hours shall be limited to the following locations;**

Carlow Town Park Carpark (includes 2 no. Age Friendly parking spaces)
Hanover Park Carpark.

[5] SHORT TERM PARKING

Short Term Parking in Zones A, B, and C shall be marked with “Short Term Parking 15 Mins” and shall have a zero-parking fee.

- (i) **Short Term maximum stay 15 minutes areas shall be limited to the following areas only;**

Location	Drawing Number
Railway Road	BL-03
Ninety-Eight Street	BL-04
Dublin Street	BL-06
St. Joseph’s Road	BL-07
Maryborough Street & Chaff Street	BL-08
Dublin Street & Kennedy Avenue	BL-09
Tullow Street Lower	BL-10
Tullow Street Upper & Green Lane	BL-11
Bridge Street	BL-12
Staplestown Road	BL-13
Potato Market & Kennedy Avenue	BL-16
Barrack Street	BL-17

[6] SET DOWN ONLY

Set Down Only in Zones A, B, and C shall be marked with “Set Down Only (No Parking)” as defined in the interpretation and shall have a zero-parking fee.

- (i) **Set Down Only (No Parking) areas shall be limited to the following areas only;**

Location	Drawing Number
Dublin Road and Railway Road	BL-03
Court View/Dublin Road	BL-06
St. Joseph’s Road	BL-07
Burrin Street	BL-09
Pollerton Road	BL-11
Accommodation Road	BL-12
Kennedy Avenue	BL-16

[7] RESIDENTS PARKING

A fee of €50 shall apply to all residents parking permits issued for Zones A to C.

Residents parking permits shall be limited to 2 no. permits per dwelling.

Residents parking discs shall be issued in accordance with the provisions of Part IV of these bye-laws.

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| Manner of payment | 16. | The Parking Fee shall be paid in the manner specified at the Parking Place or on the Ticket Dispensing Machine or by obtaining a Pay and Display Ticket, by inserting the appropriate coin into the Ticket Dispensing Machine or by any other method provided by the Council. |
| Manner of display | 17. | <p>Once a Vehicle has been parked within a Pay and Display Parking Place the driver of the vehicle shall;</p> <p>[1] ensure that a valid Pay and Display Ticket has been obtained and is displayed at all times in the Vehicle that is parked in the Parking Place, and</p> <p>[2] display the Pay and Display Ticket issued at the Parking Place in the Relevant Position on the Vehicle.</p> |
| Validity of Ticket | 18. | A Pay and Display Ticket is valid only in the Pay and Display Parking Place in which it was issued. |
| Additional Ticket | 19. | When a Pay and Display Ticket is purchased for less than the maximum period specified on the Information Plate in relation to that Parking Place, 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 period permitted for that Parking Place. |
| Expiry Time | 20. | The Expiry Time for the use of a Parking Place shall be indicated when there is exhibited on the Vehicle a Pay and Display Ticket and the expiry time printed on the Pay and Display Ticket is earlier than the date displayed on the clock of the issuing Ticket Dispensing Machine. |
| Ticket Expiry | 21. | When the parking of a Vehicle is authorised by a Pay and Display Ticket no person shall keep that Vehicle in the Parking Place for longer than the period permitted by the Pay and Display Ticket. |
| Non-Display | 22. | If at any time while a Vehicle is left in a Pay and Display Parking Place a valid Pay and Display Ticket is not displayed on that Vehicle in the Relevant Position and in accordance with Bye-Law 16, it shall be deemed that the Parking Fee has not been paid or that an appropriate Pay and Display Ticket has not been purchased. |

Absence of Ticket

- Dispensing Machine 23. (1) If at the time when a Vehicle is left in a Pay and Display Parking Place and the nearest Ticket Dispensing Machine is out of order then a Pay and Display Ticket shall be purchased from another Ticket Dispensing Machine within the same Parking Place (where another such machine is so provided). Otherwise Bye-Law 23 (2) shall prevail where there is no Ticket Dispensing Machine or all Ticket Dispensing Machines are out of order.
 (2) Where no valid Pay and Display Ticket can be purchased and displayed pursuant to the circumstances described in Bye-Law 23(1), Vehicles may be left in a Parking Place but may not be left for longer than the maximum period of parking in that Parking Place specified by a Traffic Sign or Information Plate at that Parking Place.
- Interference with Pay And Display Ticket 24. No person shall interfere with a 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 a Ticket Dispensing Machine 25. Any person who with intent to defraud interferes with a Ticket Dispensing 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.
- Pay by Phone Parking 26. Where a Vehicle is parked in a pay parking place during operational hours and a valid pay by phone ticket has been purchased for that vehicle for that location, Bye Law 16 shall not apply.
 ([1] A Pay by Phone ticket shall be purchased from a pay by phone operator.
 [2] The fee for the pay by phone ticket shall be payable by following the relevant instruction of the pay by phone operator.
 [3] The valid pay by phone parking ticket shall be purchased immediately on parking provided that, where a vehicle is parked at a time not during operational hours, the valid pay by phone ticket shall be purchased at the commencement of operational hours.
 [4] A person may, by purchasing an additional pay by phone ticket, park for an additional period, in the same parking place, provided the period for the additional pay by phone ticket so purchased in addition to the period for the original pay by phone ticket purchased for the same pay parking place does not exceed the maximum period permitted as indicated on the appropriate pay and display ticket parking machine or on the information plate.
 [4] The fee for a pay by phone parking ticket shall be fixed by resolution of Carlow Municipal District and outlined in the Carlow County Council schedule of charges.

**PART IV
Resident’s Parking Discs**

Application for Resident’s Parking Disc	27.	<p>[1] A person who satisfied the Council that he is a resident of a property or part of a property whose residential postal address falls within one of the streets in the Town of Carlow to which pay parking applies and is the registered owner of a Vehicle may on application to the Council and at the Councils absolute discretion obtain a Residents Parking Disc.</p> <p>[2] Subject to the provisions of Bye-Law 27(1) the grounds of eligibility for a Residents Parking Disc shall be such as may from time to time be determined by the Council at its absolute discretion.</p> <p>[3] Any application for a Residents Parking Disc shall be made to the Council at such location(s) and at such times as the Council may from time to time determine.</p> <p>[4] An application for a Residents Parking Disc shall be made in such form as may from time to time be specified by the Council and an applicant shall produce such documentary evidence as to entitlement and any other matters considered relevant by the Council as may from time to time be specified by the Council.</p> <p>[5] The Councils decision as to whether;</p> <p>(i) any applicant for a Residents Parking Disc is a resident of a property, or a particular property on a street which is a Parking Place, or</p> <p>(ii) as to whether it is otherwise satisfied as to the eligibility of any applicant to receive a Residents Parking Disc shall be final.</p>
Manner of Display Of Disc	28.	Where a Vehicle is left or parked within a Pay Parking Zone, the owner shall ensure that a valid Residents Parking Disc is displayed at all times in a Relevant Position in the Vehicle to cover the entire period that the Vehicle is left or parked in that Pay Parking Zone.
Validity of Disc	29.	<p>A Residents Parking Disc is valid only in respect of</p> <p>[1] the street or streets in respect of which it is issued, and</p> <p>[2] the Vehicle in respect of which it was issued</p> <p>Up to the date of expiry as shown on the Residents Parking Disc.</p>
Requirement for Compliance	30.	The person to whom a Residents Parking Disc has issued shall abide to the terms and conditions stipulated by the Council for the use of the Residents Parking Disc.
Permission to Park	31.	The display of a valid Residents Parking Disc on a Vehicle in accordance with Bye-Law 28 authorises the owner of that Vehicle to Park without limitation in the Pay Parking Zone in respect of which the Residents Parking Disc was issued.

- Non-display of Disc 32. If at any time while a Vehicle is left in a Pay Parking Zone a valid Residents Parking Disc is not displayed on that Vehicle in the Relevant Position in accordance with Bye-Law 28, it shall be deemed that the Parking Fee has not been paid or that an appropriate Pay and Display Ticket has not been purchased.
- Interference with Disc 33. No person shall interfere or tamper with a Residents Parking Disc. Any improper use of a Residents Parking Disc shall render that disc void.
- Replacement of Disc 34. Where the Council is satisfied that a valid Residents Parking Disc has been lost, stolen, destroyed or otherwise becomes illegible the Council or its agents will issue a duplicate disc (marked as such) upon being satisfied as to the authenticity of the residents Parking Disc concerned, whereon the original Residents Parking Disc will immediately become invalid.
- Return of Disc 35. A Residents Parking Disc shall remain the property of the Council and upon a resident ceasing to reside at the address notified to the Council or ceasing to be the owner of a Vehicle in respect of which the Residents Parking Disc was issued, the Residents Parking Disc shall be returned by the resident to the Council.
- Transfer of Disc 36. The Council may accept the transfer of a Residents Parking Disc to another Vehicle for the unexpired period of the Residents Parking Disc following the surrender of the existing Residents Parking Disc to the Council.
- Move Vehicle 37. The Council reserves the right to request that the holder of a Residents Parking Permit may be asked by an authorised member of staff to move a vehicle to facilitate any event, festival, works or for any other reason that the Council may so determine. Failure to comply with such a request may result in a refusal of any subsequent application by the Residents Parking Permit holder for Residents Parking Permit. Where the holder of a residents' parking permit is asked to move their vehicle an alternative parking location will be provided.

PART V

Exemptions from Payment of Parking Fees

Non-Application of Bye-Laws 14-26

38. Notwithstanding the foregoing provisions of these Bye-Laws, Bye-Law 14 to 26 shall not apply;
- [1] in respect of the use of the Parking Place outside of the Charging Hours, or
 - [2] in respect of the use of the Parking Place for a Vehicle where a valid Disabled Persons Parking Permit is duly displayed in the Relevant Position on the Vehicle throughout the period during which that Vehicle is caused or permitted to wait in the Parking Place
 - [3] in respect of the use of the Parking Place by a holder of a valid Residents Parking Disc where a valid Residents Parking Disc is duly displayed on the Vehicle in a Relevant Position in accordance with Bye-Law 26 throughout the period during which that Vehicle is caused or permitted to wait in the Parking Place, or
 - [4] in respect of the use of a Charging Space, or
 - [e] in respect of a Goods Vehicle Loading or Unloading in a Loading Bay, or
 - [5] on a Holiday, or
 - [6] In respect of any Vehicle caused or permitted to wait in the Parking Place in accordance with Bye-Law 37.

Other Temporary Exemption

39. Notwithstanding the foregoing provisions of these Bye-Laws, a Vehicle may wait during the Charging Hours in any part of a Parking Place if the use of that part has not been suspended and if;
- [1] the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary as a direct consequence of, or in order to avoid an accident,
 - [2] the vehicle is being used for fire brigade, ambulance, Garda Síochána or Defence Forces purposes,
 - [3] the vehicle is being used in the service of the Council for of any utilities undertaking or other statutory public authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait in the Parking Place;
 - [4] the vehicle is being used in connection with the removal of any obstruction or hinderance to
 - (i) the free flow of traffic in the Parking Place, or
 - (ii) access to or egress from the Parking Place, or
 - (iii) a Parking Bay in the Parking Place
 - [5] the vehicle is being used for the maintenance, improvement or reconstruction of the Public Road.

[6] The Council reserves the right to suspend pay parking at any location to which these bye laws apply for any purpose and at any time that it may deem necessary to do so.

Non-Application to
Certain Vehicles

Bye Laws 14 to 26 shall not apply to;
 [1] A vehicle being used in connection with the removal of an obstruction to traffic, 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 telegraph or telephone line or the provision of a traffic sign e.g. Utility Companies such as ESB Networks, Bórd Gais Eireann, Eir, Local Authority Vehicles (this is not a conclusive list).

PART VI
Contravention, Enforcement and Penalties

Contraventions

40. Any person who contravenes a provision of these Bye-Laws is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1000.00.

Fixed Payment
Notice

41. [1] Where a Traffic Warden has reasonable grounds for believing that a person has contravened a Bye-Law which is a fixed charge offence, the Traffic Warden may
 (i) If the Traffic Warden identifies the person, service or cause to be served, personally or by post, on the person a fixed payment notice, or
 (ii) if the Traffic Warden does not identify the person and the offence involves the use of a Vehicle
 Serve or cause to be served, personally or by post, a fixed payment notice of 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% greater than the prescribed amount referred to in that notice so as to avoid prosecution.

PART VII
Miscellaneous

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| Holding and use of data | 42. | 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 and management 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 proposes, when considered necessary by either authority for the prevention and detection of crime, or when otherwise required by law. Personal data collected, stored, or otherwise processed is done in compliance with the GDPR regulations 2016 and Data Protection Acts 1988 -2018. |
| Suspension of Parking Place | 43. | <p>The Council may temporarily suspend from operation the use of a Parking Place or of a Parking Bay or Parking Bays within the Parking Place or of any other part thereof whenever the Council considers such suspension reasonably necessary and for whatsoever period the Council considers reasonable;</p> <p>[i] for the purpose of facilitating the movement of traffic or promoting its safety</p> <p>[ii] for the purpose of any building operation, demolition or excavation in or over or under or adjacent to any part of the Parking Place or Parking Bay concerned or the maintenance, improvement or reconstruction of any part of the parking Place or Parking bay or the laying, erection, alteration, removal or repair in or adjacent to any part of the Parking Place or Parking bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication system or the placing of maintenance or removal of any traffic or other sign;</p> <p>[iii] for the purpose of holding any display, public show, performance or exhibition authorised by the Council and for activities subsidiary thereto, or for such other purposes as may be authorised by the Council;</p> <p>[iv] by reason of the likelihood of danger to the public, serious damage to the Parking Place or any adjoining premises or any other emergency.</p> |
| Mode of Suspension | 44. | The suspension of a Pay Parking Place or part thereof shall be indicated by the placement of a sign, notice or by some other means or other device to signify non-user or by the temporary removal of the Ticket Dispensing Machine and the erection of a sign or notice indicating that parking is prohibited in that Parking Place. |

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| Conditions of Suspension | 45. | Any suspension of Pay Parking Place pursuant to Bye-Law 42 pursuant to a third-party request shall be subject to any conditions which the Council may specify in writing. |
| Interference with Suspension Device | 46. | No person other than an agent of the Council, a member of An Garda Síochána, an Authorised Person or a Traffic Warden shall interfere in any way with a hood, sign, or other device place on a Ticket Dispensing Machine. |
| Uses of Suspended Parking Place | 47. | No person shall park a Vehicle in a Parking Place or a Parking Bay the use of which has been suspended by the Council. |
| Removal of Vehicles | 48. | <p>[1] A Vehicle parked in a Parking Place at a time which is not during the Charging Hours shall be removed from that Parking Place as soon as the Charging Hours commence unless at such commencement the provisions of Part III of these Bye-Laws are complied with in respect of such parking.</p> <p>[2] A Vehicle parked in a Parking Place or a Parking Bay which has been suspended in accordance with Bye-Law 41 shall be removed from that Parking Place or Parking Bay as soon as reasonably practicable.</p> |

Schedule of Drawings BL1-BL2



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Made and adopted under the Common Seal of Carlow County Council on this day, 11th of June, 2021

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

MAYOR *Fergal Browne*

DIRECTOR OF SERVICES *P. O'Grady*

CHIEF EXECUTIVE *M. O'Leary*