

CORK CITY COUNCIL

SURFACE LEVEL PAY PARKING
CAR PARK
BYE-LAWS 2012

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Cork City Council, in exercise of the powers conferred upon it by Section 101 of the Road Traffic Act, 1961 as amended hereby makes the following Bye-Laws:-

PART I

Preliminary and General

1. These Bye-Laws may be cited as the Cork City Council Surface Level Pay Parking Car Park Bye Laws 2012.
2. These Bye-Laws shall come into operation on the 15th October 2012.
3. The Cork Corporation Car Park Bye-Laws 1979 and The Cork Car Park Bye-Laws 1979 (Amended) Bye-Law 1990 are hereby revoked.
4. These Bye-Laws shall apply to the surface level pay parking car parks as listed in the Appendix hereto in the administrative area of Cork City Council and/or such other car parks as the Council may provide from time to time.

5. (1) In these Bye-Laws:

“**Cork City Council**” means the Council of the City of Cork and is hereinafter referred to as “the Council”.

“**The Road Traffic Acts**” means the Road Traffic Act 1961 to 2011.

“**The Act of 1993**” means the Roads Act 1993 (No. 14 of 1993).

“**The Act of 1994**” means the Road Traffic Act 1994 (No. 7 of 1994).

“**The Signs Regulations**” means the Road Traffic (Signs) Regulations 1997 and 1998 (S.I. No. 181 of 1997 and S.I. No. 273 of 1998).

“**The Regulations of 2006**” means the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006 (S.I.No. 136 of 2006).

“**The National Regulations**” means:-

I. the Road Traffic (Traffic and Parking) Regulations 1997 to 2011

“**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 and, for the purpose of these bye-laws, includes an authorised person and/or traffic warden.

“**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 as amended;

“**Disabled Persons Parking Bay**” means a space in a surface level pay parking car park intended for the parking of a vehicle the driver of which or a passenger

in which is disabled and indicated by sign RRM 015 or by ground or other markings or signs;

"Disabled Persons Parking Permit" means a current disabled person's parking permit issued pursuant to or recognized under the provisions of the Road Traffic (Traffic & Parking) Regulations 1997 to 2011 (S.I. No. 182 of 1997 and S.I. No. 239 of 2011).

"Information Plate" means a plate accompanying a traffic sign which indicates the period during which parking is permitted and including any restrictions or prohibitions indicated by such traffic sign;

"Parking Bay" means a space in surface level pay parking car park intended for the parking of one vehicle and so indicated by ground or other markings or signs;

"Parking Fee" means a fee prescribed in these bye-laws for the pay parking bay in which the vehicle is parked;

"Pay Parking Place" means a place, space or bay for the parking of a vehicle in a surface level pay parking car park intended for the parking of mechanically propelled vehicles and where traffic sign number RUS 018 is displayed and so indicated by ground or other markings or signs;

"Traffic Warden" has the meaning assigned to it by Section 2(3) of the Local Authorities (Traffic Wardens) Act 1975 (No.14 of 1975) as amended.

"Valid Park by Phone Payment Decal" means a decal issued by the park by phone payment service provider bearing a unique identification number and bar code, registered to the customer and exhibited in the interior of the vehicle in a manner which is clearly visible from outside the vehicle.

"Valid Park by Phone Payment Contract Parking Period" means a parking period:

- (a) which has been registered with the park by phone service provider by the customer via a phone interface;
- (b) for which a confirmation of payment has been received by the customer and
- (c) where the motorist has registered that the vehicle is so parked for a period not exceeding the period for which it may be parked in a pay parking car park in accordance with these Bye-Laws.

"Vehicle" means a private motor car, a station wagon or a passenger vehicle having accommodation for not more than seven passengers excluding the driver;

"Surface Level Pay Parking Car Park" means a pay parking car park (not being part of a public road or a multi storey car park) containing pay parking places within the functional area of the Council where these bye-Laws apply and as specified in the Appendix and/or such other car parks as the City Council may provide from time to time.

(2). A reference in these bye-laws to a traffic sign means a reference to a traffic sign prescribed in the Road Traffic (Signs) Regulations 1997 and 1998 (S.I. No. 181 of 1997 and S.I. No. 273 of 1998) and any number referred to in association with a traffic sign shall be the number allocated to such a sign in such regulations.

(3). A reference in these bye-laws to an information plate accompanying a traffic sign shall unless otherwise specified be to an information plate which shall indicate the period (which shall include the days and hours) when the allowance, restriction or prohibition indicated by such traffic sign applies.

(4). (a) In these bye-laws any reference to an article or schedule, which is not otherwise identified, is a reference to an article of, or a schedule to these bye-laws.

(b) In these bye-laws, any reference to a sub-article, paragraph, or sub-paragraph, which is not otherwise identified, is a reference to the sub-article, paragraph or sub-paragraph of the provision in which the reference occurs.

(c) In these bye-laws, a reference to a statute, or to any section or subsections therein includes any amendments or re-enactments thereof for the time being in force and all statutory instruments, orders, regulations for the time being made, issued or given thereunder or deriving validity therefrom and a reference to any enactment shall be construed as a reference to that enactment as adapted by any subsequent enactment.

NON APPLICATION OF BYE-LAWS

6. 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 Road Traffic Act 1961, as amended, the maintenance, improvement or reconstruction of a surface level pay parking car park, 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 or communications line or conduit or the provision of a traffic sign.
- (b) A fire brigade vehicle, an ambulance or a vehicle being used by a member of An Garda Síochána, a traffic warden, an authorised person or a member of the Defence Forces in the performance of his/her duties.
- (c) A vehicle which is being used by the Lord Mayor in the course of his/her official duties.
- (d) A vehicle which has been damaged or has broken down during the period necessary to effect repairs to the vehicle or remove it from the location.

PART II

Obligation to Display a Valid Park by Phone Payment Decal

7. Where a vehicle, including a vehicle in which a Disabled Persons Parking Permit is displayed, is parked in a surface level pay parking car park on a day and during the hours specified on an information plate accompanying traffic sign or signs authorised by the Signs Regulations there shall be clearly displayed in the interior of the vehicle a valid park by phone payment decal in compliance with the requirements of Articles 8 to 14.

Obligation to Display a Valid Park by Phone Payment Decal & Register a Valid Park by Phone Payment Contract Period

8. (1) Where a vehicle is parked in a surface level pay parking car park on a day and during the hours specified on an information plate accompanying traffic sign or signs as authorised by the Signs Regulations:
 - (a) The motorist shall register the parking contract period with the park by phone payment service provider at the commencement of parking.
 - (b) The park by phone payment decal shall be so exhibited in the interior of the vehicle so that a person outside can ascertain by checking the six digit identification number or bar code when the parking commenced; and
 - (c) One valid phone payment decal only shall be exhibited in accordance with paragraph (b) of this article for so long as the vehicle is parked in that pay parking area.

Period of Parking in a Surface Level Pay Parking Car Park

9. A vehicle parked in a surface level pay parking car park on a day and during the hours indicated on an information plate accompanying traffic sign or signs authorised by the Signs Regulations shall not be parked for longer than the period indicated as the maximum period for that surface level pay parking car park as indicated in such information plate.

Interference with Park by Phone Payment Decals

10. Where a vehicle is parked in a surface level pay parking car park on a day and during the hours specified on an information plate accompanying traffic sign or signs authorised by the Sign Regulations a person shall not interfere with a park by phone payment decal exhibited in the vehicle.

Removal of Vehicle from Surface Level Pay Parking Car Park

11. A vehicle parked in a surface level pay parking car park on a day and at a time which is not specified on an information plate accompanying traffic sign or signs authorised by the Signs Regulations shall be removed from the surface level pay parking car park when a period of hours specified on such information plate commences, unless at such commencement and during the remainder of the period of parking, a valid park by phone payment decal is exhibited in the interior of the vehicle and a valid park by phone payment parking contract period has been registered in accordance with Article (8) (a) and Article (8) (b) of these bye-laws shall apply from such commencement in respect of such parking.

Issue of Park by Phone Payment Decals

- 12.** Park by phone payment decals shall be issued by the Council or its agents after completion of a registration process by the motorist and successful registration of their details on the park by phone payment service providers system.

FEE FOR PARK BY PHONE PAYMENT DECAL

- 13.** The Fee for the park by phone payment decal shall be:
- a. €4.00 for a half day (a half day being 5 continuous hours or part thereof) from first commencement of parking;
 - b. €8.00 for a full day (a full day being 10 continuous hours or part thereof) from first commencement of parking;
or such as may be determined from time to time by resolution and amending bye-laws of the Council pursuant to the provisions of Section 101 of the Act of 1961 as amended by Section 6 of the Act of 1968 and by Section 4 of the Act of 1994.

OPERATIONAL HOURS

- 14.** During the hours of 8.30am to 18.30pm Monday to Saturday any person parking a vehicle shall be required to exhibit a valid park by phone payment decal.

PART III

Conditions for Parking in a Surface Level Pay Parking Car Park

15. Mechanically propelled vehicles of the following classes only may be parked in a surface level pay parking car park during operational hours:

- (a) A motor car, a station wagon or a passenger vehicle having accommodation for not more than 7 persons excluding the driver and not drawing a trailer or other vehicle.
- (b) Pedal cycles in a designated cycle parking area.

16. The following vehicles shall not be parked in a surface level pay parking car park:

- (a) A passenger vehicle with passenger accommodation of more than 7 persons excluding the driver and/or drawing a trailer or other vehicle;
- (b) A goods vehicle;
- (c) Motor cycle;
- (d) Trailer;
- (e) Caravan;
- (f) Camper Van;
- (g) Boat or boat trailer.

17. The following provisions shall apply to the parking of a vehicle in a surface level pay parking car park:-

- (a) A vehicle shall be parked only within the place designated in the car park for the parking of vehicles;
- (b) A person shall not park or cause to be parked a vehicle in such a position that it, or any portion of it, extends from one parking place to another.
- (c) A person shall not park or cause to be parked a vehicle in such a position or in such condition or in such circumstances that it would be likely to cause danger to other persons using the surface level pay parking car park, or to obstruct the entrance to or exit from the surface level pay parking car park or to obstruct the free flow of traffic within the surface level pay parking car park or to obstruct the movement of any other vehicle parked in the surface level pay parking car park.
- (d) A person shall not throw, place or leave any bottle or broken glass, nail, litter or other substance in a surface level pay parking car park, and no person shall at any time, without the consent in writing of the Council, play ball or any game in a surface level pay parking car park.
- (e) Residents Parking permits shall not be valid in a surface level pay parking car park.
- (f) A person shall not overhaul or carry out repairs to a vehicle while it is parked, save where it is necessary in order to enable the vehicle to be removed from the surface level pay parking car park.

- (g) A vehicle shall not be used for the sale of goods 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. A person shall not make any unnecessary noise by means of, or in relation to, a vehicle or by means of any equipment, fitting or instruments fitted to or carried on the vehicle or any loud speaker or radio in anyway connected to the vehicle.
- (h) Every person shall comply with the lawful directions given by a Traffic Warden, or an Authorised Person, or a member of An Garda Síochána in relation to the parking of a vehicle in, or its removal from, a surface level pay parking car park, or in relation to any of these bye-laws.
- (i) No person in a surface level pay parking car park shall willfully obstruct, disturb, interrupt or annoy a Traffic Warden or an Authorised Person in the execution of his/her duty, including the execution of any work in connection with the laying out or maintenance of any part of a surface level pay parking car park by the Council's staff or its agents.
- (j) A person shall give on demand to a Traffic Warden, or an Authorised Person, or a member of the Garda Síochána, his name and address and no person in a surface level pay parking car park shall resist, obstruct or aid or incite any person to resist or obstruct any Traffic Warden or Authorised Person or other person in the execution of his/her duty or lawful exercise of his/her authority.
- (k) Any person may be requested by a Traffic Warden, or an Authorised Person, or a member of An Garda Síochána to quit or leave a surface level pay parking car park and shall forthwith comply with such request.
- (l) A Traffic Warden or an Authorised Person shall produce, if required to do so, evidence of his/her identity and employment by the Council or its agents as such to any person properly so requesting.
- (m) Where a park by phone payment decal has expired a vehicle may be subject to a fine and/or removal.
- (n) Where no park by phone payment decal is displayed a vehicle may be subject to a fine and and/or removal.
- (o) Where parking is prohibited a vehicle may be subject to a fine and/or removal.
- (p) Any person in breach of these bye-laws shall be guilty of an offence and shall be subject to a fine as prescribed by the Road Traffic Acts and the National Regulations.

PART IV

PERMISSION FOR NON-OPERATION OF PARK BY PHONE PAYMENT AND/OR PARKING PLACES IN A SURFACE LEVEL PAY PARKING CAR PARK

18. Application for the non operation of park by phone payment decals or a pay parking place(s) in a surface level pay parking car park must be made in writing for the following:

- (a) Placement of a skip;
- (b) Placement of a cherry picker;
- (c) Placement of a crane;
- (d) Placement of a vehicle over 3 tonnes;
- (e) Filming purposes and/or associated vehicles;
- (f) Utilities works and/or vehicles;
- (g) Opening of access to the public road; and
- (h) Any other circumstances at the discretion of the Roads and Transportation Directorate of the Council.

19. The permission if granted shall be subject to any conditions which will be specified in writing by the Council, including the payment of a fee/fees by the person requesting the permission.

20. The appropriate fee payable for a permission shall be as prescribed by the Council.

21. The permission if granted will issue in writing to the applicant.

22. It shall be an offence to breach a condition of the said permission and such breach shall constitute an offence under Road Traffic Acts and the National Regulations.

Made and adopted under the Common Seal of Cork City Council this 10th day of September 2012

PRESENT when the
Common Seal of Cork City Council
was affixed hereto:

LORD MAYOR

CITY MANAGER

LAW AGENT

APPENDIX

- 1. White Street Surface Level Pay Parking Car Park.**
- 2. Grattan Street Surface Level Pay Parking Car Park.**