

COMHAIRLE CHONTAE NA GAILLIMHE

GALWAY COUNTY COUNCIL



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Galway County Council

Portumna Marina Carpark Bye-Laws
2017

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PORTUMNA MARINA CARPARK BYE-LAWS 2017

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 Portumna Marina Carpark Bye-Laws 2017.

Area of Application

2. These Bye-Laws apply to the car park provided by the Council at Portumna Marina, hereinafter described as the Portumna Marina Car Park.

Commencement

3. These bye-laws will come into operation on the 2nd January 2018.

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 park referred to at 2 above and outlined in red on the map at Appendix 1 to these Bye-Laws;

“Council” means the Galway County Council;

“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;

“display” means to exhibit a document on a vehicle so that the document is prominently visible and legible from the exterior of the vehicle;

“Motor Caravan” means a special purpose vehicle constructed to include living accommodation which contains at least the following equipment:

- seats and table
- sleeping accommodation which may be converted from the seat
- cooking facilities
- storage facilities

Motor Caravan has the same meaning as is ascribed to that term in paragraph 5.1 of Part A (Definition of Vehicle Category) of Annex II to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, as amended by Commission Directive 2001/116/EC of 20 December 2001 adapting to technical progress Council Directive 70/156/EEC;

(Note: Motor Caravans are also known as Campervans, Recreational Vehicles or Motorhomes, and these Bye Laws apply equally to vehicles described as such)

“Motor Caravan Parking Area” means the portion of the land comprised in the Marina Car Park at Portumna in the County of Galway which is shown hatched in Red on the map at Appendix 1 to these Bye-Laws;

“Motor Caravan Parking Bay” means a parking space for the parking of one motor caravan within the ‘Motor Caravan Parking Area’, the area of which parking space is indicated by surface or other signs or markings within the car park.;

“motor caravan pay parking ticket” means a document issued by the Council on payment of the charge prescribed hereinafter, which shows on its face the date and time of issue and the time at which it expires and ceases to be valid;

“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;

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

“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;

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

“Trailer Caravan” means a vehicle without an engine constructed to include living accommodation that can be pulled by a car or van or other appropriate motorised vehicle;

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

“valid motor caravan pay parking ticket” means a motor caravan pay parking ticket which:

(a) has been issued by a machine provided by the Council following the payment of the charge prescribed hereinafter,

(b) is not invalid due to the expiry of time and

(c) is displayed upon a vehicle which has not been parked in the Motor Caravan Parking Area for more than 48 hours;

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

PART 2: MOTOR CARAVANS

5. A Motor Caravan shall not be parked in the Portumna Marina Car Park except in a designated and marked Motor Caravan Parking Bay.
6. The fee for a motor caravan pay and display parking ticket shall be **€10.00 per 24 hours**.
7. A motor caravan pay and display parking ticket shall be purchased from a pay parking ticket machine by inserting a payment card into the machine and following the instructions thereon to obtain a valid motor caravan pay and display parking ticket.
8. A motor caravan parked in a Motor Caravan Parking Bay shall display a valid motor caravan pay and display parking ticket at all times while in the Marina Car Park.
9. A motor caravan shall not be validly parked in the Motor Caravan Parking Area for a period in excess of 48 consecutive hours.
10. On the expiry of the 48 hours maximum duration stay, a motor caravan shall leave the carpark and is prohibited from returning within a period of 5 days.
11. A motor caravan shall not be parked in the Motor Caravan Parking Area in such a manner that it occupies more one Motor Caravan Parking Bay.
12. No vehicle other than a motor caravan, holding a valid pay and display parking ticket, shall be parked in the Motor Caravan Parking Area.

- 13.** The following are prohibited and shall not be used in the Portumna Marina car Park:
- (i) awnings,
 - (ii) tables,
 - (iii) chairs
 - (iv) clothes lines
 - (v) other camping equipment
 - (vi) built in generators
 - (vii) free-standing generators.
- 14.** (a) Trailer Caravans are prohibited from entering and parking in the Portumna Marina Carpark.
- (b) Motorhomes /recreational vehicles greater than 6.5 metres in length are prohibited from entering and parking in the Portumna Marina Carpark.

PART 3: GENERAL

- 15.** It shall be an offence for a Motor Caravan or a Vehicle to park in the Portumna Marina Car Park except in the manner prescribed in these Bye-Laws.
- 16.** A prohibition on parking imposed in these Bye-Laws shall not apply to any of the following:-
- (a) a unit of the Fire Brigade, an Ambulance or an official vehicle being used by a member of the Garda Síochána in the performance of the duties of that member;
 - (b) a vehicle being used by an employee or agent of the Council in the performance of the duties of that person as an employee of the Council;
 - (c) a vehicle which has been damaged or has broken down during a reasonable period necessary to effect repairs to the vehicle or remove it from the location;
- 17.** 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.
- 18.** Where a disabled person holds a "disabled person's parking permit" issued under Article 43 of the Regulations of 1997, Bye-Law 8 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.
- 19.** (a) Where a vehicle is parked in Portumna Marina 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.

- 20.** A person shall not park or cause to be parked in the Portumna Marina Car Park a vehicle in such a position, or 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.
- 21.** A person shall not overhaul or carry out repairs to a vehicle while it is parked in the Portumna Marina Car Park save where it is necessary to do so in order to enable the vehicle to be removed from the car park.
- 22.** A vehicle while parked in a car park 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.
- 23.** A person shall not make any unnecessary noise by means of, or in relation to a vehicle while it is parked in the Portumna Marina Car Park 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.
- 24.** A person shall not throw, place or leave any bottle, or broken glass, nail, litter or other substance on or in a car park, and a person shall not at any time play any ball or other game in the car park.
- 25.** (a) A person using the Portumna Marina Car Park shall comply with any lawful direction 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, given by a member of the Garda Síochána or by any officer, servant, employee or Agent of the Council authorised by the Council for the purposes of these Bye-Laws.

(b) Where a person is directed, in accordance with paragraph 25(a) of these Bye-Laws, to leave the car park he/she shall comply with such direction immediately.
- 26.** A person shall not in the Portumna Marina Car Park wilfully obstruct, disturb or interrupt an agent, officer or servant of the Council 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 staff or agents of the Council.
- 27.** A person in the car park shall furnish on demand to an officer or servant or agent of the Council, authorised for the purposes of these Bye-Laws by the Council, his or her name and address and a person shall not in the car park resist, obstruct, or aid or incite any person to resist or obstruct, any of the persons referred to in Bye-Law No. 25 in the execution of his or her duty or lawful exercise of his or her authority.
- 28.** An officer or servant or agent of the Council shall produce, if requested to do so, evidence of his identity and employment by the Council to any person alleged by him to be in breach of these Bye-Laws, or who has been requested to leave the car park in accordance with Bye-Law No. 25.
- 29.** In any prosecution for an offence under these Bye-Laws a 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 _____ DAY OF _____ 2017

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

Cathaoirleach of the County of Galway

