

COMHAIRLE BUIRGE CHILL CHAINNIGH

KILKENNY BOROUGH COUNCIL



**KILKENNY BOROUGH COUNCIL
PARKING CONTROL BYE-LAWS 2012**

**Kilkenny Borough Council,
City Hall,
High Street,
Kilkenny.**

**KILKENNY BOROUGH COUNCIL
PARKING CONTROL BYE-LAWS, 2012
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KILKENNY PARKING CONTROL BYE-LAWS 2012

Kilkenny Borough Council in exercise of the powers conferred upon it by Sections 4(2) and 36 respectively of the Road Traffic Act 1994, (No 7 of 1994) and having consulted with the Commissioner of the Garda Síochána hereby make the following Bye-Laws in relation to the control and regulation of the parking of vehicles in the Borough of Kilkenny.

PART I

Preliminary and General Citation

1. These Bye-Laws may be cited as the Kilkenny Borough Council Parking Control Bye-Laws 2012.

Commencement

- 2(1) These Bye-Laws shall come into operation on the 17th April 2013.

Area of Application

- 2(2) The Kilkenny Borough Council Parking Control Bye-Laws 2008, as they apply to the administrative area of Kilkenny Borough Council, are hereby revoked.
3. These Bye-Laws shall apply to pay parking areas in the area comprising the functional area of the Kilkenny Borough Council. Definitive maps of the pay parking areas shall be retained at City Hall, Kilkenny for inspection.

Interpretation

- 4(1) In these Bye-Laws:

“**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. (S.I. No. 181 of 1997).

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

“Disc Parking Area” means an area on a public road where traffic sign or signs No RRM 016 and/or No RUS 018 authorised by the Signs Regulations together with accompanying information plate(s) indicates that parking of vehicles is subject to the exhibition of a parking disc.

“Valid Parking Disc” means a parking disc which:

- (a) has been issued by Kilkenny Borough Council by means of a dispensing machine or otherwise;
- (b) has been scratched or otherwise marked in accordance with the instructions printed thereon so as to indicate clearly and indelibly the year, month, day, hour and (to the nearest following five minute period) minute of the hour of the commencement of a period of parking of the vehicle in which the parking disc is exhibited in accordance with these bye-laws;
- (c) indicates from the markings thereon no other year, month, day, hour or minute; and
- (d) 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 the accordance with these bye-laws.

“Valid Park by Phone contract parking period” means a parking period:

- (a) which has been registered with the Park by Phone System by the customer via a phone interface;
- (b) for which a receipt 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 disc parked area in the accordance with these bye-laws.

“Dispensing Machine” means a machine provided by Kilkenny Borough Council which is capable of automatically delivering a parking disc when the fee prescribed in Article No 11 is inserted into the machine.

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

“Vehicle” means a mechanically propelled vehicle other than a mechanically propelled wheelchair and a pedal cycle.

“Goods Vehicle” means a vehicle used exclusively for carrying goods and taxed for commercial purposes.

“Loading Bay” has the meaning assigned to it in Article 42 of the National Regulations and is indicated by means of a traffic sign No. RRM 009 of the Signs Regulations accompanied by an information plate. Information plates may include alternative uses of the loading bays at certain times.

“Parking Bay” means an area contained between lines of the type referred to in Article 17 of the National Regulations.

“visitor” means one who visits, calls on, or makes a stay with the resident or is engaged by the resident to carry out works on the dwelling;

“visitor parking permit” means a visitor-parking permit issued by Kilkenny Borough Council, its agents or authorised officers only containing the particulars in these Bye-Laws.

“carer” means a person who is providing care to a Resident who requires on-going daily care for a chronic illness.

“carer's parking permit” means a document issued by Kilkenny Borough Council which fulfils the purpose of these Bye-Laws.

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

4 (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 (S.I. No 181 of 1997) and any number referred to in association with a traffic sign shall be the number allocated to such a sign in such regulations.

4 (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 (4) (a) These bye-laws and 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.

4 (4) (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.

4 (4) (c) In these bye-laws a reference to any enactment shall be construed as a reference to that enactment as adapted by any subsequent enactment or instrument.

**Vehicles
prohibited from
parking in Disc Parking
Areas**

5. The following shall not be parked on a day and during the hours specified on an information plate accompanying traffic sign or signs No. RRM 016 and/or No RUS 018 authorised by the Signs Regulations save in a place for the parking of such vehicles:

- (a)** a passenger vehicle with accommodation of more than 12 persons excluding the driver and/or drawing a trailer or other vehicle
- (b)** a goods vehicle whose unladen weight exceeds three tonnes and/or drawing a trailer or other vehicle
- (c)** a pedal cycle;

**Non-Application
of Bye-Laws to
certain vehicles**

- (d) a trailer;
- (e) a caravan;
- (f) a boat or boat trailer
- (g) a vehicle used for the sale of goods
- (h) a vehicle offered or displayed for sale or for hire or as a prize

6 *Articles 7 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 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 telegraph, 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 the An Garda Síochána or a traffic warden in the performance of his/her duties as such member or warden;
- (c) a vehicle which is being used by a Council Supervisor 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;
- (e) a vehicle parked at the edge of a public road while a passenger is entering or leaving it;
- (f) a vehicle in the interior of which is clearly displayed a disabled person's parking permit issued pursuant to or recognised under the National Parking Regulations, and where the person to which the permit applies to, is using the vehicle;
- (g) a vehicle in the interior of which is displayed a valid Residents Parking Permit or other Permit issued by Kilkenny Borough Council.

PART II

Obligation to display valid Parking Disc

**Obligation to
display valid
Parking Disc**

- 7 (1)** Where a vehicle is parked in a disc parking area on a day and during the hours specified on an information plate accompanying traffic sign or signs No RRM 016 and/or No RUS 018 authorised by the Signs Regulations and the motorist has chosen to utilise the parking disc payment method for on street parking,
- (a) separate distinct markings in accordance with the instructions printed on the parking disc, indicating clearly and indelibly the year, month, day in the month, hour of the day and (to the nearest following five minute period) minute of the hour when the parking commences shall be made on a parking disc at the commencement of parking;
 - (b) the valid parking disc shall be so exhibited in the interior of the vehicle that a person outside can ascertain by reference to the markings when the parking commenced.
- 7 (2)** Where a vehicle being parked in a disc parking area on a day and during the hours specified on an information plate accompanying

traffic sign or signs No. RRM 016 and/or No RUS 018 authorised by the Signs Regulations is a goods vehicle being so parked solely for the loading and unloading of goods, paragraph (1) of this article shall not apply until the expiration of 30 minutes after the commencement of parking.

7 (3) Where a vehicle being parked in an area marked "Set-Down Only", the vehicle shall be removed within 15 minutes of entering the said area.

7 (4) Where a vehicle which has parked in a disc parking area for a period of less than the maximum parking period for that disc parking area is subsequently lawfully parked in another disc parking on the same day, it shall not be necessary, subject to compliance with paragraph 1 (b) of this article, to comply with paragraph 1(a) of this article.

**Interference
with Parking
Discs**

8 Where a vehicle is parked in a disc parking area in a day and during the hours specified on an information plate accompanying traffic sign or signs No RRM 016 and/or RUS 018 authorised by the Signs Regulations a person shall not interfere with a parking disc exhibited in the vehicle.

**Removal of
Vehicle from
Disc Parking
Area**

9 A vehicle parked in a disc parking area at a time which is not specified on an information plate accompanying traffic sign or signs No. RRM 016 and/or No RUS 018 authorised by the Signs Regulations shall be removed from the disc parking area 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 parking disc is exhibited in the interior of the vehicle in accordance with article 7(1)(b) of these bye-laws and article 7(1)(c) of these bye-laws shall apply from such commencement in respect of such parking.

**Issue of Parking
Discs**

10 Parking discs shall be issued by Kilkenny Borough Council by means of a dispensing machine, designated retail outlets or otherwise.

**Fee for Parking
Disc**

11 The fee for a parking disc shall be as set out in the Schedule attached to these Bye-Laws or such as may be determined from time to time by resolution of Kilkenny Borough Council, pursuant to the provisions of Section 36 of the Act of 1994.

**Conditions for
Parking in a Disc
Parking Area**

12 A vehicle which is parked in a disc parking area on a day and during the hours specified on an information plate accompanying traffic sign or signs No. RRM 016 and /or No. RUS 018 authorised by the Signs Regulations shall, where parking bays are provided at that disc parking area, be parked wholly within the area comprising a parking bay.

PART III

Obligation to display a valid Park by Phone parking disc and register a valid Park by Phone contract parking period.

13. (1) Where a vehicle is parked in a disc parking area on a day and during the hours specified on an information plate accompanying traffic sign or signs No RRM 016 and/or No RUS 018 authorised by the Signs Regulations and the motorist has chosen to utilise the Park by Phone payment method for on street parking,
- (a) the motorist shall register the parking contract period with the park by phone system at the commencement of parking;
- (b) the Park by Phone parking disc, if applicable, shall be so exhibited in the interior of the vehicle that a person outside can ascertain by reference to the markings when the parking commenced; and
- (c) one valid Park by Phone parking disc, if applicable, only shall be exhibited in accordance with paragraph (b) of this article for so long as the vehicle is parked in that disc parking area.
- Period of parking in a Disc Parking Area**
14. (1) A vehicle parked in a disc parking area on a day and during the hours indicated on an information plate accompanying traffic sign or signs No. RRM 016 and/or No. RUS 018 authorised by the Signs Regulations shall not be parked for longer than the period indicated as the maximum period for that (disc) parking area indicated in such information plate except where provided for under article 17(2) of these bye-laws.
- (2) Where a vehicle which has been lawfully parked in a disc parking area the parking contract period can be extended by an additional parking contract period of a maximum of 1 hour. The motorist will be advised of the costs of this parking extension via SMS text message before their parking contract period has expired. The extension to the parking period must be confirmed before the initial parking contract period has expired.
- Interference with Park by Phone Parking Discs**
15. Where a vehicle is parked in a disc parking area in a day and during the hours specified on an information plate accompanying traffic sign or signs No. RRM016 and/or No. RUS 018 authorised by the Signs Regulations a person shall not interfere with a Park by Phone parking disc exhibited in the vehicle.
- Removal of Vehicle from a Disc Parking Area.**
16. A vehicle parked in a disc parking area at a time which is not Specified on an information plate accompanying traffic sign or signs No. RRM 016 and/or No. RUS 018 authorised by the

Signs Regulations shall be removed from the disc parking area 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 parking disc is exhibited in the interior of the vehicle and a valid Park by Phone parking contract period has been registered in accordance with article 16(1)(b) and 16(1)(b) and 16(1)(c) of these bye-laws shall apply from such commencement in respect of such parking.

Prohibition on certain parking inside an hour of leaving Disc Parking Area.

17. A vehicle which has been parked in a disc parking area shall not be parked again in the public road in which that disc parking is situated until at least one hour after the vehicle last vacated that public road.

Issue of Park by Phone Parking Discs

18. Park by Phone Parking Discs shall be issued by Kilkenny Borough Council or its agents after completion of a registration by the motorist and successful registration of their vehicle on the Park by Phone System.

Fee for Parking via Phone

19. The fee for a Park by Phone parking contract period shall be as set out in the Schedule attached to these Bye-Laws or such as may be determined from time to time by resolution of Kilkenny Borough Council, pursuant to the provisions of Section 36 of the Act of 1994.

Conditions for parking in a disc parking area.

20. A vehicle which is parked in a disc parking area on a day and during the hours specified on an information plate accompanying traffic sign or signs No. RRM 016 and/or No. RUS 018 authorised by the Signs Regulations shall, where parking bays are provided at that disc parking area, be parked within the area comprising a parking bay.

PART IV Parking Permits for Residents

Definitions for Part IV

- 21 In this part of these bye-laws:

“Acceptable evidence” means the following:-

- (a) Current motor insurance certificate as defined in the Road Traffic Act 1961 – 1994 confirming that the vehicle is normally kept by the resident at the resident’s address in the pay parking place to which the pass will relate, and
 - (i) A vehicle licensing certificate or a registration book confirming that the resident applying for a resident’s parking pass is the registered owner of the vehicle in respect of which the application for a resident’s parking pass is being made and that the vehicle is registered at the resident’s address in the pay parking place to which the pass will relate, or

- (ii) Where the applicant is not the registered owner of the vehicle in respect of which the application for a resident's parking pass is being made, satisfactory documentary evidence from the registered owner that the vehicle is normally kept by the applicant at his or her address in the pay parking place to which the pass will relate and evidence from the Revenue Commissioners that a vehicle owned by the registered owner is normally kept by the applicant, and
- (b) A valid driving or provisional license in the name of the resident applying for the resident's parking pass, and
- (c) Utility bills, bank statements or other documentation, acceptable to the Council, addressed to the applicant at his/her address in the pay parking place which the resident's parking pass will relate, and
- (d) Any other information which may be requested by the Council.

"Owner" means a resident by whom a vehicle is habitually kept and used;

"Resident" means a person whose normal residence is at premises situated in a zone containing a disc parking area (i.e. who resides overnight for more than 183 days per year at that premises) and who satisfies the Council that his/her normal residence is at a building situated in a street in a Residential Parking Permit zone.

"Resident's Parking Permit" means a document issued by Kilkenny Borough Council for the purposes of articles 21 to 28 and containing the particulars specified in article 23;

"Valid resident's parking permit" means a resident's parking permit which relates to a particular zone and to a period which has not expired and which is issued by Kilkenny Borough Council in whose functional area the vehicle on which the permit is displayed is parking;

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

"Zone" means an area comprising of a public road or a number of public roads to which a particular resident's parking permit applies.

"Resident Only Area" means a parking area designated for use only by residents holding a valid residents parking permit.

Non-Application of Bye-Laws

- 22. Articles 7 to 11 of these bye-laws shall not apply to the parking of a vehicle in a disc parking area if there is displayed in accordance with article 25 of these bye-laws in the vehicle when it is so parked, a valid resident's parking permit which relates to the zone in which the disc parking area is situated.

Particulars of a Resident's Parking Permit

23. A valid resident's parking permit shall contain the following particulars:
- (a) the name of Kilkenny Borough Council by whom it was issued;
 - (b) the make and registration number of the vehicle in respect of which it is issued;
 - (c) the date of expiry;
 - (d) the street/car park to which it relates;
 - (e) the signature, and the description of the officer of Kilkenny Borough Council issuing it; and
 - (f) the serial number.

Permission to park a vehicle displaying a Resident's Parking Permit.

24. (a) The display, in accordance with article No. 25 of these bye-laws of a valid resident's parking permit on the vehicle in respect of which the permit was issued, shall permit the owner of the vehicle (or any person using it with his/her consent) to Park without limitation as to time in a disc parking area in the street/car park to which the permit relates.
- (b) A vehicle shall not be parked or left unattended in a parking place which is a "Residents Only Area" unless the vehicle is displaying a valid residents/ visitors/ carers parking permit.

Display of valid Resident's Parking Permit

25. 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 clearly from outside the vehicle.

Interference with Resident's Parking Permit

26. Where a vehicle displaying a resident's parking permit is parked in a disc parking area a person shall not interfere with the permit.

Issue of and fee for Resident's Parking Permit

27. (1) A resident's parking permit shall be issued by Kilkenny Borough Council upon payment of the prescribed fee where the Council are satisfied, following production of acceptable evidence, that the applicant is a resident on a public road in the residential parking permit zone to which the permit will relate and that the vehicle is normally kept at the resident's normal dwelling place in that public road.
- (2) The fee for a resident's parking permit shall be such fee as may be prescribed by Kilkenny Borough Council from time to time.
- (3) A resident's parking permit shall be issued by Kilkenny Borough Council in respect of one vehicle only of which the resident is the owner and shall be valid for a period of one year from the date of issue in respect of that vehicle and for the zone to which the permit relates.
- (4) Where a building is a single housing unit, the maximum number of residents in that building who may concurrently hold a resident's parking permit shall be 2.

(5) Where a building consists of 2, 3, or 4 housing units, the maximum number of residents in each housing unit who may concurrently hold a resident's parking permit shall be 1.

(6) Where a building consists of more than 4 housing units, the maximum number of parking permits that may be held by residents of housing units in that building shall be 4, subject to the limit of one resident's permit per housing unit.

**Return and
Transfer of
Resident's
Parking Permits**

28 (1) Where during the period to which a resident's parking permit relates, the resident to whom it is issued ceases to reside at the address specified on the permit or ceases to be an owner by disposing of the vehicle to which the permit relates, he/she shall return it, addressed to the person whose signature appears on it, to Kilkenny Borough Council by whom the permit was issued.

(2) Where during the period to which a resident's parking permit relates, the resident to whom it is issued disposes of the vehicle to which the permit relates, and substitutes another vehicle for the one disposed of, he/she shall return the permit (addressed to the person whose signature appears on it) to Kilkenny Borough Council by whom the permit was issued which upon payment of such fee as may be prescribed by Kilkenny Borough Council from time to time by the resident shall issue to the resident a new permit in respect of the vehicle, and such new permit shall be valid for the period specified.

(3) Where during the period to which a resident's parking permit relates the resident to whom it is issued loses it he shall be entitled to the issue of a substitute resident's parking permit upon payment of such fee as may be prescribed by Kilkenny Borough Council from time to time and upon completion of a statutory declaration verifying the loss of the current resident's parking permit and such substitute resident's parking permit shall be valid for the period specified.

PART V

Parking Permits for Carer's/Visitors

**Particulars of a
Carer's/Visitors parking
Permit.**

29. A Carer's parking permit shall contain the following particulars:

- (1) The name of the Local Authority by whom it is issued, i.e., Comhairle Buirge Chill Chainnigh/Kilkenny Borough Council, and
- (2) The words "carer's/visitors parking permit";
- (3) The street or streets to which it relates;
- (4) The date of expiry, and
- (5) Carer's Permit Number, and
- (6) The vehicle registration number, and
- (7) Signature of Authorised Officer.

**Permission to park
a vehicle displaying
a Carer's/Visitors Parking
Permit.**

30. The display in accordance with Bye-Law 45 of these Bye-Laws of a valid Carer's parking permit in a vehicle being parked in a pay parking area, during the course of the provision of care to a resident to whom the Carer's parking permit was granted, shall permit a Carer to park his or her vehicle in a pay parking place on a street or access only area, to which the permit relates.

**Qualifying criteria
For a Carer's/Visitors**

31. (1) A Carer's parking permit may be issued by Kilkenny Borough Council to a resident whose normal dwelling place is in the disc parking area/access only area and who is living alone and requires on-going daily care for a chronic illness.
- (2) A Carer's parking permit shall be issued annually to a qualified resident, subject to the submission of proof of residency and written confirmation from the resident's doctor that the resident requires ongoing daily care for a chronic illness.
- (3) A Carer's parking permit shall be valid for a period of one year from the date of issue.
- (4) Visitors Parking Permits may be issued by Kilkenny Borough Council to a resident in a disc parking area, where the residence is solely occupied by one or more persons aged 65 or over, subject to production of acceptable evidence, in respect of the parking of vehicles which require it to be parked temporarily and is ancillary to the use of the applicant's dwelling.
- (5) Visitor's Parking Permits issued under this Bye-Law shall only be valid for use in the disc parking area to which the visitor's parking permit relates.
- (6) Visitors parking permits issued under this Bye-Law shall permit the vehicle to be parked for a period not in excess of 3 hours from commencement of parking in the disc parking area(s) to which the visitors's parking permit relates
- (7) Visitors Parking Permits will be issued to residents in 'Access Only Areas' subject to production of acceptable evidence, in respect of the parking of vehicles which require it to be parked temporarily and is ancillary to the use of the applicant's dwelling.
- (8) Only one Visitors Parking Permit can be issued to a household in accordance with these Bye-Laws.

Fee for Carer's/Visitors Permit.	32.	The fee for each Carer's/Visitor's Parking Permit shall be €20.
Display of Valid Carer's/Visitors Permit	33.	<p>The display of a valid Carer's/Visitors Parking Permit on a vehicle, shall permit the owner of the vehicle (or any person using it with his/her consent) to park it in the pay and display area(s)/access only area on a public road to which it relates, provided the parking permit:-</p> <p>(a) Has been issued in respect of the pay and display area(s)/access only area in which the vehicle is parked and</p> <p>(b) Shall be so displayed in the interior of the vehicle in respect of which it is issued, in such a manner that the particulars specified thereon can be easily read outside the vehicle.</p>
Return of Carer's/Visitors Parking Permit.	34.	Where, during the period to which Carer's/Visitors Parking Permit relates, the resident to whom it is issued ceases to reside at the address specified. He or she shall forthwith return the permit to Kilkenny Borough Council. Carer's/Visitors Parking Permit is non-transferable and remains the property of Kilkenny Borough Council from the date of issue.
Offence	35.	<p>(a) It shall be an offence for a resident to</p> <p>(1) sell or otherwise dispose of a visitor's permit to a person other than a visitor as defined in these Bye-Laws.</p> <p>(2) Sell or otherwise dispose of a Carer's Parking Permit.</p> <p>(3) Abuse of a Carer's/Visitors Parking Permit shall result in the cancellation and/or withdrawal of the Parking Permit.</p> <p>(4) To display a void or expired Parking Permit.</p> <p>(b) Where a resident or applicant submits falsified documentation to support his/her application for a resident's, /carer's parking permit or for a visitor's parking permit/permits, Kilkenny Borough council may, at its absolute discretion, decide not to issue and/or to cancel a resident's, carer's parking permit or a visitor parking permit/permits to that applicant/resident.</p>

**PART VI
MISCELLANEOUS**

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|---|---|
| Authorised Person/Agent, Powers, etc | 36. Every person using a pay parking place shall comply with any lawful direction given by an Authorised Person or Agent of the Council or a member of the An Garda Síochána in relation to the parking of a vehicle, motor cycle or pedal cycle. |
| Obstruction of Authorised Person(s) | 37. A person shall not wilfully obstruct, disturb, interrupt or annoy an Authorised Person or Agent of the Council in the execution of his/her duty including the execution of any work in connection with laying out or maintenance of any part of a Pay parking place. |
| Requirement to give Name & Address | 38. A person shall give on demand to an Authorised Person or Agent of the Council or a member of An Garda Síochána his/her name and address and a person shall not resist, obstruct, aid or incite any person to resist or obstruct any Authorised Person or Agent of the Council in the execution of his/her duty or lawful exercise of his/her authority. |
| Request to Quit Parking Place | 39. Any person may be requested by an Authorised Person or Agent of the Council or a member of An Garda Síochána to quit or leave a Pay Parking place shall forthwith comply with such request. |
| Evidence of Identity | 40. An Authorised Person or Agent of the Council shall produce, if required to do so, evidence of his/her identity to any person alleged to be in breach of these Bye-Laws. |
| Offences | 41. (a) It shall be an offence to obstruct, cordon off or obstruct any parking place or part thereof (with traffic cones, bins or other obstruction) without the prior approval of the Council.

(b) An Authorised Person or Agent of the Council may, without prior notice, remove an obstruction from a parking place.

(c) An authorised person may store and dispose of any thing removed by him under subsection 26(b).

(d) A thing removed and stored under this section shall be given to a person claiming it only if, he makes a declaration in writing that he is the owner of the thing or is authorised by its owner to claim it and, at the discretion of the Council pays the amount of the expenditure reasonably incurred in removing and storing it.

(e) A thing shall not be disposed of under this section within six weeks of the date of its removal under this section.

(f) In this section "authorised person" means:

(i) a person authorised in writing by a road authority for the purposes of this section, |

(ii) a member of An Garda Síochána;

(g) 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 parking ticket machine, or interfere in any other way with a parking ticket machine.

(h) Where a vehicle is parked in a pay parking place on a day and during a period which is indicated on an authorised information plate a person shall not interfere with, alter or deface a valid pay and display parking ticket or valid parking permit exhibited in the vehicle.

(i) An agent of the Council, authorised officer or traffic warden shall not be interfered with in any way while performing his/her duties under these bye-laws.

PART VII

PERMISSION FOR NON-OPERATION OF PAY PARKING SPACE

Non-operation of a pay parking space

42. Application for permission for the non-operation of a pay parking space 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 vehicle over 3 tonnes; filming purposes and/or associated vehicles
 - (e) utilities works and/or vehicles; opening of access to the public road; and
 - (f) any other circumstances at the discretion of the Kilkenny Borough Council.
 - (g) The permission, if granted, shall be subject to any conditions which will be specified in writing by the Council, including the payment of fee/fees by the person requesting the permission.
 - (h) The appropriate fees payable for permission shall be as agreed in the particular circumstances.
 - (i) The permission, if granted, will issue in writing together with notification to the appropriate enforcement agency of the details of the permission.
 - (j) It shall be an offence to breach a condition specified in writing in the permission.

Liability

43. In accordance with Section 36(13) of the Road Traffic Act, 1994, the performance by the Council or its agents of their functions under these byelaws shall not render the Council subject to any liability in respect of loss of or damage to any vehicle in a parking place or the contents of such vehicle.

Made and adopted under the Common Seal of Kilkenny Borough Council this

10th day of July 2012

PRESENT when the Common Seal of Kilkenny Borough Council was affixed hereto.


MAYOR


DIRECTOR OF SERVICES


SENIOR EXECUTIVE OFFICER



APPENDIX 1

The fees for parking in pay parking areas are as follows:-

PARKING FEES/CHARGES

On -Street

<u>Short Stay (Max 1 hour)</u>	
0 – 15 mins	.50c
15 – 30 mins	€1.00
30 – 60 mins	€1.50

The locations for short stay parking are:

- John Street
- High Street
- Parliament Street
- Friary Street
- Patrick Street
- The Parade
- Bateman Quay
- John's Green

Medium Stay

0 – 2 hours	€1.50
2 – 4 hours	€2.50
4 – 10 hours	€5.00

Low Cost On Street Parking

Low cost On Street Parking spaces, (€1 per visit/€1 per day) are provided at the following locations within the boundaries of the existing scheme:

- Jacob Street
- New Street
- Walkin Street
- Gaol Road
- Fairgreen (part of)
- Dominic Street
- Blackmill Street
- Greensbridge Street
- Vicar Street
- Wolfe Tone Street
- Ballybough Street
- Dublin Road
- Castle Road
- Fr. Hayden Road

Fees For Issue of Permits

Residents Parking Permits:

€ 20.00 per annum for initial permit and €15 for a second residents permit issued to same residence in the same year.

Fees for issue of Carer's/Visitors Permits

Carer's Parking Permit: €20 per permit

Visitors Parking Permit: €20 per permit

APPENDIX 2

Maximum charges for temporary suspension of metered parking bays

Item Charges

Suspension of each parking Place €130 per week

€30 per day