



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Physical Development Directorate

Report on Draft Parking Places (Amendment) Bye-Laws 2018

Municipal District of Newcastle West

Table of Contents

1. Introduction.....	p. 3
2. Background.....	p. 3
2.1 Initial Proposal.....	p. 3
2.2 Travel and Transportation Strategic Policy Committee.....	p. 4
2.3 Full Council Approval of SPC Recommendation.....	p. 5
3. Adoption of Parking Places Bye-Laws.....	p. 5
3.1 Publishing of Adopted Bye-Laws.....	p. 6
3.2 Commencement of the Parking Places Bye-Laws.....	p. 6
Appendix A – Draft Bye-Laws 2018.....	p. 7
Appendix B – Section 36 of the Road Traffic Act 1994	p. 13
Appendix C – Reserved Function: Municipal Districts.....	p. 18

1. Introduction

I wish to advise the Members that the Travel and Transportation Strategic Policy Committee at its Meeting held on the 12th February 2018, recommended that parking fees be waived, for a maximum period of 4 hours, for electrically powered vehicles that are recharging in an “electrically powered vehicle recharging bay”. The SPC also recommended that the operation of this parking fee waiver for electric vehicles be reviewed after 24 months. This Recommendation was approved by the Full Council at its Meeting held on the 26th March 2018.

The imposition of parking fees is effected through the making of Bye-Laws under Section 36 of the *Road Traffic Act 2018*.¹ Accordingly, the implementation of the Travel and Transportation SPC recommendation requires amendments to the Council’s current Parking Places Bye-Laws.

Since 2014, it is a reserved function of the Metropolitan and Municipal Districts to make, amend or revoke bye-laws in respect of parking fees and the specification of parking spaces.²

Accordingly, the Draft Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018 are being presented to the Members of the Municipal District of Newcastle West for consideration and adoption. The Draft Bye-Laws are set out in Appendix A of this Report.

2. Background

2.1 Initial Proposal

The underlisted proposal was submitted as a Notice of Motion to the Metropolitan District of Limerick Meeting held on the 18th December 2017, and was referred to the Travel and Transportation Strategic Policy Committee for consideration.

"I will move at the next Meeting that this District calls on Limerick City and County Council to remove the parking fee for park and charge slots around the city in line with nearly 90% of other Councils nationwide supporting environmentally friendly transport"

¹ *Road Traffic Act, 1994* section 36 as amended by the *Local Government Act, 2001* section 131A and Schedule 14A Part 1 ref. 26 as inserted by the *Local Government Reform Act 2014* section 21 and Schedule 3.

² *Local Government Act, 2001* section 131A and Schedule 14A Part 1 ref.26 as inserted by the *Local Government Reform Act 2014* section 21 and Schedule 3.

2.2 Travel and Transportation Strategic Policy Committee

The Notice of Motion was considered by the Travel and Transportation Strategic Policy Committee at its Meeting held on the 12th February 2018. Members expressed the view that motorists should be encouraged to transition to electrically powered vehicles and that free parking at charging points would incentivise this transition.

The Members also highlighted the need for strict control over the occupancy of parking spaces at electric charge points in order to ensure the availability of charging points is not diminished unnecessarily. It was also agreed that the Council will need to review the policy of facilitating free parking at electric charge points as the electric car market develops and the use of electric vehicles increases.

The Travel and Transportation Strategic Policy Committee had regard to the issues raised by its Members and amended the Notice of Motion to provide that parking fees at electric charge points would only be waived while the car occupying the space is recharging, and that the period of occupancy would be limited to a maximum 4 hour period.

The Committee also had regard to the fact that the electric car market is evolving and that the incentivisation of electric car ownership through a parking fee waiver should be reviewed following the expiry of a 24 month period.

The Travel and Transportation Strategic Policy Committee incorporated the foregoing amendments and adopted the following Recommendation;

"I will move at the next Meeting that this District calls on Limerick City and County Council to remove the parking fee for park and charge slots around the city in line with nearly 90% of other Councils nationwide supporting environmentally friendly transport. The removal of the parking fee will be for a maximum period of four hours while the vehicle is being re-charged and will be for an initial trial period of 24 months to allow the Council consider future developments in the electric vehicle field and also the demands for car parking etc. in the city. The issue of whether the Council should impose a disc parking fee while electric vehicles are being re-charged will be reconsidered on the expiry of the 24 month period"

This Recommendation was included in the Chairperson's report for consideration at the Full Council Meeting held on the 26th March 2018.³

³ Limerick City and County Council Travel and Transportation Strategic Policy Committee, Chairperson's Report for the Meeting of the 12th February 2018, Item 4 (available at < <https://www.limerick.ie/sites/default/files/media/documents/2018-03/04%20%28f%29%20%28ii%29%20Chairpersons%20Report%20Travel%20and%20Transportation%20Strategic%20Policy%20Committee%20Meeting%20120218.pdf>>).

2.3 Full Council Approval of SPC Recommendation

The Full Council considered the Chairperson’s Report at it’s Meeting held on the 26th March 2018. The Council approved the Recommendation to provide a maximum 4 hour parking fee waiver for vehicles occupying electric charge points while that vehicle is recharging. The Council also approved the requirement that the operation of the parking fee waiver be reviewed after a period of 24 months.⁴

3. Adoption of Parking Places Bye-Laws

The specification of parking places, the imposition of parking fees, and the terms of occupancy for parking places is regulated by the Council’s current Parking Places Byes-Laws. Accordingly, the Council’s Parking Places Bye-Laws will need to be amended to implement the agreed policy of the Travel and Transportation SPC and the Full Council to provide a parking waiver for electric vehicles.

The following bye-laws are in force in the administrative area of Limerick City and County Council;

District	Bye-Laws
Metropolitan District of Limerick	<ul style="list-style-type: none">▪ <i>Limerick City Council (Parking Places) Bye-Laws 2006</i>▪ <i>Limerick City Council (Parking Places) (Amendment) Bye-Laws 2008</i>▪ <i>Limerick County Council College Court (Parking Places Bye-Laws 2011</i>
Municipal District of Cappamore-Kilmallock	<ul style="list-style-type: none">▪ <i>Limerick County Council Kilmallock (Parking Places) Bye-Laws 2001</i>
Municipal District of Newcastle West	<ul style="list-style-type: none">▪ <i>Limerick County Council Abbeyfeale (Parking Places) Bye-Laws 2010</i>▪ <i>Limerick County Council Newcastle West (Parking Places), 2013</i>

The making, amending or revoking of Parking Place Bye-Laws is a reserved function exercised pursuant to Section 36 of the *Road Traffic Act, 1994*.⁵ Prior to 2014, this was a reserved function that was exercised by the Full Council. However, in 2014, the *Local Government Reform Act, 2014* amended Section 131 A and Schedule 14A Part 1 of the *Local*

⁴ Limerick City and County Council, Minutes of Proceedings at it’s Meeting held in the Council Chamber, Dooradoyle on the 26th March 2018 at 3 p.m., Item 4(f)(ii) (available at <
<https://www.limerick.ie/sites/default/files/media/documents/2018-05/01%20%28i%29%20Minutes%20Meeting%20260318.pdf>>)

⁵ *Road Traffic Act 1994* section 36 as amended by *Local Government Act 2001* sections 131A, and Schedule 14A Part 1 ref. 26 as amended by *Local Government Reform Act 2014* section 21 and Schedule 3.

Government Act 2001 to vest the reserved power to make bye-laws under Section 36 of the *Road Traffic Act 1994* to the Metropolitan and Municipal Districts.⁶ The relevant sections of the *Local Government Act, 2001* (as amended) are set out in Appendix C of this Report.

Accordingly, in order to implement the agreed policy of the Travel and Transportation SPC and the Full Council to provide a parking fee waiver for electric vehicles while recharging, the Members of the Municipal District of Newcastle West are being asked to consider and adopt the Draft Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018 pursuant to section 36 of the *Road Traffic Act 1994*.

3.1 Publishing of Adopted Bye-Laws

If the Draft Parking Places Bye-Laws are adopted by the Metropolitan and Municipal Districts in relation to their respective areas, the Council will publish a notice of the making of the Bye-Laws in the *Iris Oifigiúil* and a newspaper circulating in the Limerick area.⁷ The Bye-Laws will also be published on the Council's website www.limerick.ie

3.2 Commencement of the Parking Places Bye-Laws

If adopted, the Draft Parking Places Bye-Laws will come into effect on the 1st September 2018 as stated in Bye-Law 2 of the Draft Bye-Laws. When the Bye-Laws come into effect, there will, for a period of 24 months, be a parking fee waiver for a maximum period of 4 hours for electric vehicles that are recharging at electric vehicle recharging points.

⁶ *Ibid.*

⁷ *Road Traffic Act 1994* section 36(6).

Appendix A



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

**Municipal District of Newcastle West
(Parking Places)(Amendment)
Bye-Laws 2018**

The Municipal District of Newcastle West, in exercise of the powers conferred on it by Section 36 of the Road Traffic Act, 1994 (No. 7 of 1994) and Section 131 and Schedule 14 A Part 1 of the Local Government Act, 2001 (No. 37 of 2001), hereby makes the following Bye-Laws in relation to vehicle parking fees in the Municipal District of Newcastle West.

PART I

PRELIMINARY AND GENERAL

1. These Bye-Laws may be cited as the Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018.
2. These Bye-Laws shall come into operation on the 1st September 2018.
3. These Bye-Laws shall apply to the Municipal District of Newcastle West as defined by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).
4. The Limerick County Council Newcastle West (Parking Places) Bye-Laws, 2013 are amended in accordance with, and from the coming into effect of these Bye-Laws.
5. (1) In these Bye-Laws;

“the Bye-Laws of 2010” means the Limerick County Council Abbeyfeale (Parking Places) Bye-Laws;

“the Bye-Laws of 2013” means the Limerick County Council Newcastle West (Parking Places) Bye-Laws, 2013;

“electrically powered vehicle” means a mechanically propelled vehicle that is powered

(a) solely by means of a rechargeable battery, or

(b) by means of a rechargeable battery and an internal combustion engine where either power source may be used to propel the vehicle;

“electrically powered vehicle recharging bay” means a space intended for the parking of an electrically powered vehicle while the vehicle’s battery is being recharged. An “electrically powered vehicle recharging bay” is indicated by means of traffic sign number RRM 035 of the Sign Regulations;

“Sign Regulations” means the Road Traffic (Signs) Regulations 1997 to 2015.

PART II

AMENDMENT OF THE LIMERICK COUNTY COUNCIL ABBEYFEALE (PARKING PLACES) BYE-LAWS 2010

6. Bye-Law 4 subsection (i) of the Bye-Laws of 2010 is amended by the insertion of the following definitions before “ “goods vehicle” has the meaning assigned to it in Article 3 of the Signs Regulations of 1997;”:

“ “electrically powered vehicle” means a mechanically propelled vehicle that is powered

- a) solely by means of a rechargeable battery, or
- b) by means of a rechargeable battery and an internal combustion engine where either power source may be used to propel the vehicle;

“electrically powered vehicle recharging bay” means a space intended for the parking of an electrically powered vehicle while the vehicle’s battery is being recharged. An “electrically powered vehicle recharging bay” is indicated by means of traffic sign number RRM 035 of the Sign Regulations;”

7. Bye-Law 17 of the Bye-Laws of 2010 is amended by the insertion of the following subsection after Bye-Law 17 subsection (b):

“(c)

- (i) subject to Bye-Law 17 subsection (c)(ii), to an electrically powered vehicle parked in an electrically powered vehicle recharging bay for a maximum period of 4 hours while the vehicle’s battery is being recharged;
- (ii) Bye-Law 17 subsection (c)(i) will only apply during the 24 month period immediately succeeding the date that the Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018 come into operation”

PART III

AMENDMENT OF THE LIMERICK COUNTY COUNCIL NEWCASTLE WEST (PARKING PLACES) BYE-LAWS 2013

8. Bye-Law 4 subsection (i) of the Bye-Laws of 2013 is amended by the insertion of the following definitions before “ “goods vehicle” has the meaning assigned to it in Article 3 of the Signs Regulations of 1997;”:

“ “electrically powered vehicle” means a mechanically propelled vehicle that is powered

- a) solely by means of a rechargeable battery, or
- b) by means of a rechargeable battery and an internal combustion engine where either power source may be used to propel the vehicle;

“electrically powered vehicle recharging bay” means a space intended for the parking of an electrically powered vehicle while the vehicle’s battery is being recharged. An “electrically powered vehicle recharging bay” is indicated by means of traffic sign number RRM 035 of the Sign Regulations;”

9. Bye-Law 17 of the Bye-Laws of 2013 is amended by the insertion of the following subsection after Bye-Law 17 subsection (b):

“(c)

- (i) subject to Bye-Law 17 subsection (c)(ii), to an electrically powered vehicle parked in an electrically powered vehicle recharging bay for a maximum period of 4 hours while the vehicle’s battery is being recharged;
- (ii) Bye-Law 17 subsection (c)(i) will only apply during the 24 month period immediately succeeding the date that the Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018 come into operation”

The Municipal District of Newcastle West (Parking Places)(Amendment) Bye-Laws 2018 are made and adopted under the Common Seal of Limerick City and County Council this, __ day of _____ 2018.

THE SEAL OF LIMERICK CITY AND COUNTY COUNCIL

Was affixed hereto by:-

DIRECTOR OF SERVICE

AUTHENTICATED BY

SENIOR EXECUTIVE OFFICER CORPORATE SERVICES

Appendix B

Road Traffic Act, 1994 (No. 7 of 1994)

Parking of vehicles in parking places on public roads.

Section 36.

- 1) A road authority may make bye-laws for the control and regulation of the parking of vehicles in places specified in the bye-laws (in this section referred to as parking places) on public roads within their functional area and shall in the bye-laws provide for the payment of fees in respect of such parking.

- 2) Bye-laws under this section may, in particular and without prejudice to the generality of subsection (1), provide for all or any of the following matters:
 - a) the specification of parking places;
 - b) the payment of fees, including the manner and proof of payment (whether by means of a parking meter, the purchase and exhibition of a document, or otherwise) in respect of the parking of vehicles;
 - c) the specification of the amount of any fees payable pursuant to bye-laws under paragraph (b);
 - d) the specification of the maximum periods for which vehicles may be parked in specified parking places;
 - e) the prohibition of the parking of vehicles in a parking place for a period for which a fee is chargeable without the appropriate fee having been paid in the manner specified;
 - f) the prohibition of the parking of vehicles in a parking place for a longer period than that in respect of which a fee was paid;
 - g) the specification of the classes of vehicles which may use a parking place in respect of which a fee is payable;
 - h) the exemption of specified classes of vehicles from the payment of fees in respect of parking, the conditions under which specified classes of vehicles may be so exempted and the identification of exempted vehicles;
 - i) that indications given by parking meters shall be treated as evidence until the contrary is shown of such facts and for such purposes as may be specified in the bye-laws.

- 3) Before making bye-laws under this section (other than bye-laws relating to the fees to be paid in respect of the parking of vehicles), a road authority shall—
 - a) consult with the Commissioner;

- b) publish a notice in one or more newspapers circulating in the area to which the bye-laws relate—
 - (i) indicating that it is proposed to make bye-laws under this section,
 - (ii) indicating the times at which, the period (being not less than one month) during which and the place (being a place within their functional area) where a copy of the draft bye-laws may be inspected,
 - (iii) stating that representations may be made in writing to the road authority in relation to the draft bye-laws before a specified date (which shall be not less than 2 weeks after the end of the period for inspection), and
 - (iv) stating that a copy of the draft bye-laws may be purchased on payment of a fee not exceeding the reasonable cost of making such copies; and
 - c) before deciding whether to make the bye-laws and determining their content, consider any observations made to them by the Commissioner or any representations made to them pursuant to paragraph (b)(iii).
- 4) Different bye-laws may be made under this section—
- a) in respect of different areas within the functional area of a road authority,
 - b) in respect of different classes of vehicles,
 - c) for different circumstances, and
 - d) in respect of different periods of time.
- 5) The making of bye-laws under this section and the consideration of observations or representations under subsection (3)(c) shall be reserved functions.
- 6) As soon as may be after the making of bye-laws under this section notice of their making and of the place where copies thereof may be purchased or inspected shall be published in *Iris Oifigiúil* and in one or more newspapers circulating in the area to which the bye-laws relate.
- 7) The Minister may issue general guidelines to road authorities relating to the content of bye-laws under this section and may amend or cancel any guidelines under this subsection and, where any such guidelines are in force for the time being, byelaws under this section shall be made by road authorities in accordance with the guidelines.
- 8)
- a) A person who contravenes a bye-law under this section shall be guilty of an offence.

- b) Where, in relation to a mechanically propelled vehicle, there is a contravention of a bye-law under this section, each of the following persons shall be guilty of an offence—
 - (i) the registered owner of the vehicle,
 - (ii) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and
 - (iii) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.
- 9)
 - a) Where a person charged with an offence under subsection (8) of this section is the registered owner of the vehicle concerned, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that—
 - (i) such use was unauthorised, or
 - (ii) the vehicle was on that occasion the subject of a hire-drive agreement.
 - b) Where a person charged with an offence under subsection (8) of this section is a person to whom the vehicle concerned stood hired at the time of the commission of the offence, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised.
- 10) In this section “parking meter” means an apparatus for collecting fees at a parking place and for indicating payment of such fees and the periods that have elapsed since they were paid.
- 11)
 - a) Subject to paragraph (b), any fees under this section shall be disposed of in such manner as the road authority concerned may by resolution determine.
 - b) The Minister may issue general guidelines to road authorities relating to the disposal of fees under this section and may amend or cancel any such guidelines and, where any such guidelines are in force for the time being, fees under this section shall be disposed of by road authorities in accordance with the guidelines.
 - c) The making of a resolution pursuant to paragraph (a) shall be a reserved function.
- 12) In any prosecution for an offence under this section, a parking meter at a parking place shall be presumed, until the contrary is shown by the defendant, to have been duly placed there under this section and to have been accurate and in good working order.

13) The performance by a road authority of their functions under this section or under any bye-law thereunder shall not render the authority subject to any liability in respect of loss of or damage to any vehicle in a parking place or the contents of such vehicle.

Appendix C

Local Government Act, 2001

(As Amended by Section 21 and Schedule 3 of the Local Government Reform Act 2014)

Local Government Act, 2001 Section 131A.

Performance of Reserved Functions by Metropolitan and Municipal Districts

“131A (1) Subject to subsection (4), in respect of the elected council of a local authority that is the council of a county (other than the council of a county to which section 22A(4) relates) or of a city and county, a reserved function with is specified in—

- (a) paragraphs 1 and 3 (other than in respect of a joint body) of Schedule 14 and Part 1 of Schedule 14A shall be performed in respect of each municipal district within the administrative area of the local authority by the municipal district members concerned,”

(4) Municipal district members may by resolution decide, subject to the approval by resolution of the local authority and the approval of the Minister, that a particular function to which subsection (1) relates should be performed only by the local authority.

Local Government Act, 2001 Schedule 14 A Part 1

“SCHEDULE 14A

PART 1

Reserved Functions to be Performed, Subject to Section 131A(4), by Municipal District Members

Reference No.	Description of reserved function	Provision under which reserved function is conferred
(1)	(2)	(3)
26	Making of bye-laws for the control and regulation of the parking of vehicles in specified places on public roads (including provision for the payment of fees for parking) and the consideration of observations or representations in relation to draft bye-laws.”	<u>Section 36</u> of the <u>Road Traffic Act 1994</u> .