

ROSCOMMON COUNTY COUNCIL



BOYLE PLEASURE GROUNDS

BYE-LAWS

Made under Part 19 of the Local Government Act 2001

*Adopted by the Members of Roscommon County Council on 24th July 2006
Effective from 1st September 2006*

**BYE-LAWS FOR REGULATING THE USE AND ENJOYMENT OF BOYLE
PLEASURE GROUNDS MADE IN EXERCISE OF POWERS CONTAINED IN
THE LOCAL GOVERNMENT ACT, 2001.**

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THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON (HEREINAFTER REFERRED TO AS “THE COUNCIL”) IN EXERCISE OF THE POWERS VESTED IN IT BY PART 19 OF THE LOCAL GOVERNMENT ACT 2001 HEREBY MAKE THE FOLLOWING BYE LAWS FOR CONTROL AND REGULATION OF BOYLE PLEASURE GROUNDS

To ensure the grounds and its facilities are used to the maximum extent, in safety and comfort and for the protection of the grounds which is provided as a public amenity and for respect and consideration for the grounds users to ensure as much enjoyment as is possible of this amenity.

1. TITLE

These Bye-Laws may be cited as the Roscommon County Council Boyle Pleasure Grounds Bye-Laws 2006.

2. INTERPRETATION

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions shall have the meaning hereafter respectively assigned to them, that is to say:

- (a) “The Grounds” shall include Boyle Pleasure Grounds and Recreational Playground, Boyle, in the County of Roscommon, as shown outlined in red upon the map attached hereto.
- (b) “The Council” means the County Council of the County of Roscommon
- (c) “Employee or Agent of the Council” shall include every Supervising Official, Caretaker, Litter Warden and/or other person employed by and duly authorised by the Council.
- (d) “Controlled drug” means any substance, product or preparation which is specified in the schedule to the Misuse of Drugs Act, 1977 or any amending Act or Regulation.
- (e) “Horse” shall include donkey and mule.
- (f) “Permission of the Council” means the permission in writing of an authorised person.
- (g) “The Playground” shall mean the area or areas in the grounds designated for and or playing areas for children only.
- (h) “Licence” has the same meaning as “Permission of the Council”.
- (i) “Authorised Person” means a person authorised in writing by a local authority.

3. OPENING AND CLOSING OF PLEASURE GROUNDS

The grounds shall be open to the public on such days and during such hours as may be fixed by the Council from time to time.

4. PROHIBITED ACTS

4.1 UNAUTHORISED ENTRY

- (a) No person shall enter or remain in the grounds when it is closed to the public.
- (b) No person shall enter or exit the grounds otherwise than through the gateways or other openings provided for that purpose.
- (c) No person shall refuse to leave the grounds when requested to do so by an employee or agent of the Council or by a member of An Garda Síochána.
- (d) Bye-law 4.1(a) and 4.1 (b) shall not apply to employees or agents of the Council or to members of An Garda Síochána in the course of their duty.

4.2 DRUGS & INTOXICATING LIQUOR

- (a) No person shall consume intoxicating liquor or have in their possession a vessel containing intoxicating liquor in the grounds and a person under the influence of controlled drugs or intoxicating liquor shall not enter or remain in the grounds.
- (b) No person shall consume, inject, inhale or otherwise absorb or have in their possession, controlled drugs or solvents in the pleasure grounds.

4.3. LITTER

No person shall bring, deposit, throw or leave any item of litter as defined in the Litter Pollution Act 1997 except in receptacles provided for the purpose.

4.4 GLASS ETC.

No person shall break any glass, china or other like thing in the pleasure grounds.

4.5. GRAFFITI

No person shall injure, disfigure, write graffiti on or mark any seat, table, gate, tree, wall, step, railing, sign, lamp, fountain, sculpture, structure, notice or notice board or any property or fittings in the grounds.

4.6 TRAFFIC, BICYCLES, SKATEBOARDS ETC.

- (a) No person shall cycle or use any skateboard, roller skates, roller blades, or other vehicle in the grounds.
- (b) No person other than employees or agents of the Council shall drive or be a passenger in a mechanically propelled vehicle in the grounds.
- (c) No person shall wheel a non-mechanical vehicle in the grounds.
- (d) Bye-Law 4.6(a) and 4.6(b) and 4.6(c) shall not apply to:
 - (1) bicycles or tricycles ridden by children under the age of 5 years who are accompanied by and under the care of an adult. Bicycle and tricycles utilised by this age group are prohibited in the playground.
 - (2) Wheelchairs, perambulators or similar vehicles moved, drawn or propelled by hand or mechanically which are used solely for the conveyance of children or disabled persons.
- (e) All persons to whom Bye-laws 4.6(a), 4.6(b) and 4.6(c) apply shall stop when called upon to do so by signal or otherwise by an employee or agent of the Council or by a member of An Garda Síochána.
- (f) The bye-laws set out in 4.6(a) to 4.6(c) inclusive shall not apply to employees or agents of the Council or members of An Garda Síochána or the emergency services in the course of their duty.

4.7 ANIMALS

- (a) No person shall, lend or entice cause or allow to enter or suffer to stray or remain in the grounds any cattle, sheep, horse or other animal with the exception of (b) hereunder
- (b) Every person in charge of a dog in the grounds shall keep it on a leash and prevent it from causing annoyance or worrying to any person using the grounds.
- (c) Every person bringing a dog into the grounds shall be responsible for its conduct and shall be liable for any damage, injury or soiling caused by it and must remove it from the

grounds whether or not so directed by an employee or agent of the Council or a member of the Garda Síochána.

- (d) Bye-laws 4.7(a), 4.7(b) and 4.7(c) shall not apply to members of An Garda Síochána in the course of their duty or to a dog being used by a member of An Garda Síochána in the execution of his duty.

4.8 PUBLIC DISORDER/NUISANCE

- (a) No person shall molest, menace, threaten, annoy, fight with or otherwise interfere with any person using or enjoying the grounds.
- (b) No person shall beg, gamble, use obscene or profane language, behave indecently or otherwise cause annoyance in the grounds.
- (c) No person shall play musical instruments, radio, stereos etc., in the grounds at such noise level as to cause a nuisance and noise shall be considered a nuisance in the instance whenever it is so loud, so continuous, so repeated or of such duration or pitch or occurring at such times that it gives reasonable cause for annoyance.
- (d) No person shall discharge or squirt any gun, syringe, catapult or other instrument or throw or discharge any stone or missile or object in the grounds.
- (d) No person shall dig, cut, take or remove any soil, plant, sand, gravel, stone or timber from the grounds save with the written permission of the Council and subject to the terms and conditions of such permission.
- (f) No person shall deposit or leave any dead animal in the grounds.

4.9 VANDALISM

- (a) No person shall remove, displace or cause any damage to property, structures or fittings in the grounds.
- (b) No person shall throw any missile to damage property or endanger any other person or wildlife in the grounds.
- (c) No person shall cut, carve, destroy or injure any tree, bush shrub, plant or grass growing in the grounds or playground or pluck, cut or remove any flower or any blossom or any fruit on any tree, shrub or plant growing therein.

- (d) No person shall take from the grounds or playground or destroy, injure, worry, or disturb or otherwise interfere with any bird, bird's nest or bird's eggs in the pleasure grounds.
- (e) No person shall walk upon flower beds, shrubberys, enclosed plantations or other enclosed lands in the grounds.
- (f) No person shall climb any tree, shrub, any fence, railing or wall or upon any fountain, sculpture, structure or building in the grounds.
- (g) No person shall stand on any seat, table, or railings in the grounds or place thereon anything that defiles it or causes or tends to cause discomfort to any member of the public.

4.10 CHILDREN'S PLAYGROUND

- (a) No person above the age of twelve years shall enter or remain in the playground.
- (b) No person above the age of twelve years shall use any of the equipment or playing appliances in the playground in the grounds which shall be for the sole use of children aged twelve years or under.
- (c) Children between the ages of 8 and 12 shall not use any equipment or playing appliances in the playground specified by notice for use by children under 8 years only.
- (d) No person shall smoke in the playground.
- (e) No person shall consume food or chewing gum or drink, beverages, soft drinks or intoxicating liquor in the playground.
- (f) Bye-law 4.10(a) shall not apply to any person who is for the time being responsible for or accompanying a child under the age of 12 years using the playground.

4.12 CARAVANS, TENTS ETC.

- (a) No person shall erect or place any tent or camp in any part of the grounds.
- (b) No person shall place or keep any caravan, camper van or dormobile in any part of the grounds.

4.13 TRADING

- (a) Save with the written permission of the Council and subject to the terms and conditions of such permission, no person shall

sell, offer, expose for sale or distribute in the grounds any commodity of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in the grounds or engage therein in the business of taking photographs for payment.

- (b) Save with the written permission of the Council and subject to the terms and conditions of such permission, no person, organisation, club, etc. shall levy any charge for the participation in or viewing of any game, sport or exhibition in the grounds.
- (c) No person shall place any chair or seat for hire in the grounds, save with the written permission of the Council and subject to the terms and conditions of such permission.
- (d) No person shall display any advertisement, or erect, exhibit, affix, chalk or paint any picture, bill, placard, banner, tract or notice in on any wall, fence or hedge enclosing the grounds without the written permission of the Council and subject to the terms and conditions of such permission.
- (e) No person shall in the grounds ply for hire or let out any horse or other animal or any vehicle.
- (f) No person shall in the grounds use any type of camera for the purpose of business or with a view to gain, without the written permission of the Council and subject to the terms and conditions of such permission.

4.14 MUSICAL PERFORMANCES, DANCES ETC.

No person shall, save with the written permission of the Council and subject to such conditions as the Council may prescribe, promote, hold conduct or take part in any musical performance (whether vocal or instrumental), dance, concert or other like entertainment or film for commercial purposes in any part of the grounds.

4.15 GAMES AND ATHLETICS

- (a) No person, club or organisation shall organise to take part or practice any field game or any other game or athletics in the grounds.

4.16 FIREARMS

No person shall bring into the grounds any firearm, airgun, catapult or any other weapon of any description.

4.17 BONFIRES, BARBECUES ETC.

No person shall light or make any bonfire, fire or barbecue or light any fireworks in the grounds.

4.18 MODEL AIRCRAFT ETC

No person shall operate any model aircraft or any mechanically propelled model vehicle in the grounds.

4.19 OBSTRUCTION

- (a) No person shall resist, obstruct or interfere with any employee or agent of the Council or other person in the exercise of his/her duty or disobey his/her lawful directions.
- (b) Nothing in these Bye-laws shall interfere with or affect or prevent the carrying on of any work or duty in connection with the grounds or open space by employees or agents of the Council or by a contractor instructed by the Council or by an employee of any such contractor.

5. LICENCES

Any permission granted to any person, club or organisation for the exclusive and/or specific occupation of any portion of the grounds shall be in accordance with such conditions as the Council consider appropriate having regard to the circumstances in any particular case.

6. REFUSAL OF PERMISSION

The Council may refuse permission for **a licence for** any purposes if, having regard to the character of the applicant, the number of persons already holding licences of the class applied for, and the general comfort and convenience of visitors to the grounds, they consider that a licence should not be granted.

7. OFFENCES

- (a) It shall be lawful for any authorised person or member of An Garda Síochána to enforce these bye-laws and to exclude or remove from the grounds any person committing any breach of the above bye-laws and to take such other steps as authorised by law.
- (b) Every person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,200.

- (c) If a contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €120 for each day on which the offence continues.
- (d) Every person who obstructs or impedes or refuses to comply with a request of a member of An Garda Síochána or of an authorised person acting in the exercise of the functions conferred on an authorised person by these bye-laws shall be guilty of an offence.
- (e) Where an authorised person or a member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under these bye-laws, the authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- (f) Where a member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under these bye-laws that member may arrest such person without warrant.
- (g) An offence under these bye laws may be prosecuted by the Council or by a member of An Garda Síochána.
- (h) Where an authorised person or a member of An Garda Síochána is of the opinion that an offence is being committed or has been committed under **these** bye-laws the authorised person or a member of An Garda Síochána may serve such person with a notice, specifying fixed payment, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and where the bye-law so provides it shall specify-
 - (i) the amount of the fixed payment, and
 - (ii) the period within which it must be paid in order to avoid prosecution.

The amount of the fixed payment applicable to the fixed payment notice shall be €63.49

8. COMMENCEMENT DATE

These Bye-Laws shall come into operation on the 1st day of September 2006.

MADE pursuant to Section 37 Local Government Act 1994 by the Council
this 24th day of July 2006.

PRESENT when the Seal of
The Council was affixed hereto:

Majella Hunt
Director of Services

Michael Nolan
Nominated Employee