

ROSCOMMON COUNTY COUNCIL



LOUGHNANEANE PARK

**BYE-LAWS 2004
Made under the
LOCAL GOVERNMENT ACT 1994**

*Adopted by the members of Roscommon County Council on 18th October 2004 and
effective from 1st December 2004.*

**BYE-LAWS FOR REGULATING THE USE AND ENJOYMENT OF
LOUGHNANE PARK MADE IN EXERCISE OF POWERS CONTAINED IN
THE LOCAL GOVERNMENT ACT, 1994.**

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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 VII OF THE LOCAL GOVERNMENT ACT 1994 HEREBY MAKE THE FOLLOWING BYE LAWS FOR CONTROL AND REGULATION OF LOUGHNANEANE PARK,

To ensure the park and its facilities are used to the maximum extent, in safety and comfort and for the protection of the park which is provided as a public amenity and for respect and consideration for the park 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 Loughnaneane Park Bye-Laws 2004.

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 Park” shall include Loughnaneane Park and Recreational Playground and Jail Lane. Roscommon, 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, Park Caretaker, Litter Warden and/or other person employed by and duly authorised by the Council.
- (d) “Waters” shall include any canal, river, stream, lake, pond, water features or watercourse either artificial or natural.
- (e) “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.
- (f) “Horse” shall include donkey and mule.
- (g) “Permission of the Council” means the permission in writing of an authorised person.
- (i) “The Playground” shall mean the area or areas in the park designated for and or playing areas for children only.
- (j) “Licence” has the same meaning as “Permission of the Council”.
- (k) “Authorised Person” means a person authorised in writing by a local authority.

3. OPENING AND CLOSING OF PARKS

The parks 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 park when it is closed to the public.
- (b)** No person shall enter or exit the park otherwise than through the gateways or other openings provided for that purpose.
- (c)** No person shall refuse to leave the park 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 Park and a person under the influence of controlled drugs or intoxicating liquor shall not enter or remain in the park.
- (b)** No person shall consume, inject, inhale or otherwise absorb or have in their possession, controlled drugs or solvents in the park.

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 park.

4.5. GRAFFITI

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

4.6 TRAFFIC, BICYCLES, SKATEBOARDS ETC.

- (a)** No person shall cycle or use any skateboard, roller skates, roller blades, or other vehicle in the park.
- (b)** No person other than employees or agents of the Council shall drive or be a passenger in a mechanically propelled vehicle in the park.
- (c)** No person shall wheel a non-mechanical vehicle in the park.
- (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 park any cattle, sheep, horse or other animal with the exception of (b) hereunder
- (b)** Every person in charge of a dog in the park shall keep it on a leash and prevent it from causing annoyance or worrying to any person using the park.
- (c)** Every person bringing a dog into the park 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 park 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 park.
- (b) No person shall beg, gamble, use obscene or profane language, behave indecently or otherwise cause annoyance in the park.
- (c) No person shall play musical instruments, radio, stereos etc., in the park 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 park.
- (d) No person shall dig, cut, take or remove any soil, sand, gravel, stone or timber from the park 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 park.

4.9 VANDALISM

- (a) No person shall remove, displace or cause any damage to property or fittings in the park.
- (b) No person shall throw any missile to damage property or endanger any other person or wildlife in the park.
- (c) No person shall cut, carve, destroy or injure any tree, bush shrub, plant or grass growing in the park 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 park or playground or destroy, injure, worry, or disturb or otherwise interfere with
 - (1) any bird, bird's nest or bird's eggs in the park, and

- (2) any fish in waters in the park.
- (e) No person shall walk upon flower beds, shrubberys, enclosed plantations or other enclosed lands in the park.
- (f) No person shall climb any tree, shrub, any fence, railing or wall or upon any fountain, sculpture, structure or building in the park.
- (g) No person shall stand on any seat in the park 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 park 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.

4.11 WATERCOURSES

- (a) No person shall enter or bathe in any waters in the park.
- (b) No person shall skate, go or attempt to go on any frozen waters in the park.
- (c) No person shall use a boat, raft or similar craft on any waters in the park.
- (d) No person shall fish in any part of any waters in the park.

- (e) No person shall in the park throw or place sticks, stones or substances of any description into any waters, or cause the waters to be fouled or polluted.
- (f) No person shall cause or allow a dog to enter any waters in the park.

4.12 CARAVANS, TENTS ETC.

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

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 park any commodity of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in the park 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 park.
- (c) No person shall place any chair or seat for hire in the park, 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 park without the written permission of the Council and subject to the terms and conditions of such permission.
- (e) No person shall in the park ply for hire or let out any horse or other animal or any vehicle.
- (f) No person shall in the park 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 park.

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 park.

4.16 FIREARMS

No person shall bring into the park 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 park.

4.18 MODEL AIRCRAFT ETC

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

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 park 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 park 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 park, 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 park 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 1st December 2004.

MADE pursuant to Section 37 Local Government Act 1994 by the Council this 18th day of October 2004.

PRESENT when the Seal of
The Council was affixed hereto:

Majella Hunt
Director of Service

Michael Nolan
Nominated Employee