

**BALLINA TOWN
COUNCIL
PARKS BYE-LAWS**

2001

BALLINA TOWN COUNCIL

PARKS BYE-LAWS 2001 UNDER THE LOCAL GOVERNMENT ACT 1994

1. Definitions

- a) In these Bye-Laws the word Parks refers to the Tom Ruane Park on the Sligo Road, Mercy Park at Convent Hill, Riverslade, and Canalside Park at Morrison Terrace, Ballina.
- b) "Council" means the Council of the Urban District of Ballina
- c) "Employee of the Council" shall include any person employed by and duly authorised by the Council to administer and enforce these bye-laws.
- 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

2. Opening and Closing

- a) The parks shall be open on such days and during such hours as may be fixed by the Council from time to time.
- b) The opening and closing hours will be subject to variation by the Council as circumstances require.
- c) A person shall not enter or exit the parks otherwise than through the gateways or other openings provided for that purpose.
- d) No unauthorised person shall enter or remain in any part of the parks, when it is closed.

3. Traffic

- a) No person shall bring into the parks, save with the permission of the Council, any bicycle, skateboard, roller-skates, roller blades or other vehicle except an invalid chair, carriage or perambulator.
- b) No person shall cycle or use any skateboard, roller-skates, roller blades or other vehicle in the parks except on such routes and in such places as may be designated by the Council for this purpose, from time to time.

- c) No person shall leave any vehicle, bicycle or tricycle unattended in the parks except in such places as may be set aside as standing or parking places.
- d) No person other than authorised officials and employees of the Council shall drive or allowed to be driven or be a passenger in any mechanically propelled vehicle in the parks, (other than the car-parking area), save with the permission in writing of the Council and then in only such areas as may be designated by the Council.

4. Animals

- a) No person shall turn out to graze in the parks, or allow or suffer to stray or remain in the parks, any cattle, sheep, horse, or other animal without the consent in writing of the Council.
- b) No person shall lead, walk or ride a horse in the parks without the written permission of the Council and only then on such routes as may be designated by the Council for this purpose from time to time.
- c) No person shall take into or allow to remain in the parks any dog unless it is on a leash.
- d) Every person in charge of a dog in the parks shall prevent it from causing annoyance to any person using the parks or worrying, chasing, injuring or disturbing any animals, birds or creatures in the parks.
- e) Every person bringing a dog into the parks shall be responsible for its conduct and shall be liable for any damage or injury which may be caused by it. Any person bringing a dog into the parks must remove it from the parks if so directed by an authorised employee of the Council.
- f) If a dog defecates in the parks, the person in charge of the dog shall remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose. Guide dogs for the blind are exempt from this bye-law.
- g) A person shall not cause or allow any dangerous dog as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 or any subsequent amending Regulation or Act, in their charge to enter or remain in the parks unless such dog is kept muzzled and no person shall, in any portion of the parks where a notice prohibiting the admission of dogs is exhibited, cause or allow any dog in their charge to enter or remain there.

5. General in Relation to Persons Using the Parks:

No person shall:-

- a) Walk upon any flower bed or through any shrubbery, enclosed plantation or other enclosed land in the parks.
- b) Destroy or injure any tree, shrub or plant growing in the parks or pluck, cut or remove any flower or any blossom or any fruit on any tree, shrub or plant growing therein.
- c) Climb any tree or shrub in the parks or climb any fence, railing or wall in the parks.
- d) Injure, disfigure, write graffiti on or mark any seat, chair, sculpture, play equipment, toilets or structure in the parks.
- e) Injure, deface, write graffiti on or disfigure or in any way interfere with any notice or notice-board in the parks.
- f) Interfere with or use lifesaving equipment in the parks except in an emergency.
- g) Take from the parks or destroy or injure or otherwise interfere with any bird, bird's nest or bird's eggs in the parks or ill-treat, worry or disturb any animal in the parks.
- h) Throw any missile in the parks to damage property or endanger any other person or wildlife within the parks.
- i) Molest, menace, threaten, annoy or otherwise interfere with any person using or enjoying the parks.
- j) Take or remove any soil, sand, gravel, stone or timber from the parks save with the permission in writing of the Council.
- k) Dump or dispose of any bottle, glass, china, tin, container, litter or other refuse in the parks except in the receptacles provided for the purpose.
- l) Bring into the parks any firearm, airgun, catapult or any other weapon, save with the permission in writing of the Council for an approved competition or for practice for an approved competition and subject to the terms and conditions of such permission.
- m) Make any bonfire, fire or barbecue or light any firework in the parks, save with the prior permission of the Council.
- n) Beg, gamble, use of profane language, behave indecently or importune or otherwise cause annoyance.

- o) Hold or address a public meeting or religious service except with the permission in writing of the Council.
- p) Resist, obstruct or interfere with any employee of the Council or other person in the exercise of his duty or disobey his lawful directions.
- q) Consume intoxicating liquor or have in their possession a vessel containing intoxicating liquor and a person under the influence of intoxicating liquor shall not be allowed to enter or remain in the parks.
- r) Consume, inject, inhale or otherwise absorb controlled drugs or solvents in the parks.
- s) Operate in the parks any model aircraft, model sailing vessel or any model mechanically propelled vehicle save with the permission in writing of the Council and subject to the terms of such permission

6. **Trading etc. in the Parks**

- a) Save with the permission in writing of the Council and subject to the terms and conditions of permission, no person shall sell, offer or expose for sale in the parks any commodity of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in the parks or engage therein in the business of taking photographs for payment.
- b) Save with the permission in writing 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.
- c) No person shall place any chair or seat in the parks for hire, save with the permission in writing of the council and subject to the terms and conditions of such permission.
- d) No person shall erect any tent or camp in any part of the parks save with the permission in writing of the Council and subject to the terms and conditions of such permission.
- e) No person shall place or keep any caravan or dormobile in any part of the parks save with the permission in writing of the Council and subject to the terms and conditions of such permission.

7. Musical performances and dances:

No person shall, save with the permission in writing of the Council and subject to such conditions as the Council may prescribe, conduct or take part in any musical performance (whether vocal or instrumental), dance, concert or other like entertainment in any part of the parks, or operate any radio, television, video, compact disc player, or tape player in the parks.

8. Games and Athletics:

- a) No person, club or organisation shall organise or take part in the game of football or any other game or athletics save in such places in the parks as the Council so set apart for that purpose and then only subject to and in accordance with such conditions as may be set out by the Council from time to time or as directed by an authorised employee of the Council.
- b) No person, club or organisation shall organise or take part in the game of football or any other game or athletics when an authorised employee of the Council considers the ground to be unfit for such use.
- c) No person shall play the game of golf or practise any aspect of the game in any part of the parks.
- d) Any person, club or organisation contravening any of the provisions of paragraphs (a) or (b) of this section may be liable to have playing facilities withdrawn.
- e) No person shall act or behave in such a manner so as to prevent or disrupt playing of the game of football or any other game or athletics in areas of the parks designated by the Council for that purpose.
- f) No person above the age of 12 years shall use any of the equipment or playing appliances in the children's playground in the parks.

9. Licences:

Every licence granted to any person, club or organisation for the specific occupation by such person, club or organisation of any portion of the parks shall be in accordance with such conditions as shall be laid down by the Council from time to time provided always that the Council shall be entitled to add conditions to existing licences.

10. Offences:

- a) It shall be lawful for any employee of the Council or for any member of the Garda Siochana to enforce these bye-laws and to exclude or remove from the parks any person committing any breach of the above bye-laws and to take any other such action as may be deemed necessary in the enforcing of these bye-laws.
- b) Any person offending against any of the above bye-laws may be removed from the parks and shall on summary conviction be liable to a penalty not exceeding €1,270.
- c) A 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 €1,270.
- d) If the 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 €127 per day.
- e) An authorised person may request any person who appears to be contravening or to have contravened a provision of these bye-laws to leave the parks or to refrain from any activity and may remove any person failing to comply with such request.
- f) A person who obstructs or impedes or refuses to comply with a request 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.
- g) Where an authorised person is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the authorised person 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.
- h) Where a member of the Garda Siochana is of the opinion that a person is committing or has committed an offence to which bye-laws relate, that member may arrest the person without warrant.
- i) An offence under these bye-laws may be prosecuted by the local authority which made the relevant bye-law, by any other local authority acting on its behalf or by a member of the Garda Siochana.
- j) A person may be served with a notice specifying a fixed payment not exceeding €63.50 in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention. Notice of the fixed payment shall be in the general form of the notice set out in the First Schedule to these bye-laws.

11. These bye-laws shall come into effect on 1st February, 2002

BALLINA URBAN DISTRICT COUNCIL

Parks Bye-Laws

First Schedule

FIXED PAYMENT NOTICE FOR THE PURPOSE OF SECTION 41 OF THE
LOCAL GOVERNMENT ACT, 1994 (BYE-LAW NUMBER 10j)

NAME OF LOCAL AUTHORITY _____

To.

Name
Address

It is alleged that you have contravened the provisions of bye-laws made under Part VII of
the Local Government Act, 1994 entitled
By
..... (in general terms specify nature of contravention) at
..... on

During the period of 21 days beginning on the date of this notice you may pay the sum of
€ _____, accompanied by this notice, at the offices of the local authority named
in this notice located at

A prosecution in respect of the alleged contravention will not be instituted during the said
period and if the sum of € _____ is paid during that period no prosecution will be
instituted at any time.

Signed _____
(Authorised Person)

Date _____

Important: Payment will be accepted at the offices of the local authority specified
above and must be accompanied by this notice. Payment may be made by
post. Cheques etc. should be made payable to

(name of Local Authority). A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged
contravention in Court.

BALLINA TOWN COUNCIL

PARKS BYE-LAWS UNDER THE LOCAL GOVERNMENT ACT, 1994

As amended by Ballina Urban District Council at its meeting on 13th December, 2001 in accordance with Section 37 (5) of the Local Government Act 1994.

Present when the Seal of BALLINA TOWN COUNCIL was affixed hereto:

Mr. Willie Nolan

Cathaoirleach

Seamus Granch

Director of Services

Quinn

Town Clerk