

DRAFT

GALWAY CITY COUNCIL PARKS, OPEN SPACES AND BEACHES BYE-LAWS

PURPOSE OF THE BYE-LAWS

Galway City Council provides, manages and maintains parks and recreational open spaces and beaches across the city for the use and enjoyment of the public. The objective of the byelaws is to ensure that persons can use and enjoy these amenities in a manner which respects the rights of others to do likewise, and which does not compromise the Councils capacity to manage the parks in the public interest and for the benefit of all.

WHEREAS GALWAY CITY COUNCIL being the local authority for the City of Galway has by virtue of Part 19 of the Local Government Act 2001 power to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of Galway City Council or in relation to any matter connected therewith.

BE IT KNOWN THAT GALWAY CITY COUNCIL the Local Authority for the City of Galway, in exercise of said powers hereby make the following bye-laws for or in relation to the use, operation, protection, regulation or management of parks, open spaces and beaches which are under the control and management of Galway City Council and are wholly situate in the City of Galway.

1. These Bye-Laws shall be cited as follows: *The Galway City Council Parks, Open Spaces and Beaches Bye-Laws 2016*.
2. **Commencement of Bye-Laws:** These Bye-Laws shall come into force on the ---- day of -----.
3. **Area of Application:** These Bye-Laws shall apply to the parks and beaches specified in the Schedule Part 1 and open spaces which are under the control and management of Galway City Council.
4. **Interpretation:**

In these Bye-Laws

- A. any reference to the masculine gender includes reference to the feminine gender and any reference to the neuter gender includes the masculine and feminine genders.
 - B. any reference to the singular includes reference to the plural.
- and the word or words –

- C. “*park*” refers to the parks specified in the Schedule Part 1 hereto whether open or enclosed and includes furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Galway City Council.
- D. “*beaches*” refers to designated bathing areas as specific in Schedule Part 1.
- E. “*open space*” includes all lands, open spaces, gardens, walkways, park furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Galway City Council for the provision of facilities for games and recreational activities thereon.
- F. “*Council*” means the Council of the City of Galway.
- G. “*employee of the Council*” shall include every Superintendent, Supervising Official, Foreman, Community Warden, Agent or other person employed by and duly authorised by the Council to administer and enforce these Bye-Laws.
- H. “*Authorised Person*” means a person authorised in writing by the Council or a member of the Garda Síochána.
- I. “*waters*” shall include rivers, estuaries, streams, lakes, ponds, both artificial and natural, reservoirs, canals and so on.
- J. “*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.
- K. “*horse*” shall include donkey, mule and ass.
- L. “*permission of the Council*” means the permission in writing of an authorised person.
- M. “*licence*” has the same meaning as “*Permission of the Council*”.
- N. “*noise sensitive premises*” means a residential property, hospital, school, church or nursing home.
- O. “*commercial activity*” means activity for profit/gain/promotion and trading.
- P. “*designated area*” means an area designated by the Members of Galway City Council for the purpose specified in the relevant byelaw.

5. Opening and Closing:

- a. The parks shall be opened 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 a park otherwise than through gateways or other openings provided by the Council for that purpose.

- d. No unauthorised person shall enter or remain in a park when it is closed.
- e. The Council may reserve the right to install security measures as seen fit to monitor activities in recreational open spaces.

6. Traffic:

- a. No person shall cycle or use any skateboard, roller skate, roller blades or other such apparatus in a park or open space in such manner as to cause nuisance or annoyance to other users of the park or open space or cause damage to any public property.
- b. No person other than employees of the Council or members of An Garda Siochana on duty shall drive or be a passenger in a mechanically propelled vehicle in a park or open space, only on authorised routes.
- c. Bye-Law 6(b) shall not apply to mechanically propelled lawnmowers being used by residents associations or persons who at the request of a residents association and on its behalf engage in the maintenance of open spaces in estates. All such persons operating mechanically propelled lawnmowers or other apparatus in the maintenance of open spaces shall enter upon such open space and carry out all works at their own risk and shall ensure they have adequate insurances in place. To the fullest extent permitted by law, the Council assumes no liability for any injury or loss suffered by any person engaged in the maintenance of open spaces as hereinbefore referred to and makes no guarantees, representations or warranties in respect of the state and condition of any open space.
- d. No person shall wheel a non-mechanical vehicle in a park or open space only on authorised routes.
- e. Bye-Law 6(d) shall not apply to (i) bicycles or tricycles ridden by children under the age of 10 years who are accompanied by and under the care of an adult and (ii) bicycles using designated cycle track. Cyclists must at all times give priority to pedestrians.
- f. No person shall in a park or open space drive or in any way use any vehicle, motor cycle, scooter or moped for the purpose of giving or receiving instructions in driving, managing or repairing such vehicle.
- g. Bye Law 6(d) shall not apply to wheelchairs, perambulators or similar vehicles moved drawn or propelled by hand or mechanically which are used solely for the conveyance of children, ill or disabled persons.
- h. No person shall leave any vehicle, bicycle or tricycle unattended in a park or open space except in such places as may be set aside as standing or parking places.
- i. The speed limit for vehicles in a park or open space shall be 10km per hour.
- j. An Garda Siochana may remove such vehicles from the park/open space made under these bye-laws.

7. Animals:

- a. No person shall cause or allow any horse as defined in the Control of Horses Act 1996 to enter or remain in a park, open space or beach. Members of An Garda Siochana in the course of their duties on horseback are exempt from this Bye-Law.
- b. No person shall turn out any cattle, sheep, horse or other animal to graze in a park or open space or allow to suffer, to stray or remain in a park or open space without the consent in writing of the Council and subject to the terms and conditions of such permission..
- c. No person shall take into or allow to remain in a park or open space any dog unless it is on a leash.
- d. A person in charge of a dog in a park or open space shall prevent it from causing annoyance to any person using the park or open space or worrying, chasing injuring or disturbing any animals, birds or other creatures in a park or open space.
- e. A person bringing a dog into a park or open space shall be responsible for its conduct and shall be liable for any damage or injury which may be caused by it. A person bringing a dog into a park or open space must remove it from the park or open space if so directed by an Authorised Person.
- f. If a dog defecates in a park or open space, 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. Persons 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 Regulations or Act, in their charge to enter or remain in a park or open space. This Bye-Law shall not apply to a dog which is kept by the Garda Siochana and wholly used by a member of the Garda Siochana in the execution of his/her duty.

8. General in Relation to Persons Using Parks and Open Space

No Person shall:-

- a. Walk upon any flower bed or through any shrubbery, enclosed plantation or other enclosed land in a park or open space other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.
- b. Destroy or injure any tree, shrub or plant growing in a park or open space or pluck, cut or remove any flower or blossom or any fruit on any tree, shrub or plant growing therein, other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.
- c. Climb any tree or shrub in a park or open space or climb any fence, railing or wall in a park or open space.
- d. Injure, write graffiti on or disfigure or in any way interfere with any notice or notice board in a park or open space.

- e. Take from a park or open space or destroy or injure or otherwise interfere with any bird, birds nest or birds eggs in a park or open space or ill treat worry or disturb an animal in a park or open space.
- f. Throw any missile in a park or open space to damage property or endanger any other person or wildlife within a park or open space.
- g. Molest, menace, threaten, annoy or otherwise interfere with any person using or enjoying the park or open space.
- h. Take or remove any soil, sand, gravel, stone or timbers from a park or open space save with the permission in writing of the Council and subject to the terms and conditions of such permission.
- i. Fish in any part of a park or open space save with the permission in writing of the Council and subject to the terms and conditions of such permission and any person so fishing shall be obliged to comply with rules and regulations which may apply.
- j. Dump or dispose of any bottle, glass, china, tin, container, litter or other waste in a park or open space except in receptacles provided for that purpose.
- k. Bring into a park or open space 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.
- l. Make any fire, bonfire or barbecue or light any fireworks in a park or open space save with the prior permission in writing of the Council and subject to the terms and conditions of such permission.
- m. Resist, obstruct or interfere with any employee of the Council or other person in the exercise of his/her duty or disobey his/her lawful directions.
- n. Consume, inject or inhale or otherwise absorb controlled drugs or solvents in a park or open space.
- o. Operate in a park or open space 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 and conditions of such permission.
- p. Destroy, injure or damage any playing pitch, green or court in a park or open space.
- q. Erect any tent or place or keep any caravan, camper van or dormobile in a part of a park or open space save with the prior written consent of the Council and subject to the terms and conditions of such permission.
- r. Throw away any lighting match or cigarette or other similar apparatus likely to be capable of setting fire to any tree, shrub, underwood, plant or vegetation or to any woodwork or structures in a park or open space.

- s. Engage in commercial activity, save and in accordance with approval/licence from the Council
- t. Attach any promotional material/signage/posters/bunting etc. to any type of vegetation or trees.

9. Children's Playgrounds

- a. No persons, other than young children under the age of 12 years, shall use any of the equipment or playing appliances in any children's playground in a park or open space that is designed solely for young children.
- b. No cycling, skateboarding or similar activity is permitted in a children's playground in a park or open space.
- c. Smoking is not permitted in playgrounds.

10. Games and Athletics

- a. No person, club or organisation shall organise or take part in the game of football or any other games or athletics save in such place in a park or open space as the Council 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 person 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 in a park or open space when an authorised person of the Council considers the ground to be unfit for such use and a notice prohibiting play has been communicated through newspapers/radio to all interested parties and/or is posted at or near a park or open space.
- c. No person shall play the game of golf or practice any aspect of the game in any part of a park or open space save in those areas (if any) specifically designated for those purposes.
- d. Any person club or organisation contravening any of the provisions of paragraphs (a) or (b) of this bye-law may be liable to have playing facilities withdrawn.
- e. No person shall act or behave in such a manner as to prevent or disrupt playing of the game of football or any other game or athletics in areas of a park or open space designated by the Council for that purpose.

11. Licences

Any person, club or organisation that is licenced by the Council to occupy a portion of a park or open space shall do so in accordance with such conditions as shall comply with these bye-laws.

12. Powers of an Authorised Person

- a. An Authorised Person may request any person who appears to be contravening or to have contravened a bye-law in a park, open space or beach to leave or to refrain from any activity and may remove any person failing to comply with such request.
- b. Where an Authorised Person is of the opinion that a person is committing or has committed an offence, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person is guilty of an offence.
- c. Where a member of the Garda Siochana is of the opinion that a person is committing or has committed an offence, that member may arrest the person without warrant.
- d. A person is not bound to comply with a request of an Authorised Person unless the Authorised Person produces, if requested by the person, evidence of his/her appointment as an Authorised Person.

13. Management Arrangements/Event Licences

- a. The City Council may impose a charge in respect of any specified use of recreational open space, or any licence issued in respect of such open space. The charge shall be in accordance with a schedule of charges, which schedule shall be available for inspection at the offices of the City Council, and at such other locations as may be specified by the City Council. The City Council may revise the schedule of charges, from time to time.
- b. Any person, club or organisation on which a charge is levied under these bye-laws shall pay such charge within the time specified by the City Council for payment.
- c. The City Council may enter into arrangements with any other party for the management or operation of any recreational open space or part thereof, on such terms and the City Council may specify
- d. In the case of the circus industry, the use of wild animals as part of performance is not permitted on Council owned lands.

14. Fixed Payment Notices

- a. If an Authorised Person other than a member of the Garda Siochana has reasonable grounds for believing that a person is committing a contravention or has committed a contravention of a provision of these bye-laws, the Authorised Person may serve on the person a fixed payment notice as prescribed by the Local Government Act 2001, (Bye-Laws) Regulations 2006 (S.I. No. 362 of 2006) or any regulation amending or extending same. The notice shall specify the name and address of the alleged offender, in general terms the nature of the contravention alleged to have been committed, the date and place of the alleged contravention and that the person may during the period of 21 days beginning on the date of the notice make to the Council at City Hall, College Road, Galway a payment of €75.00 accompanied by the notice and a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice. Notice of the fixed payment shall be in the general form of notice set out in the Schedule Part 2 to these Bye-Laws.

- b. Where a fixed payment has been duly paid in respect of an alleged contravention by a person during the period specified in the notice, no proceedings shall be instituted against the person in respect of the alleged contravention.
- c. A fixed payment notice under Section 206 of the Local Government Act 2001 (as amended) shall be signed on behalf of the local authority concerned by an “authorised person” within the meaning of Section 204 (1).

15. Service of Notices

Any notice required to be served by or under these bye-laws shall be served in one of the following ways:

- (i) By delivery to the person,
- (ii) By leaving it at the address at which the person ordinarily resides,
- (iii) By sending it by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides,
- (iv) If an address for the service of notice has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person at that address.

15. Penalties

- a. A person who contravenes a provision of these bye-laws shall be guilty of an offence under and by virtue of Section 204 and Section 205 of the Local Government Act 2001 liable on summary conviction to a fine not exceeding €1,900.
- b. If the contravention of a bye-law is continued after conviction, the person causing the contravention is guilty of an offence on each day of which that contravention continues and is liable on summary conviction for each such offence to a fine not exceeding €130.

16. Saver

Nothing in these bye-laws shall take away, abridge or limit any remedy existing for the time being by way of indictment or summarily or shall interfere with the powers of the Garda Síochána or any authority legally existing for preventing or punishing offences.

SCHEDULE PART 1

PARKS:

- 1 Kennedy Park, Eyre Square
- 2 Woodquay Park
- 3 Millennium Park
- 4 South Park/Nimmos Pier
- 5 Fr. Burke Park
- 6 Celia Griffin Famine Memorial Park Grattan
- 7 Claude Toft Park
- 8 Salthill Park
- 9 Quincentennial Park
- 10 Barna/Lough Rusheen Park
- 11 Dr. Mannix Park
- 12 Cappagh Park
- 13 Carn Ard Park
- 14 McGraths Field Park
- 15 Corrib Park Public Park
- 16 Westside Amenity Park
- 17 Red Lane Park
- 18 Shantalla Community Park
- 19 Renmore Park
- 20 Ballyloughane Amenity Area
- 21 Mervue Public Park
- 22 Cluain Mhuire Park
- 23 Roscam Park
- 24 Merlin Woods City Park
- 25 Lough Atalia Park
- 26 The Plots, Woodquay
- 27 Castlepark Public Park
- 28 Terryland Forest Park
- 29 Roscam Woods
- 30 Thomas Hynes Road Public Park
- 31 Sliding Rock Park
- 32 Water Lane Park
- 33 Kingston Neighbourhood Park
- 34 Bohermore Neighbourhood Park
- 35 Clybaun Neighbourhood Park
- 36 Crestwood/Ballinfoile Public Park

DESIGNATED BEACHES:

- 1 Ladies Beach
- 2 Blackrock Beach
- 3 Seapoint Beach
- 4 Grattan Beach
- 5 Silverstrand Beach
- 6 Ballyloughaun Beach

DESIGNATED PLAYGROUNDS

- 1 Kennedy Park
- 2 Millenium Park
- 3 South Park
- 4 Fr. Burke Park
- 5 Claude Toft Park
- 6 Cappagh Park
- 7 McGrath's Field Park
- 8 Westside Amenity Park
- 9 Sliding Rock Park
- 10 Lakeshore Drive
- 11 Sean Bhaile Estate
- 12 Ballinfoile Park Estate
- 13 Chluain Mhuire Park
- 14 Roscam Park
- 15 Mervue Woods City Park (2)
- 16 Lough Atalia Park
- 17 Na Blátha Creige Estate
- 18 Slí Burca
- 19 Coole Park Estate
- 20 Gleann Bhán
- 21 Henry Street

PART 2

GALWAY CITY COUNCIL

PARKS, OPEN SPACES & BEACHES BYE-LAWS 2016

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT 2001

NAME OF LOCAL AUTHORITY: GALWAY CITY COUNCIL _____

To: Name: _____

Address: _____

It is alleged that you have contravened the provisions of a bye-law made under Part 19 of the Local Government Act 2001 entitled *The Galway City Council Parks, Open Spaces and Beaches Bye-Laws 2016* by.....(in general terms specify nature of contravention) aton.....

During the period of 21 days beginning on the date of this notice, you may pay the sum of €75.00 (seventy five euro), producing/attaching this notice, at the offices of the local authority named in this notice located at City Hall Galway.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 (seventy five euro) is paid during that period, no prosecution will be instituted at any time.

A prosecution will be instituted if the sum of €75.00 (seventy five euro) is not paid within the said period.

Signed: _____

Date: _____

AUTHORISED PERSON

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 “Galway City Council” (name of local authority). A receipt will be issued.

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

Made and adopted under the Common Seal of Galway City Council this ____ day of -----.

PRESENT when the Common Seal
of Galway City Council was affixed
hereto: THE LORD MAYOR
also being present:

MAYOR OF GALWAY CITY

CHIEF EXECUTIVE OFFICER

BLAKE & KENNY SOLICITORS