

DRAFT

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

<u>Original Document</u>	<u>Proposed Text/Comments</u>
<p data-bbox="188 558 660 590">PURPOSE OF THE BYE-LAWS</p> <p data-bbox="188 630 1133 885">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.</p> <p data-bbox="188 1037 1133 1252">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.</p>	<p data-bbox="1133 630 2045 965">For Discussion - to note that Byelaws whilst they function as a deterrent to anti-social activities they also function to designate specific areas for particular activities. They also are used to provide a legal instrument to licence facilities and lands for rent, sports events etc. and to charge fees for this purpose. Licencing is very important to ensure that ownership of Public Land which is an important asset is not adversely affected by like activities and that essential insurance indemnities are in place to ensure the public are adequately protected and that public funds are protected.</p> <p data-bbox="1133 1037 2045 1109"><u>This is the legal instrument that enables the local authority to make Byelaws.</u></p>

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.

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 **in the charge** and management of Galway City Council and are wholly situate in the City of Galway.

This basically states that the byelaws proposed only apply to the territory legally referred to as Galway City though Rinville Park of which we own a 50% share requires discussion

1. These Bye-Laws shall be cited as follows: *The Galway City Council Parks, Open Spaces and Beaches Bye-Laws 2018 (when they are finally ratified/agreed).*

2. Date when agreed by the elected members

3..Area of Application: **Relevant** Bye-Laws shall apply to the **Public Parks (Schedule 1) and Public Beaches & Bathing Areas (Schedule 2) and Public Open Spaces (Schedule 3) which are in the charge/ownership** 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.

4. Interpretation:

- A. **Discusson need to agree an agreed wording to meet LBTTQUIA submission on gender.**
- B. As is.
- C. “*public park*” refers to **all public** parks specified in **Schedule 1** whether open or enclosed and **their contents including** furniture, equipment, statuary, monuments, fountains and fittings **owned or given in trust to Galway City Council or taken in charge by the Local Authority.** (note this covers arts infrastructure, lands buildings that may be bequeathed to the Local Authority)
- D. “*Public Beaches*” refers to designated bathing areas as specific in **Schedule 2** (It also includes areas such as **Salthill Prom, Grattan Prom, Silverstrand and Ballyloughan Proms**)
- E. “*Public 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

<p>F. “<i>Council</i>” means the Council of the City of Galway.</p>	<p>As is</p>
<p>G. “<i>employee of the Council</i>” 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.</p>	<p>F. “<i>employee of the Council</i>” shall include every Parks Superintendent, Engineer Supervising Official, Foreman, Community Warden, Agent or other person employed by and duly authorised by the Council to administer and (delete this enforce) these Bye-Laws.</p>
<p>H. “<i>Authorised Person</i>” means a person authorised in writing by the Council or a member of the Garda Siochana.</p>	<p>“<i>Authorised Person</i>” means a person authorised in writing by the Council and a member of the Garda Siochana.</p>
<p>I. “<i>waters</i>” shall include rivers, estuaries, streams, lakes, ponds, both artificial and natural, reservoirs, canals and so on.</p>	<p>As is</p>
<p>J. “<i>controlled drug</i>” 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.</p>	<p>As is</p>
<p>K. “<i>horse</i>” shall include donkey, mule and ass.</p>	<p>R. “<i>horse</i>” shall include donkey, mule Ass and Hinny.</p>
<p>L. “<i>permission of the Council</i>” means the permission in writing of an authorised person.</p>	<p>As is</p>
<p>M. “<i>licence</i>” has the same meaning as “<i>Permission of the Council</i>”.</p>	<p>As is</p>
<p>N. “<i>noise sensitive premises</i>” means a residential property, hospital, school, church or nursing home.</p>	<p>As is</p>
<p>O. “<i>commercial activity</i>” means activity for profit/gain/promotion and trading.</p>	<p>As is</p>

<p>P. “<i>designated area</i>” means an area designated by the Members of Galway City Council for the purpose specified in the relevant byelaw.</p> <p>5. Opening and Closing:</p> <p>a. The parks shall be opened on such days and during such hours as may be fixed by the Council from time to time.</p> <p>b. The opening and closing hours will be subject to variation by the Council as circumstances require.</p> <p>c. A person shall not enter or exit a park otherwise than through gateways or other openings provided by the Council for that purpose.</p> <p>d. No unauthorised person shall enter or remain in a park when it is closed.</p> <p>e. The Council may reserve the right to install security measures as seen fit to monitor activities in recreational open spaces.</p>	<p>P. “<i>designated area</i>” means an area designated by the Members of Galway City Council for the purpose specified in the relevant byelaw. (Note the Elected Members can amend the approved schedules on an ongoing basis to add or remove locations)</p> <p>This can only apply (& will be noted in the approved schedules) to Public Parks that are enclosed and gated and where resources allow gate management. The purpose of the byelaw here is to provide a legal instrument to allow gate management...discuss</p> <p>The is affected by 5a</p> <p>Discuss. As in 5a it applies only to areas that are enclosed and will be identified on Schedule 1. It is also a defence in the case of Public Liability Claims where a plaintiff climbs a boundary and subsequently suffers and injury and later makes a personal injury claim against the Authority.</p> <p>Again linked to 5a but it also enables the Right to request people to vacate a Public Park.. discuss</p> <p>Discuss, this is a legal instrument to enable the Authority to install CCTV equipment. However changes to Data protection legislation & implementation have to be noted.</p>
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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

6. Traffic:

Proposed 6a – The Local Authority shall designate appropriate areas for the purposes of permitting the appropriate use of various transport modes including Pedestrian Only Routes Cycleways, Roller Blade/Skateboard routes, car parks (associated only with recreational facilities), motorised routes within Public Parks etc...The permitted uses will be noted under the appropriate Schedules..

6b. Subject to Byelaw 6a.No person shall cycle or use any skateboard, roller skate, roller blades or other such apparatus in a Public Park, Public Open Space or Beach Amenity Area unless designated under Byelaw 6a.

6c. Employees of the Council or members of An Garda Siochana on duty are authorised in pursuance of their appropriate role to drive or be a passenger in a mechanically propelled vehicle in a Public Park Public Open Space & Beach Amenity Areas

6d. The Local Authority reserves the function to licence the use of vehicles within Public Parks, Public Open Spaces, and Beach Amenity Areas subject to conditions.

Amend former 6c as follows; 6e. The Local Authority Reserves the Right to licence the use of mechanically propelled grass cutting machines on Public Open Spaces subject to lodgement of appropriate Insurances indemnifying the Local Authority against all liabilities associated.

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.

Recommend to delete but suggest discussion concerning licencing vendors who may use light wheeled equipment

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.

Recommend to delete

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.

Recommend to delete already covered under powers to designate & licence

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.

Recommend to delete but note discussion needed about designated areas eg skateparks etc that might not be appropriate for access say by small children, buggies etc. Note all facilities should be fully accessible to any groups with special needs. The phrase disabled person is entirely inappropriate and culturally unacceptable & should not be used.

<p>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.</p> <p>i. The speed limit for vehicles in a park or open space shall be 10km per hour.</p> <p>j. An Garda Siochana may remove such vehicles from the park/open space made under these bye-laws.</p>	<p>6f. The Local Authority Reserves the Right to designate specific areas for the temporary storage/parking of vehicles & cycles. The agreed designation will include conditions including parking period, charges and indemnities as appropriate. The Authority Reserves the Right to move any vehicle or Cycle blocking essential access-ways or affecting Public Safety & enjoyment of facilities.</p> <p>6g. The Local Authority Reserves the Right to Designate appropriate speed limits for Motorised Vehicles permitted to traverse Designated areas.</p> <p>6j The authority to remove motor Vehicles as established under the Roads Act for public roads will apply.</p> <p>6k. The Local Authority reserves the right to designate lands for parking Campervans and Caravans.</p>
<p>7. Animals:</p> <p>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. .</p> <p>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</p>	<p>7. Animals:</p> <p>7a. The Local Authority in addition to the Control of Horses Act 1996 reserves the right to designate appropriate facilities for horses including bridleways for the exercising & recreational purposes. Horses shall only be permitted to access designated areas. Members of An Garda Siochana in the course of their duties on horseback are exempt from this Bye-Law</p> <p>7b. The Local Authority subject to the measures included in the Control of Horses Act 1996, The Control of Dogs Act 1986 - 1992 & the Wildlife Acts 1976 – 2012 reserves the right to licence access to lands for animal grazing & events.</p>

<p>Council and subject to the terms and conditions of such permission..</p> <p>c. No person shall take into or allow to remain in a park or open space any dog unless it is on a leash.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>7c. The local authority reserves the right to designate areas where dogs will only be permitted access whilst on a leash/dog free zones.</p> <p>7d. A person in charge of a dog in a park or open space shall prevent it from causing interference to any person using the public park, public open space and Beach amenity or harming or disturbing any animals, birds or other creatures in a public park or public open and beach amenity.</p> <p>7e. A person bringing a dog into a public park or public open and beach amenity shall be responsible for its behaviour and actions and shall be liable for any damage or injury which may be caused by it. A person bringing a dog into a Public Park Public Open Space and Beach Amenity Area shall immediately remove it upon discovery or reporting that the dog's behaviour is affecting members of the public amenities and wildlife from the park or open space when requested by an Authorised Person.</p> <p>7f Discuss</p> <p>7g. recommend removal. Discuss in association with Dog Control Byelaws attached</p>
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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.

7h. Section 7 does not apply to a dog being used by a member of the Garda Siochana in the execution of their duties.

- a. Shall intentionally walk upon and cause damage to formal flower beds or ornamental shrubbery, enclosed newly planted tree plantations or other enclosed land in a public park or public open space and beach amenity area and that an employee of the Council retains to right to exclude members of the public from an area whilst works are in progress
The previous wording caused severe controversy and I wish to discuss this proposed one.
- b. Wilfully destroy or injure any tree, shrub or plant growing in public park or public open space and beach amenity area or pluck, cut or remove any flower or blossom or any fruit on any tree, shrub that is designated for protection.
- c. Climb without any due care or attention any tree or tall shrub or climb any fence, railing or wall where its purpose is to exclude access or define appropriate access ways.

- 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.

- d. **Deliberately** injure, write graffiti on or disfigure or in any way **damage** any sign or notice board in a **public park or public open space and beach amenity**.
- e. **Without formal authorisation and in accordance with the Wild Life Acts 1976 – 2012** take from a **public park or public open space and beach amenity area** **destroy or injure** or otherwise cause harm to any bird, birds nest or birds eggs or any animal & **their habitat** in a **public park or public open space and beach amenity area**
- f. **Deliberately with malice** throw any missile in a **public park or public open space and beach amenity area** to damage property or endanger any person or **flora & fauna** within a **public park or public open space and beach amenity area**
- g. Molest, menace, threaten, annoy or **intimidate** any person using or enjoying the **public park or public open space and beach amenity area**
- h. Take or remove any soil, sand, gravel, stone or timbers from **public park or public open space and beach amenity area** save with the permission in writing of the Council and subject to the terms and conditions of such permission
- i. **For discussion - fishing on rivers and beach areas (conflicts with bathers as raised by WSDO)**

- 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.

- j. Dump or dispose of any bottle, glass, china, tin, container, litter or other waste in a **public park or public open space and beach amenity area** except in receptacles provided for that purpose.
- k. Bring into a **public park or public open space and beach amenity area** 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 **public park or public open space and beach amenity area unless they have with the prior permission in writing from the Council** and subject to the terms and conditions of such permission
The Council reserves the right to designate appropriate areas for barbecues, bonfires and firework displays.
- 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. **Discuss – they are legally prohibited under law. Discuss including clause prohibition of the use of alcohol in designated areas such as playgrounds and the general ban across all public parks etc.. save with written agreement and licence.**

<p>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> <p>p. Destroy, injure or damage any playing pitch, green or court in a park or open space.</p> <p>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.</p> <p>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.</p> <p>s. Engage in commercial activity, save and in accordance with approval/licence from the Council</p>	<p>o. Operate in a public park or public open space and beach amenity area any model aircraft, model sailing vessel or any model mechanically propelled vehicle save in areas specifically designated areas/specifically designated times with the permission in writing of the Council and subject to the terms and conditions of such permission.</p> <p>p. Intentionally destroy, injure or damage any playing pitch, green or court in a public park or public open space and beach amenity area</p> <p>q. Erect any tent or place or keep any caravan, camper van or dormobile in a part of a public park or public open space and beach amenity area except in areas specifically designated and/or specifically designated times or with the prior written consent of the Council and subject to the terms and conditions of such permission. The Council reserves the right to designates sites.</p> <p>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 public park or public open space and beach amenity area</p> <p>s. Intentionally engage in commercial activity in a public park or public open space and beach amenity area except in areas specifically designated and/or specifically designated times or with the prior written consent of the Council and subject to the terms and conditions of such permission. The Council reserves the right to designates sites.</p>
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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.

amend

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.

t. Attach any promotional material/signage/posters etc. to any type of vegetation or trees.

a. No persons, other than young children under the age of 12 years, shall use any of the equipment or playing appliances in a children's playground in a public park or public open space and beach amenity area that is designed solely for young children up to 12 years of age and is indicated at the facility. Similarly where other recreational areas such as skate parks and Exercise Parks clearly indicate age appropriateness this shall be respected and adhered to in the interests of public safety for all.

b. No cycling, skateboarding or similar activity is permitted in an enclosed children's playground.

c. Smoking and the consumption of alcohol are not permitted in children's playgrounds.

a. No person, club or organisation shall organise or take part in a planned/formally organised through an instituted league system a game (or training for) of football/hurling/camogie/hockey or any other games or athletics save in such place in public park or public open space and beach amenity area as the Council designated for that purpose and then only subject to and in accordance with

<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>such conditions as may be set out by the Council from time to time or as directed by an authorised person of the Council.</p> <p>b. No person, club or organisation shall organise or take part in planned/formally organised through an instituted league system a game (or training for) of football/hurling/camogie/hockey public park or public open space and beach amenity area when an authorised person of the Council further to a site inspection/receipt of weather warnings considers the ground to be unplayable & unsafe/will cause severe damage to the playing surface and a notice prohibiting play has been communicated through email, telephone, text alerts/other sms message systems/web site/newspapers/radio to all interested parties and/or is posted at or near public park or public open space and beach amenity area.</p> <p>c. No person shall play the game of golf or practice any aspect of the game in any part of a public park or public open space and beach amenity area. save in those areas (if any) specifically designated for those purposes.</p> <p>d. Any person club or organisation contravening any of the provisions of paragraphs (a) or (b) of this bye-law will be liable to having playing facilities withdrawn where there are a number (discuss) of breaches in a season.</p> <p>e. No person shall deliberately 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 public park or public</p>
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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.

open space and beach amenity area. designated by the Council for that purpose.

Discussion needed on appropriate use for public open spaces within housing developments

11. Licences

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

- a. An Authorised Person may request any person whom they have formed a view that they are contravening or have contravened a bye-law in a public park or public open space and beach amenity area to leave or to refrain from any activity and can request the assistance of a member of An Garda Siochana to remove any person failing to comply with such a request
- b. Where an Authorised Person is of the opinion that a person is committing or has committed an offence under the Bye-laws, the Authorised Person may request the name and address of such person and if that request is refused or the person gives a name or address which is false or misleading, that person is guilty of an offence. for discussion – Community Wardens provide functions to regulate other bye-laws and it is considered they will assimilate some of the functions herewith. Secondly Recreation & Amenity Staff will require training and vetting especially where it comes to dealing with minors. Consideration should be given to future recruitment

<p>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.</p> <p>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.</p> <p>13. Management Arrangements/Event Licences</p>	<p>of dedicated Parks Rangers similar to the Dublin Authorities. Generally we discourage lone working. A separate discussion is needed concerning voluntary wardens. The ‘Child First’ Act 2015 from which the publication ‘The National Guidance for the protection & welfare of Children’ 2017 will be reviewed for amendment in this area.</p> <p>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 exercise the necessary powers available to them subject to the severity of the offence. (Note the draft document overall will be subject to review by Legal Representatives and An Garda)</p> <p>d. No Change</p> <p>In order to appropriately regulate the use of public lands and as guided by our Insurers Irish Public Bodies it is necessary to have a managed licence system to protect the public, the integrity of the public land folio and to ensure that necessary back up including insurance indemnities are in place should anything go wrong. The management of these systems places a cost on the Council for which it is entitled to receive some compensation most especially from commercial entities. At present charities and voluntary organisations are exempted in some circumstances.</p>
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<p>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.</p> <p>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.</p> <p>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</p> <p>d. In the case of the circus industry, the use of wild animals as part of performance is not permitted on Council owned lands.</p>	<p>a. The City Council reserves the right to apply charges/seek appropriate compensation/recompense in respect of specified use of a public park or public open space and beach amenity area t, or any licence issued in respect of a public park or public open space and beach amenity area t. 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</p> <p>b. NO Change</p> <p>c. The City Council may enter into arrangements with any other appropriately qualified individual (s) for the management or operation of any public park or public open space and beach amenity area or part thereof, on such terms and the City Council may specify subject to protection of industrial agreements and the protection of the land folio integrity in the title of Galway City Council</p> <p>d. In the case of the circus industry, the use of wild animals as part of performance is not permitted on Council owned lands (discuss other purposes outside of circuses to ensure no anomalies e.g. scientific exhibitions).</p>
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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.

- 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 (discuss) 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. (refer to section 12 & review with legal advisors)

- b.** No change

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

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).

No Change

Where a fixed penalty does not apply – needs greater discussion and schedule of charges..It also does not preclude the DPP with the Gardai taking a malicious damages prosecution.

Discuss...

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.

This basically means the byelaws to not over-ride or preclude the Gardai using any piece of statute law to affect a prosecution where the DPP is satisfied to refer it to a criminal court.

SCHEDULE 1

DESIGNATED PUBLIC 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

SCHEDULE 2.

DESIGNATED PUBLIC OPEN SPACES

TO BE POPULATED...

SCHEDULE 3

DESIGNATED BEACHES AMENITIES

- 1 Ladies Beach
- 2 Blackrock Beach
- 3 Seapoint Beach
Grattan Beach
- 4 SALTHILL PROM.
- 5 Silverstrand Beach & PROM
- 6 Ballyloughaun Beach & PROM
7. SOUTH PARK PROM & BEACH

SCHEDULE 4

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

OPTION TO ADD/INCLUDE A SEPARATE SCHEDULE FOR EXERCISE PARKS & SKATE PARKS

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

Appendices....

Comhairle Cathrach na Gaillimhe

Galway City Council

**DOG CONTROL BYE-
LAWS
2008**

PROPOSED UNDER

**THE CONTROL OF DOGS ACT,
1986
(AS AMENDED) &
REGULATIONS THEREUNDER**

AND

**THE LOCAL GOVERNMENT
ACT, 2001 & REGULATIONS
THEREUNDER**

Comhairle Cathrach na Gaillimhe
Galway City Council

DOG CONTROL BYE- LAWS 2008

Galway City Council in pursuance of the powers conferred on it under the Control of Dogs Act 1986 (as amended) and Regulations thereunder, and the Local Government Act 2001 and regulations thereunder, and in the interests of the common good hereby makes the following Bye-Laws in relation to the control of dogs on certain beaches in the functional area of the Council.

h. Title:

These bye-laws shall be cited as Galway City Council Dog Control Bye-laws 2008.

i. Commencement:

These bye-laws shall come into operation on 1st day of August 2008.

j. Definitions:

In these bye-laws the following definitions shall apply:

“The Council” means the City Council of Galway.

“Dog” includes a bitch of any age or a dog of any age.

“Beach” means the area immediately adjacent to the foreshore consisting of a natural accumulation of sand and/or stones and/or rock or shingle and every area contiguous thereto together with the foreshore waters for a distance of 300 metres from the shore and bordering but not including the footpath/walkway adjacent to the beach and as more particularly delineated on the schedule of maps attached hereto.

k. Application of Bye-Laws.

(a). The Bye–Laws shall apply to the Beaches known as Silverstrand, Salthill, Grattan Road, and Ballyloughaun and more particularly delineated on the schedule of maps attached hereto.

(b). These Bye – Laws shall apply from the 1st May to 30th September inclusive each year.

Page 1 of 2

5. Prohibitions/Restrictions.

(a) Between the hours of 9.00 am and 8.00 pm during the months of May, June, July, August and September, it shall be prohibited to bring

any dog onto the beaches or into the waters to which these Bye-Laws apply.

k. Before 9.00 am and after 8.00 pm during the months of May, June, July, August and September a dog may be brought onto the Beach subject to the following conditions:

A. The dog is on a leash.

B. It is not causing danger or nuisance to any person using the beach or worrying, chasing, injuring or disturbing any animals, birds or other creatures on the beach.

Note: (Under the Litter Pollution Act 1997, where faeces has been deposited by a dog on a beach, the person in charge of the dog shall immediately remove the faeces and shall ensure that it is properly disposed of in a suitable sanitary manner).

(iii) Guide dogs for the blind, dogs kept by an Garda Siochana and under the control of a member of An Garda Siochana in the execution of his/her duties and dogs kept by the Customs and Excise Service and under the control of a member of the Customs and Excise Service in the execution of his/her duties are exempt from these bye-laws.

Q. **Offences:**

f. A person who obstructs or impedes a dog warden acting in the exercise of his/her functions under these bye-laws shall be guilty of an offence.

- g. Where a dog warden “or member of the Garda Siochana” is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, the dog warden “or member of the Garda Siochana” 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. 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 €1904.60 or to imprisonment for a term not exceeding 3 months or both.
- i. A person may be served with a fixed payment notice as an alternative to a prosecution for a contravention of a bye-law indicating that a prosecution will not be instituted if payment of € 31.74 is made to the Council during the period of 21 days beginning on the date of the notice.
- j. An offence under these bye-laws may be prosecuted by Galway City Council, being the Local Authority which made the bye-laws.



Comhairle Cathrach na Gaillimhe
Galway City Council

**DRAFT BYE-LAWS 2008
REGULATING**

RECREATIONAL CRAFT

INCLUDING

FAST POWER CRAFT

AND

PERSONAL WATERCRAFT (JET- SKIS)

Galway City Council, in exercise of the power conferred on the Council by Section 6 of the Maritime Safety Act 2005 and Part 19 of the Local Government Act 2001 regulations thereunder and in the interests of the common good and the safety of persons using waters and to prevent nuisance or injury to persons or damage to watercraft or other property, to protect a natural heritage area and Flora and Fana, hereby makes the following Bye Laws for the purposes of regulating or controlling the

operation of watercraft (Jet Skis) or fast power craft of a specified class in waters in the functional area of Galway City Council.

1. TITLE

These Bye-Laws may be cited as GALWAY CITY COUNCIL BYE LAWS REGULATING RECREATIONAL CRAFT INCLUDING FAST POWER CRAFT AND PERSONAL WATER CRAFT (JET-SKIS) 2008.

2. INTERPRETATION

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

- | | |
|---|--|
| <p>a) “The Local Authority” means the Council of the City of Galway.</p> <p>b) “The Act” means the Maritime Safety Act, 2005.</p> <p>c) “The Council” means Galway City Council.</p> <p>d) “The Foreshore” has the meaning assigned to it in Section 1 of the Foreshore Act 1933.</p> <p>e) “Beach” means the area adjacent to the foreshore consisting of a natural accumulation of sand and/or stones and/or shingle which can be in either public or private ownership and every area contiguous thereto including;</p> <p>(i) any strand, and/or dunes;</p> | |
|---|--|

(ii) any walls, railings, barriers, fence, seats footpath, ramps, access, walkways, steps, sewers, drain or gully thereon;

(iii) any post, sign, notice, sign board, life saving apparatus or equipment, litter receptacle, lamp, lamp post, appliance, flag pole, flag, water pipe, hut, shelter, ornament, building or other structure forming part thereof or erected by the Council;

(iv) any tree, shrub, bush hedge, flower, flower bed, turf, grass or plant growing thereon;

f) **“Authorised Person”** means any Community Warden, Beachguard, or other Council Employee to whom functions relative to these Bye-Laws have been assigned or otherwise appointed/authorised for the purpose of Section 204 of the Local Government Act 2001 or Section 17 of the Maritime Safety Act 2005.

g) **“Craft”** means personal watercraft (Jet-Ski), or recreational craft when operated by a mechanical means of propulsion.

- h) “Personal Watercraft (Jet-Ski)”** means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as it’s primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of a hull.
- i) “Fast Power Craft”** means a power operated craft other than a personal watercraft (Jet-Ski) capable of travelling at 17 knots per hour (KPH) or more, whether engaged in towing other appliances or not.
- j) “Permit”** **"DEFINITION ON PERMIT TO BE INSERTED"**.
- k) “Designated Area”** means an area prohibited pursuant to Bye-Law No. 3 and shown on the attached map.
- l) “Electrical Suppression”** means the reduction and/or elimination of the emission of electromagnetic waves so as not to cause interference to radio and/or television reception.

- m) In these bye-laws, any reference to a “**Jet-Ski**” shall be deemed to include a reference to personal water craft (PWC)

3. PROHIBITED AREA

- a) The use of personal watercraft (Jet-Skis) and fast power craft is prohibited at all times in the areas specified in Schedule 1 attached.
- b) The use of personal watercraft (Jet-Skis) and fast power craft is prohibited on any part of the beach / foreshore.
- c) Operators of personal watercraft (Jet-Skis) or fast power craft shall observe a speed restriction of 6 knots along the designated access/egress route to the non-prohibited areas.
- d) The use of personal watercraft (Jet-Skis) or fast power craft is prohibited on the River Corrib, Lough Atalia and Lough Rusheen and all inland rivers/lakes and waters (except private waters) in the functionally area.

e) Any person who is in charge of a personal watercraft (jet ski) or fast power craft on the Beach /foreshore shall ensure the following:-

(i) That it is at all times under proper and adequate control.

(ii) That it is driven or operated at such reduced speeds as necessary in the vicinity of bathers and/or other water users (including wind surfers, kite surfers, surfers, canoeists, dinghy, sailors, keel boat sailors, anglers, scuba divers, snorkellers, rowers etc.) so as not to cause such bathers or other water users fear or anxiety or cause them to take avoiding action or suffer difficulties due to excessive wake or wash.

f) A person shall not wilfully cause danger, obstruction or annoyance to other persons using the beach / foreshore/ or wilfully obstruct any officer or authorised person in the execution of his/her duty in the enforcement of these Bye-Laws.

- | | |
|---|--|
| <p>g) A person in charge of a Jet Ski or fast power craft shall not drink, consume or partake of alcoholic beverages or be under the influence of alcohol while in charge of a personal watercraft (Jet Ski) or fast power craft on the beach / foreshore.</p> <p>h) Every person in charge of a personal watercraft (jet ski) or fast power craft shall act in such a manner as not to cause injury, annoyance or danger to any person using the beach / foreshore including persons resident near the coastline or other persons using the same for water based activities or swimming in the sea or to disturb naturally occurring flora and fauna. Electrical suppression shall be included for all motors of such personal watercraft (Jet-Skis) and fast power craft, which are operated in or on the beach / foreshore. No craft may be operated in such a manner as to cause a nuisance to other water users or to persons ashore.</p> <p>i) Every person bringing a personal watercraft (jet ski) or fast power craft onto the beach / foreshore shall be responsible and liable for any damage or injury to property or persons which may be caused by it.</p> <p>j) No person under the age of 16 may operate a personal watercraft (jet ski) or fast power craft on the beach / foreshore in the functional area.</p> | |
|---|--|

- k)** Any person bringing a personal watercraft (jet ski) or fast power craft onto the beach / foreshore who contravenes these Bye Laws must cease operating it or remove it from the beach / foreshore if so directed by an authorised person or a member of the Garda Siochana.

- l)** Any person bringing a personal watercraft (Jet Ski) or fast power craft onto the beach / foreshore must have the relevant insurance cover as may be specified in a permit issued by the Council.

- m)** Any person bringing a personal watercraft (jet ski) or fast power craft onto the beach / foreshore must ensure that any relevant identification number or marking system is clearly displayed as may be required in a permit issued by the Council.

4. PERMITS

- | | |
|--|--|
| <p>a) The Council may refuse permission to a person who applies for permit to operate a jet ski or fast power craft on the foreshore/harbours or functional area if it is satisfied that the operation of such a jet ski or fast power craft would result, or be likely to result in the loss of amenity, danger, injury annoyance to other persons including persons resident near the coastline of the beach / foreshore.</p> <p>b) If permission is granted, it shall be in writing having obtained such a permit shall whenever requested to do so by an Authorised Officer, or by any member of the Garda Siochana, produce for inspection such a written permit, unless otherwise exempted (see Bye-law 6)</p> <p>c) The permit shall be valid for a period of 12 months or such a period of time as defined by the Council.</p> <p>d) Any permit issued under the aforementioned bye-laws shall be carried by the applicants at all times while engaged in the activity so permitted. It shall be an offence not to do so.</p> <p>e) An applicant must produce any permit issued under the aforementioned bye-laws when requested by an authorised person or any member of the Garda Siochana.</p> | |
|--|--|

- f)** The Council may revoke a permit to operate a jet ski or fast power craft on the beach / foreshore at any time if it is satisfied that the operation of such jet ski or fast power craft would result, or be likely to result in loss of amenity, danger, injury, annoyance to other persons including persons resident near the coastline of the beach / foreshore.

- g)** The Council when making a decision to grant a permit may request an applicant to produce evidence of having completed appropriate training in the operation of a jet ski or fast power craft.

5. PENALTIES

- a)** It shall be lawful for any authorised person or member of the Garda Síochána to enforce these bye-laws and to exclude or remove from any part of the beach / foreshore any person or persons committing any breach of these bye-laws and relevant personal watercraft Jet-Skis and/or fast power craft and to take such other steps as authorised by law.

- b)** A person may be served with a fixed payment notice specifying the following payments as an alternative to prosecution under the Maritime Safety Act 2005:

- (i) €150 for a contravention of Section 6(2), 8(2) 11(3) or 12
or
- (ii) €50 for a contravention of Section 6(3) or 4 or 10(2).

A Prosecution will not be instituted if payment is made during the period of 21 days beginning on the date of the notice.

A person who contravenes a provision of these bye-laws other than those contraventions referred to in _____ - or contravenes a condition of a licence granted under these Bye-Laws, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.60 and €126.97 per day on summary conviction of a continuing offence.

- (iii) A person who obstructs or impedes or refuses to comply with a requirement of a member of the 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.
- (iv) Where an Authorised Person or member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, 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.

(v) Where a member of the Garda Síochána reasonably suspects that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.

(vi) An offence under these bye-laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána.

6. PROHIBITED ACTS

It shall be prohibited under this Bye-Law to bring on to, or ride, wash, drive or lead any horse, pony, donkey, ass, mule or other animal of the equine species on the beach or grassed area.

7. EXEMPTIONS

These Bye-Laws shall not apply to craft operated in the course of duty of

- Galway City Council
- An Garda Síochána
- the Defence Forces
- the Revenue Commissioners
- the Central Fisheries Board or a Regional Fisheries Board

- the Commissioners of Irish Lights or the Royal National Lifeboat Institution
- craft while involved in bona fide emergency, enforcement, or rescue missions

8. APPEALS PROCEDURE.

Persons who are dissatisfied with the decision taken regarding a permit refusal under the Bye Laws, may seek a review of the decision by writing to: The Director of Services, (Galway City Council) to whom the function of implementing these Bye-Laws is delegated

These Bye-Laws shall/will come into effect on _____, on which date the Galway Corporation Jet Skis Bye -Laws 2001 shall stand revoked.

SCHEDULE 1

The use of Jet-Skis and fast powerboats is prohibited in the areas set out below. At no time, shall a person bring a jet ski or fast power boat into, or have a Jet-Ski or fast power boat under his or her control in an area specified as a Prohibited Area as outlined.

1.1 Prohibited Use of Jet Skis and Fast Power Boats at ALL times

PROHIBITED AREA

The prohibited area is identified as the area enclosed north of a boundary running west to east from the navigation mark at Barna Quay Light to the Black Rock Beacon, to the navigational mark at Foudra Rock to the yellow special navigational mark at the diffusers south of Mutton Island, to the Leverets TOWER to Rabbit Island to Murrough House, as outlined on attached drawing PKS/SP/08-29/001 P

Personal Watercraft (Jet-Skis) and Fast Power Craft are not permitted on the north side of this boundary at any time with the exception of the designated launch site at Palmers Rock and the designated access/egress route from Palmer's Rock to the non-prohibited area as outlined on attached drawing PKS/SP/08-29/001 P

The use of persona watercraft(Jet-Skis) or fast power craft is prohibited on the River Corrib, Lough Atalia and Lough Rusheen and all inland rivers/lakes and waters (except private waters) in the functional area.

GALWAY CITY COUNCIL

BYE LAWS 2007 REGULATING RECREATIONAL
CRAFT
(INCL. FAST POWER BOATS)
AND
PERSONAL WATERCRAFT (JET-SKIS)
MADE UNDER
PART II OF THE MARITIME SAFETY ACT, 2005

Present when the Common Seal of THE GALWAY
CITY COUNCIL was affixed hereto:

Cathaoirleach/Nominated Member
Comhairle Cathrach na Gaillimhe.

SEAL

City Manager/Director of Services

Dated: _____

**Comhairle Cathrach Na Gaillimhe
Galway City Council**

**Galway City Council (Regulation and Control of the
Consumption of Intoxicating Liquor in Public Places)
Bye-laws 2008**

Galway City council being of the opinion that it is desirable in the interests of the common good of the local community that certain activities and or matters should be regulated or controlled and that the nuisances arising therefrom should be controlled or suppressed, hereby makes the following bye-laws under Part 19 of the Local Government Act 2001 and the regulations thereunder.

1. TITLE:

These Bye-Laws shall be cited as the Galway City Council (Regulation and Control of the Consumption of Intoxicating Liquor in Public Places) Bye-laws 2008.

2. COMMENCEMENT

These bye-laws shall come into operation on the _____ day _____ 2008, on which date the bye-laws which came into effect on 1st January 1999 shall stand repealed.

3. APPLICATION OF BYE-LAWS

These bye-laws shall apply in the functional area of Galway City Council.

4. DEFINITIONS

In these bye-laws the following definitions shall apply:

“the Act” means the Local Government Act 2001.

“Authorised Person” means a community warden or other Council employee authorized in writing under Section 204 of the Act for the purpose of these bye-laws.

“the Council” means Galway City Council.

“Functional area” means the administrative area of Galway City.

“footpath”, “footway” and “road” have the meanings assigned to them respectively by the Roads Act 1993 (as amended)

“seashore”, means the foreshore and every beach, bank and cliff contiguous thereto and includes all sands and rocks contiguous to the foreshore.

“Intoxicating liquor” means any alcoholic drink, spirits, wine, beer, porter, cider, perry, sweets and any fermented, distilled or spirituous liquid or liquor which cannot,

according to any law for the time being in force, be legally sold without a license from the Revenue Commissioners or any drink or other liquid containing alcohol.

“Public Place” includes –

- (i) any footpath, footway, street, road or car park
- (ii) any highway
- (iii) any cemetery, church, churchyard or the cartilage of any church
- (iv) any premises, parks, public open space, outdoor area, or other place to which members of the public have or are permitted to have access, whether as of right or as a trespasser or otherwise, or by express or implied permission, or whether on payment or otherwise.
- (v) The seashore within or adjoining the functional area.

but does not include: -

- (a) a private house or dwelling or the garden or curtilage of such house or dwelling only in so far as concerns any activity of the owner or occupier or of a person therein or thereon as of right or with the express or implied permission of the owner or occupier.
- (b) any premises licensed for the consumption of intoxicating liquor during the hours authorized for sale and consumption of same pursuant to the Licensing Acts 1833 to 1997, or any Act extending or amending the same.

5. PROHIBITION

A person shall not consume or attempt to consume intoxicating liquor or an alcoholic drink in a public place and a person shall not have in his or her possession intoxicating liquor or an alcoholic drink in a public place with the intention of consuming it in a public place or of supplying it to any person for consumption in a public place.

PROVIDED ALWAYS that a person shall not contravene these bye-laws if such person consumes or attempts to consume intoxicating liquor during hours authorized for the sale and consumption of intoxicating liquor pursuant to the Licensing Acts, 1833-1997 or any Act extending or amending the same

- (a) while seated at tables and chairs provided on that part of a public road comprising a footway or footpath outside or in the vicinity of a hotel, restaurant or public house by the proprietor of such hotel, restaurant, or public house, as the case may be, on foot of a license granted by the Council under Section 254 of the Planning & Development Act, 2000, as amended, and which is for the time being in force, and subject to compliance with any conditions contained in such license.

6. OFFENCES / POWERS OF AUTHORISED PERSON/MEMBER OF GARDA SIOCHANA

- (a) An authorized person and/or a member of the Garda Siochana may request any person who appears to be contravening or to have contravened a provision of

these bye-laws to leave the vicinity and move off or to refrain from committing any such breach. Failure to comply with such a request shall be a contravention of this sub-article of these bye-laws.

- (b) Where an authorized person and/or a member of the Garda Siochana suspects with reasonable cause, that an offence under these bye-laws has been committed, or is being committed, such authorized person and/or a member of the Garda Siochana may stop, search or cause to be searched that person and may seize and confiscate, dispose and destroy, without warrant any bottle or container which contains intoxicating liquor together with its contents which is in possession of such person or persons.
- (c) Where an authorized person and/or member of the Garda Siochana suspects with reasonable cause that a bottle or container in a public place (whether or not in the possession of a person) holds intoxicating liquor and further suspects with reasonable cause that an offence under these bye-laws has been or is being or may be committed, such authorised person and/or member of the Garda Siochana may seize and confiscate, dispose and destroy, without warrant any such bottle or container together with the contents.
- (d) Any person who obstructs or impedes an authorized person and/or a member of the Garda Siochana in the carrying out of their duties, under Sub-article 6 (b) or (c) shall be guilty of an offence under these bye-laws.
- (e) Any person who contravenes any provision of these bye-laws or who prevents, attempts to prevent or encourages any other person to prevent or attempt to

prevent the exercise by an authorized person and/or a member of the Garda Siochana from exercising a power conferred by these bye-laws or who encourages any other persons not to comply with a request under Sub-article Article 6 (a) of these bye-laws shall be guilty of an offence under these bye-laws.

(f) Where an authorized person makes a request of a person under these bye-laws the authorized person shall where the person requires proof of the authorized person's authority, produce to the person evidence of appointment as an authorized person.

(g) Where a member of the Garda Siochana is of the opinion that a person is committing or has committed an offence under these bye-laws that member may arrest such person without warrant.

(h) Where an authorised person and/or member of the Garda Siochana is of the opinion that a person is committing or has committed an offence under any provision of these bye-laws, the authorized person and/or a member of the Garda Siochana may demand the name and address of such person and any person who fails or refuses to give his/her name and address when demanded or gives a name and address when so demanded which is false or misleading shall be guilty of an offence.

(a) 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 €1904.60

(b) A person may be served with a fixed payment notice as an alternative to a prosecution for a contravention of a bye-law indicating that a prosecution will not be instituted if payment of €75 is made to the Council during the period of 21 days beginning on the date of the notice.

8 PROSECUTION OF OFFENCES

(a) In any prosecution of an offence under Article 5 of these bye-laws a presumption shall operate, unless and until the contrary is proved by the defendant, that the intention of the defendant was to consume such intoxicating liquor, or any part thereof, while in a public place.

(b) In any prosecution of an offence under these bye-laws a presumption shall operate (where the prosecution so elects) to the effect that any liquid found in any container material to the prosecution, shall be presumed to conform in all respects with the description of the liquid given on the container.