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Fingal County Council



Regional Parks and Open Spaces Bye-Laws 2017

**BYE-LAWS REGULATING REGIONAL PARKS, OPEN SPACES
AND RECREATIONAL PLAYING GROUNDS OWNED,
CONTROLLED BY OR IN THE CHARGE OF FINGAL COUNTY
COUNCIL**

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BYE-LAWS UNDER PART 19 OF THE 2001 LOCAL GOVERNMENT ACT (AS AMENDED) FOR THE CONTROL AND REGULATION OF THE USE OF PARKS, OPEN SPACES AND RECREATIONAL PLAYING GROUNDS OWNED, CONTROLLED BY, OR IN THE CHARGE OF FINGAL COUNTY COUNCIL WHETHER OPEN OR ENCLOSED.

These Bye-Laws are in force to ensure that parks, open spaces and recreational playing grounds and their facilities are used to the maximum extent, in safety and comfort and for the protection of parks, open spaces and recreational playing grounds which are provided as a public amenity and for respect and consideration for park users to ensure as much enjoyment as is possible of these amenities.

1. TITLE AND COMMENCEMENT

These Bye-Laws may be cited as the Fingal County Council Regional Parks and Open Spaces Bye-Laws 2017.

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:

- (a) “Park” shall include parks, open spaces and recreational playing grounds, owned, controlled by or in the ownership of Fingal County Council whether open or enclosed.
- (b) “Council” means the Council of the County of Fingal.
- (c) “Employee of the Council” shall include every Superintendent, Supervising Official, Park Ranger, or other person employed by and duly authorised by the Council.
- (d) “Waters” shall include rivers, estuaries, streams, lakes, ponds, both artificial and natural, reservoirs, canals etc.
- (e) “Controlled drug” means any substance, product or preparation which is specified in the schedule to the Misuse of Drugs Act, 1977 or any amending act or regulations.
- (f) “Horse” shall include donkey, mule and ass.
- (g) “Stallion” means an entire male horse over 18 months of age.
- (h) “Permission of the Council” means the permission in writing of an authorised person.
- (i) “Licence” has the same meaning as “Permission of the Council”.
- (j) “Authorised Person” means a person authorised in writing by a local authority.

3. OPENING AND CLOSING OF REGIONAL PARKS

- (a) The park shall be open on such days and during such hours as may be fixed by the Council from time to time.
- (b) The opening and closing hours will be subject to variation by the Council as circumstances require.

4. PROHIBITED ACTS GOVERNED BY THESE BYE-LAWS

4.1 UNAUTHORISED ENTRY TO PARK

- (a) No unauthorised person shall enter or remain in any park when it is closed.
- (b) No person shall enter or exit any Park otherwise than through the gateways or other openings provided for that purpose.
- (c) The bye-laws set out in 4.1 above do not apply to employees or members of An Garda Síochana in the course of duty.

4.2 DRUGS

No person shall consume, inject, inhale or otherwise absorb or have in their possession, controlled drugs or solvents in any park.

4.3 ALCOHOL

No person shall possess, consume, attempt to consume, or supply intoxicating liquor to a person for consumption. Failure to comply with such direction shall be an offence.

4.4. LITTER

No person shall bring, deposit, throw or leave in any park any item of litter as defined in the Litter Pollution Acts 1997-2009 or any amending acts or regulations, except in receptacles provided for the purpose.

4.5. GRAFFITI

No person shall injure, disfigure, write graffiti on or mark any seat, chair, sculpture, structure, notice or noticeboard or any property in the park.

4.6 TRAFFIC, BICYCLES, SKATEBOARDS ETC.

- a) Cyclists must behave in a manner respectful of other parks users and the character of the area and must give way to pedestrians at all times. Cyclists must not use any route which has been designated as closed to cyclists and must obey any directions of Fingal County Council whether given by signs or by a Parks Warden.
- b) No person shall leave any vehicle, bicycle or tricycle unattended in the park, except in such places as may be set aside as standing or parking places.
- c) No person other than authorised officials and employees of the Council shall drive or allow to be driven or be a passenger in any mechanically propelled vehicle in the park on unauthorised routes save with the permission in writing of the Council and then only in such areas as may be designated by the Council.
- d) No person shall drive a vehicle on the park except on authorised routes.
- e) The maximum speed limit for all vehicles in a park or open space shall be 20 kilometres per hour. This bye-law shall not apply to areas specifically designated for cycle training and racing or other areas designated by the Council.
- g) It is proposed that these bye-laws 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 or disabled persons.
- h) No person shall in any park or open space engage in motorcycle scrambling except in an area designated by the Council for that purpose.
- i) Parking located in parks and open spaces may only be used by patrons.
- j) The bye-laws set out in 4.6 (a) to (e) inclusive shall not apply to employees or members of An Garda Síochana in the course of duty.

4.7 ANIMALS

- (a) No person shall cause or allow any horse as defined in the Control of Horses Act 1996 or any other subsequent amending Regulations or Act, belonging to and licensed to him/her to enter or remain in the Park.
- (b) No person shall turn out to graze in the park, or allow or suffer to stray or remain in the park, any cattle, sheep, horse or other animal without the permission in writing of the Council.

- (c) No person shall lead, walk or ride a horse in the park without the written permission of the Council and only then on such routes as may be designated by the Council for this purpose, from time to time.
- (d) Dogs in parks and open spaces shall be kept on a leash, other than in areas designated as off-leash areas, or at times specified by the County Council. Dogs must be kept under effectual control at all times. Dogs (other than guide dogs or assistance dogs) shall not be permitted in public playgrounds. A person shall not cause or allow any Restricted Breed, as defined in the Control of Dogs Regulations 1998 (as amended) belonging to him/her, or in his/her charge to enter or remain in the park unless such dog is kept securely muzzled and led on a sufficiently strong leash or chain not exceeding two metres in length by a competent person over 16 years of age.
- (e) Every person in charge of a dog in the park shall prevent it from causing annoyance to any person using the park or worrying, chasing, injuring or disturbing any animals, birds or other creatures in the park.
- (f) Every person bringing a dog into the park shall be responsible for its conduct and shall be liable for any damage or injury which may be caused by it. Any person bringing a dog into the park must remove it from the park if so directed by an authorised employee of the Council.
- (g) If a dog defecates in the park, the person in charge of the dog shall remove the faeces from the Park. Guide dogs for the blind are exempt from this bye-law.
- (h) The bye-laws set out in 4.7 (a) to (g) inclusive to employees or members of An Garda Síochana in the course of duty.

4.8 PUBLIC DISORDER/NUISANCE

- (a) No person shall molest, menace, threaten, annoy or otherwise interfere with any person using or enjoying the Park.
- (b) No person shall beg, gamble, use obscene or profane language, behave indecently or importune or otherwise cause annoyance.
- (c) No person shall play musical instruments, radio, stereos etc., at such noise level as to cause annoyance.

4.9 VANDALISM

- (a) No person shall cause damage to property in any park.
- (b) No person shall throw any missile in the Park to damage property or endanger any other person or wildlife within the park.

- (c) Save with the express permission of the Council, no person shall destroy or injure any tree, shrub or plant growing in the park or pluck, cut or remove any flower or any blossom or any fruit on any tree, shrub or plant growing therein.
- (d) No person shall take from the Park or destroy or injure or otherwise interfere with any bird, bird's nest or bird's eggs in the park or ill-treat, worry or disturb any animal in the park.
- (e) No person shall walk upon flower beds, shrubberies, enclosed plantations or other enclosed lands in the park.
- (f) No person shall climb any tree or shrub in the park or climb any fence, railing or wall in the park.

4.10 CHILDREN'S PLAYGROUNDS

- (a) No person above the age of 12 years shall use any of the equipment or playing appliances in any children's playground in the Park.
- (b) No person shall in any Public Playground engage in smoking tobacco or tobacco related products.

4.11 WATERCOURSES

- (a) No person shall bathe in any of the waters in the park except in any area designated for that purpose by the Council.
- (b) No person shall skate on the frozen water of any lake, pond or watercourse in the park nor foul or pollute any such watercourse.
- (c) No person shall use a boat, raft or similar craft on any watercourse in the park save with the prior permission of the Council. This bye-law shall not apply to vessels which are kept by An Garda Síochana and wholly used by An Garda Síochana in the course of duty.
- (d) No person shall fish in any part of the park, save with the permission in writing from the Council.

4.12 CARAVANS AND TENTS

- (a) No person shall erect any tent or camp in any part of the park save with the permission in writing of the Council and subject to the terms and conditions of such permission.

- (b) No person shall place or keep any caravan or dormobile in any part of the park save with the permission in writing of the Council and subject to the terms and conditions of such permission.

4.13 TRADING IN THE PARK

- (a) No person shall carry out commercial activity or advertising in parks and open spaces unless permitted by the Council.
- (b) Save with the permission in writing of the Council and subject to the terms and conditions of permission, no person shall sell, offer, expose for sale in the park any commodity or service of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in the park or engage therein in the business of taking photographs for payment.
- (c) Save with the permission in writing of the Council and subject to the terms and conditions of such permission, no person, organisation, club, etc., shall levy any charge for the participation in or viewing of any game, sport or exhibition.
- (c) No person shall place any chair or seat in the park for hire, save with the permission in writing of the Council and subject to the terms and conditions of such permission.

4.14 EVENTS, MUSICAL PERFORMANCES ETC.

All events in parks and open spaces shall be organised in line with the Event Management Guidelines and Protocols as adopted by Fingal County Council.

4.15 GAMES AND ATHLETICS

- (a) No club or organisation shall organise or take part in the game of football or any other game or athletics save in such places in the park as the Council so set apart for that purpose and then only subject to and in accordance with such conditions as may be set out by the Council from time to time or as directed by an authorised employee of the Council.
- (b) No person, club or organisation shall organise or take part in the game of football or any other game or athletics when an authorised employee of the Council considers the ground to be unfit for such use and a notice prohibiting play has been communicated through newspapers/radio to all interested parties and/or is posted at or near the place.
- (c) No person shall play the game of golf or cricket or practise any aspect of the game in any part of the park, save in those areas specifically designated for those purposes.

- (d) Any club or organisation and person, club or organisation respectively contravening any of the provisions of paragraphs (a) or (b) of this section may be liable to have playing facilities withdrawn.
- (e) No person shall act or behave in such a manner so as to prevent or disrupt playing of the game of football or any game of athletics in areas of the park designated by the Council for that purpose.

4.16 FIREARMS

No person shall bring into the park any firearm, airgun, catapult or any other weapon, save with the permission in writing of the Council for an approved competition or for the practice for an approved competition and subject to terms and conditions of such permission.

4.17 BONFIRES, BARBECUES ETC.

No person shall make any bonfire, fire or barbecue or light any fireworks in the park, save with the prior permission of the Council or in locations designated for such purposes.

4.18 PUBLIC MEETINGS

No person shall hold or address a public meeting or religious service except with the permission in writing of the Council.

4.19 OBSTRUCTION

No person shall 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.

4.20 OPERATION OF MODEL AIRCRAFT ETC.

No person shall operate any Unmanned Aircraft System (UAS) “drone”, remotely piloted aircraft, model aircraft, model sailing vessel or any model mechanically propelled vehicle in a public park or open space except in locations or at times designated by the Council for such activities and subject to the requirements of the Irish Aviation Authority (IAA) or other relevant statutory bodies and subject also to the Council’s requirements in relation to privacy, data protection, health and safety and insurance being met.

5. REFUSAL OF PERMISSION

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

6. LICENCES

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

7. OFFENCES

- (a) It shall be lawful for any Authorised Person or member of the Garda Síochana to enforce these bye-laws and to exclude or remove from any part of the park any person committing any breach of the above bye-laws and to take such other steps as authorised by law.
- (b) A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,300.
- (c) If the contravention of a provision of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €130 per day.
- (d) A person who obstructs or impedes or refuses to comply with a request of a member of the Garda Síochana or of an authorised person acting in the exercise of the functions conferred on an authorised person by these bye-laws shall be guilty of an offence.
- (e) Where an authorised person or a member of the Garda Síochana 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.
- (f) Where a member of the Garda Síochana is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.

- (g)** 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 Síochana.
- (h)** A person may be served with a notice specifying a fixed payment, not exceeding €100 in respect of a contravention of a bye law as an alternative to a prosecution for the contravention. Notice of the fixed payment shall be in the general form of the notice set out in the first schedules to these bye-laws.

FINGAL COUNTY COUNCIL
REGIONAL PARKS AND OPEN SPACES BYE-LAWS

8. First Schedule

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF PART 19 OF THE 2001
LOCAL GOVERNMENT ACT (AS AMENDED)**

NAME OF LOCAL AUTHORITY: _____

To: **Name:** _____
 Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part 19 of the Local Government Act 2001(as amended) by
.....
(in general terms specify nature of contravention) at
on During this period of 21 days beginning on the
date of this notice you may pay the sum of Euro, accompanied by this notice,
at the offices of the local authority named in this notice located at
..... .

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

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 - Fingal County Council.**

A receipt will be given.

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

FINGAL COUNTY COUNCIL

**REGIONAL PARKS AND OPEN SPACES BYE-LAWS UNDER
THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED)**

PRESENT when the Common Seal of
FINGAL COUNTY COUNCIL
was affixed hereto:

**Cathaoirleach/Nominated Member
Comhairle Contae Fhine Gall**

SEAL

Chief Executive Officer