

Draft Bye-laws for Parks, Playgrounds and Open Spaces

The Council is proposing to amend the Parks, Playgrounds and Open Spaces Bye-laws 2015 to include public realm areas for the purposes of Bye-law No. 8 which deals with the control of Musical, Vocal and Artistic performances.

It is proposed that the general provisions on the control of and the requirement for permission for musical and artistic performances are to be extended to public realm areas including pedestrianised streets and an amendment to Bye-law No. 8 states that no person shall broadcast amplified vocal or other performances in public realm areas save with the permission of the Council.

The amended Bye-laws are attached with the proposed changes highlighted in yellow.

All other aspects of the 2015 Bye-laws remain unchanged.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

PARKS, PLAYGROUNDS AND OPEN SPACES

BYE-LAWS

2019

WATERFORD CITY AND COUNTY COUNCIL

PARKS, PLAYGROUNDS AND OPEN SPACES BYE-LAWS, 2019

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Waterford City and County Council in the exercise of its powers conferred under Part 19 of the Local Government Act 2001 hereby makes in the interests of the common good, the following Bye Laws for the purposes of regulating the use of and enjoyment of Parks, Playgrounds and Open Spaces provided and maintained by the Council and within the functional area of Waterford City and County.

I. Citation

These Bye-Laws shall be cited as the Waterford City and County Council (Regulation and Control of Parks, Playgrounds and Open Spaces) Bye-Laws, 2019.

II. Commencement & Revocation

These bye-laws shall come into force on the 1st day of ____ 2019.

The Waterford City and County Council (Regulation and Control of Parks, Playgrounds and Open Spaces) Bye-Laws, 2015 are hereby revoked in full

III. Duration of Bye-laws

Unless otherwise stated, these bye-laws shall apply at all times and year round

IV. Interpretation

In this Bye-Law, except where the context otherwise requires, the following words and phrases shall have the following meanings respectively:

Animals means all animals except guide dogs for the visually impaired and horses used by An Garda Síochána in the course of their duties.

Area Designated and Designated Area means an area designated by Waterford City and County Council for the purpose specified in the relevant bye-law.

Commercial activity means activity for profit or gain, and includes trading activity and advertising.

Employee of the Council shall include any person employed by Waterford City and County Council, and any other person duly authorised by the Council to administer and enforce these byelaws, and, for the purpose of these byelaws, shall include a member of the Garda Síochána.

Licence has the same meaning as “Permission of the Council”.

Motorised Vehicle means any mechanically propelled vehicle, but not including a motorised wheelchair, a caravan or mobile home.

Open space means all land and water, including buildings, woodlands or public open space either controlled or in the charge of Waterford City and County Council.

Parks refers to all public parks including playgrounds, skate parks and multi use games areas (MUGA) provided and maintained by Waterford City and County Council.

Person means a member of the public.

Public Realm for the purposes of Bye-law No. 8 public realm means all those public external areas that are accessible to the public under the control of the Waterford City and County Council and shall include those streets that are closed to vehicular traffic on or either a whole-time or part-time basis.

The Council means Waterford City and County Council.

V Regulations

1. Opening times

[a] The parks shall be open on such days and during such hours as may be fixed by the Council from time to time.

[b] The Council may vary the opening and closing hours and days for the parks, or any part thereof, as circumstances require.

[c] A person shall not enter or exit the parks other than through the gateways or other openings provided for that purpose.

[d] A person other than an employee of the Council shall not enter or remain in any part of the parks outside of the opening hours, without the approval of the Council.

2. Traffic

[a] Subject to byelaw 4 [b], no person other than employees of the Council, and other persons so authorised by the Council, shall bring in, drive or allow themselves to be driven in, any motorised vehicle into or in the parks, or on any open space other than areas designated as car-parking areas, without the permission in writing of the Council.

[b] The Council may designate areas of parks and open spaces into which persons may bring such motorised vehicles as may be specified.

[c] No person shall bring a caravan, motor-home or mobile home onto a park or open space, save with the written permission of the Council, and in accordance with the terms and conditions of such permission.

[d] No person shall use a caravan, motor-home or mobile home in parks or on open spaces, save with the written permission of the Council, and in accordance with the terms and conditions of such permission.

[e] No person, other than an employee of the Council in the normal exercise of their duty shall cycle or use any skateboard, roller-skates, roller blades or other non-motorised vehicle [other than a wheelchair] in parks or on open space except on such routes and in such places as may be designated by the Council for this purpose, from time to time.

3. Dogs

[a] No person shall take into or allow to remain in a park any dog unless it is on a leash.

[b] Every person in charge of a dog in a park shall take reasonable care to 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.

[c] Every person in charge of a dog shall ensure that any faeces deposited by the dog be immediately removed and properly disposed of in a suitable sanitary manner

[d] A person shall not cause or allow any dangerous dog, as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 or any subsequent amending Regulations or Act, in their charge to enter or remain in the park unless such dog is kept muzzled

[e] Every person in charge of a dog in a park shall be liable for any damage or injury, which may be caused by the dog, also any person in charge of a dog in a park shall remove it from the Park if so directed by an authorised employee of the Council.

4 Other Animals

Without the written permission of the Council and only then under certain conditions and in such areas or on such routes as may be designated by the Council for the purpose from time to time no person shall:

Turn out to graze in a park or allow to stray or remain in a park, any cattle, sheep, horses, donkeys, or other animals.

No persons shall, lead, walk or ride a horse or donkey in a park or on open space. The mounted unit of An Garda Síochána shall have access to parks and open spaces at all times whether during or outside of the official opening times, in the normal exercise of their duty, and shall not require the prior consent of the Council to gain such access.

Every person in charge of an animal in a park or open space shall be liable for any damage or injury which may be caused by the animal, also any person in charge of an animal in a park or open space shall remove it from the Park or open space if so directed by an authorised employee of the Council.

5. General regulations relating to use of parks and open spaces.

[a] The Council may restrict certain activities in parks or on open spaces to such times, and such areas as may be designated.

[b] No person shall:

- Damage or destroy any tree, shrub, or plant growing in a park or open space, or pluck, cut or remove any flower or any blossom or any fruit or any tree, shrub or plant growing therein;
- Damage, deface, disfigure, write graffiti on, mark or in any way interfere with any seat, bench, sculpture, play equipment, sports equipment or fixtures, toilets, notice boards or structures in parks or open spaces;
- Interfere with or use any lifesaving equipment on such space, except in an emergency;
- Take from a park or open space or destroy or injure or otherwise interfere with any bird, bird's

nest or bird's eggs in parks or open spaces, or ill-treat, worry or disturb any animal or wildlife.

- Throw any object in a park or open space to damage property or endanger any other person who is legitimately using or enjoying such space;
- Molest or threaten, annoy or otherwise interfere with any person using or enjoying the park or open space in a lawful manner;
- Take or remove any soil, sand, gravel, stone, timber or other material from parks or open spaces, save with the written permission of the Council;
- Erect or place any notices, or structures, including tents, camps and temporary structures, in parks or open space, without the written permission of the Council;
- Erect any advertisements in parks or open space, without the permission in writing of the Council
- Dump or dispose of any bottle, glass, tin, container, litter or other material in a park or open space, except in receptacles or designated areas provided for that purpose;
- Make any bonfire, fire or barbecue or light any firework in the park, save with the prior permission of the Council.
- Beg, gamble, use obscene or profane language, behave indecently or cause annoyance
- Bring onto parks or open spaces any firearm, air gun, catapult, or any other weapon;
- Operate in parks or on open space any model aeroplane, any other object designed for controlled flight, or any model mechanically propelled vehicle, except in areas designated for such objects by the Council, and in accordance with the terms and conditions of such designation;
- Hold or address a public meeting or religious service in parks or open spaces except with the written permission of the Council;
- 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 instructions;

[c] Any Employee of the Council may remove and confiscate any structure, notice, objects or material erected or placed in parks and on open spaces in contravention of these bye laws.

[d] Any person using parks or open spaces shall comply with any lawful direction in relation to such use issued by the Council.

[e] All play equipment in parks or on open spaces is to be used in accordance with any instruction given.

[f] The use of any skateboard park shall be in accordance with any instruction given

6. Prohibited Substances

It is prohibited to possess, ingest, supply, or offer for sale drugs, as specified in the schedule to the Misuse of Drugs Act, 1977 or any amending act, or other consciousness altering substances in parks or open spaces in the ownership or charge of the Council-

The possession, supply or consumption of alcohol in parks or open spaces in the ownership or charge of the Council is strictly prohibited

All children's playgrounds in the ownership or charge of the Council are designated as Smoke Free and it is prohibited to smoke or to use tobacco based products within the area of any such playground. This prohibition includes the use of electronic cigarettes.

All parks in the ownership or charge of the Council are designated as Smoke Free and it is prohibited to smoke or to use tobacco based products within the area of any such park. This prohibition includes the use of electronic cigarettes.

7. Commercial activity

[a] Subject to byelaw 8(b), no person shall engage in commercial activity in parks or open spaces.

[b] The Council may designate areas of parks or open space in which specified commercial activities may be permitted, subject to such terms and conditions as may be specified by the Council, and subject to the provisions of statute law.

[c] No person, organisation or club shall levy any charge for the participation in or viewing of any game, sport, performance or exhibition, save with the permission in writing of the Council. Subject to such terms and conditions as may be specified by such permission the Council may impose a charge on any event organiser.

[d] Without prejudice to the generality of this byelaw, no person shall place any chair, seat, bicycle or other equipment for hire in parks or open spaces, save with the written permission of the Council and in accordance with any the terms and conditions of such permission.

[e] No person shall display any advertisement, or erect, exhibit, affix, chalk, or paint any picture, bill, placard, banner, tract or notice in any open space or on any wall, fence or hedge enclosing any park or open space without the written permission of the Council and subject to the terms and conditions of such permission.

8 Musical, Vocal and Artistic performances

[a] No person shall organise, conduct or participate in any musical performance (whether vocal or instrumental), concert, dance, circus act, parade or other artistic performance or like entertainment in parks, any open space or public realm area except with the permission in writing of the Council and in accordance with the terms and conditions of such permission.

[b] The Council may designate areas of parks, open spaces or public realm as suitable for musical, vocal, artistic or other performances, and may restrict such performances to such designated areas.

[c] No person shall use any park, open space or public realm area for the purpose of making a film, or television programme save with the permission in writing of the Council and in accordance with the

terms and conditions of such permission.

[d] No person shall broadcast any vocal or instrumental performance (including speeches, preaching and like performances) using amplified sound in any public realm area except with the permission, in writing, of the Council and in accordance with the terms and conditions of such permission.

9 Games and Athletics

[a] No person shall act or behave in such a manner so as to prevent or disrupt playing of any sport or athletic pursuit in areas designated by the Council for such purpose, and in accordance with the terms and conditions of such designation.

[b] No person above the age of 12 shall use any of the equipment or play appliances provided in areas designated as play areas for children under 12.

VI Enforcement

[a] The Garda Síochána shall have access to parks, open spaces and public realm areas at all times whether during or outside of the official opening times, in the normal exercise of their duty, and shall not require the prior consent of the council to gain such access.

[b] Any person who shall breach any of the foregoing bye-laws may be removed from the park, open space or public realm area by an employee of the council, or by member of An Garda Síochána and shall on summary conviction be liable to a penalty not exceeding € 1270 euro.

[c] If the contravention of a provision of any of these bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €127 per day.

[d] A person who obstructs or impedes, or refuses to comply with a request of an employee of the Council acting in the exercise of the functions conferred on him/her by these byelaws shall be guilty of an offence.

[e] Where an employee of the Council or a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under these byelaws, the employee of the Council 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 shall be guilty of an offence.

[f] Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these byelaws relate, that member may arrest, or arrange for the arrest of, the person without warrant.

[g] An offence under these byelaws may be prosecuted by Waterford City Council or by a member of the Garda Síochána.

GIVEN under the Common Seal of Waterford City and County Council ____ day of _____ 2019

Mayor

Chief Executive

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