



# COMHAIRLE CONTAE ATHA CLIATH THEAS

## SOUTH DUBLIN COUNTY COUNCIL

### BYE-LAWS FOR PARKS AND OPEN SPACES 2011

Made under Section 199 of the Local Government Act 2001 for the use, operation, protection, regulation and management of the use of Parks and Open Spaces owned, controlled and managed by, or in the charge of South Dublin County Council

Explanatory.

These Bye-Laws are for the control and regulation of the use of Parks and Open Spaces (hereinafter referred to as “Parks”).

These Bye-Laws are in force to ensure that Parks provided as a public amenity, are used by members of the public to the maximum extent in safety and comfort.

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## **1. Definitions:-**

These Bye-Laws shall be cited as “South Dublin County Council Parks and Open Spaces Bye-Laws 2011.”

### **In these Bye-Laws**

- 1.1** “Park” shall include parks, open spaces and recreational playing grounds, Fishery owned, controlled by or in the charge of South Dublin County Council.
- 1.2** “Council” mean South Dublin County Council.
- 1.3** “Employees of the Council” shall include every superintendent, supervising official, park ranger, or other person employed by and duly authorised by the Council.
- 1.4** “Authorised person” means an authorised person within the meaning of section 204 of the Local Government Act 2001.
- 1.5** "Waters" shall include all bodies of water such as rivers, streams, lakes, ponds, reservoirs, canals, wetlands whether natural or artificial.
- 1.6** “Mechanically Propelled Vehicle” is defined as follows:  
A vehicle intended or adapted for propulsion by mechanical means, including
- a)** A bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used.
  - b)** A vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical but not including a tramcar or other vehicle running on permanent rails.

## **2. Opening and Closing of Parks entrances where access is controlled by lockable gates/barriers:-**

- 2.1** Entry and exit to and from a Park shall be gained only through the authorised access points.
- 2.2** Such entrances shall be open to the public on such days and during such hours as shall be fixed and displayed by the Council from time to time.
- 2.3** The opening and closing hours of Park entrances will be subject to variation by the Council as circumstances require.
- 2.4** No unauthorised person shall enter or remain in any part of a Park outside of opening hours.

### **3. Traffic:-**

**3.1** Save with the permission of the Council, no person shall bring into a Park any Mechanically Propelled Vehicle which includes for the avoidance of doubt motorcycles, motor-cross / quad bikes or other powered vehicles. Such vehicles may be removed from the park / open space by An Garda Siochana.

**3.2** Where a Mechanically Propelled Vehicle is permitted access to a Park (e.g. Council fleet, commercial suppliers), the vehicle shall be driven carefully subject to a maximum speed limit of 20kph on the authorised routes within the Park, other than where expressly permitted by the Council.

**3.3** A Mechanically Propelled Vehicle shall be parked in car parks, where provided, or in such places as may be set aside from time to time as temporary parking places.

**3.4** Car parks may only be used by users and patrons of a Park. No person shall carry out commercial activity or advertising in the car parks unless permitted by the Council. Further, no person shall make use of car park for “park and ride” purposes.

**3.5** The use of bicycles, skateboards, in-line skates, roller-skates, non motorised scooters and similar vehicles are permitted subject to careful use and consideration for other Park users. A maximum speed limit of 20kph shall apply to all such vehicles with the exception of areas designated for cycle training and races by prior agreement with the Council.

### **4. Animals:-**

#### **4.1 Dogs:-**

##### **4.1.1** No person:

**a)** Shall take into or allow to remain in a Park any dog unless it is under effective control on a leash other than in areas designated (dog runs) or at times specified by the County Council.

**b)** In charge of a dog in a Park shall engage it in coursing or permit it to be engaged in coursing in a Park.

##### **4.1.2** Persons in charge of a dog in a park shall

**a)** 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.

**b)** Be liable for any damage or injury which may be caused by the dog.

**c)** Remove it from the Park if so directed by an Employee of the Council or an Authorised Person.

**4.1.3** If a dog, other than a guide dog, defecates in the Park, the person in charge of the dog shall remove the faeces from the ground and dispose of in a proper manner or other receptacle which may be designated for the purpose.

**4.1.4.** These Bye-Laws shall not apply to a dog being used:

- a) In the execution of his duty by a member of the Garda Síochána or
- b) For such other purpose as the Minister for the Environment may prescribe from time to time.

#### **4.2 Birds:-**

No person shall:-

- a) 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 or worry any bird population.
- b) Partake in hawking or bring hawks or other birds of prey into the Park for the sport of hawking.

#### **4.3 Other Animals:-**

No person shall:

- a) Disturb, worry or interfere with any wildlife in the Park.
- b) Turn out to graze in a Park or allow to stray or remain in a Park, any cattle, sheep, horse, donkey, or other animal.
- c) Lead, walk or ride a horse or donkey or any other animal in a Park.
- d) Enter a Park for the purpose of hunting.

### **5. General Regulations in Relation to Persons Using a Park:-**

#### **5.1 Materials, Features, Fittings and Furniture:-**

No person shall:

- a) Climb any vehicle, tree, shrub, seat, fence, railing or wall or gateway or walk upon any flower bed or through any shrubbery, enclosed plantation or other similarly planted area in a Park.
- b) Damage, destroy or remove any tree, shrub or plant growing in a Park or pluck, cut or remove any leaf, flower, blossom, fruit, or other part of any tree, shrub or plant.

- c) Damage, deface, disfigure, write graffiti on, mark or in any way interfere with any CCTV security system, playground equipment, gates, seat, bench, sculpture, structure, signage, notice-board, lighting feature in a Park.
- d) Take or remove any soil, sand, gravel, stone or timber from a Park, save with prior permission in writing of the Council.

## **5.2 Consideration for other Parks users:-**

No person shall:

- a) Assault, threaten, molest, annoy or otherwise interfere with any person using or enjoying a Park in a lawful manner.
- b) Beg, gamble, use obscene or profane language, behave indecently, importune, solicit or otherwise cause annoyance.
- c) Hold or address a public meeting or religious service, save with the prior consent of the Council.
- d) Resist, obstruct or interfere with any Employee of the Council or an Authorised Officer in the exercise of his/her duty, or disobey lawful directions given by such persons.
- e) Throw any object or missile to damage or endanger any other person.
- f) Bring into a Park any air-gun, catapult or any other weapon save with the prior permission of the Council for an approved competition or for practice for an approved competition and subject to the terms and conditions of such permission.
- g) Make any bonfire, fire, barbecue, possess or light any firework save with the prior permission of the Council and subject to the terms and conditions of such permission.

## **5.3 Waters:-**

No person shall:

- a) Walk, swim, fish, or bathe, in any waters in a Park except in those areas which may be set aside for that purpose.
- b) Foul or pollute waters in a Park.
- c) Boat on any waters nor operate model aircraft/boats or engage in water sports/pursuits on Waters save with the prior written permission of the Council in designated areas and subject to the terms and conditions of such permission.

## **6. Regulated and Controlled Activities:-**

### **6.1 Trading etc:-**

The following activities are prohibited in a Park, except in certain circumstances and in specified areas and with the permission in writing of the Council, and subject to the terms and conditions of such permission:

- a) Selling/hiring, offering, or exposing for sale any commodity of any kind whatsoever, or displaying any sign, poster, handbill, or other notice, or engaging in taking photographs for payment.
- b) Levying any charge for the participation in or viewing of any game, sport or exhibition.
- c) Erecting any tent or camp or placing or keeping any caravan or dormobile in a Park.

### **6.2 Games, musical performances, athletics, playgrounds:-**

**6.2.1.** The following activities are facilitated in Parks only in designated areas in a Park and with the prior permission in writing of the Council and subject to terms and conditions and as directed by an Employee of the Council or an Authorised Person. In all other circumstances they are prohibited: -

- a) Musical performances (whether vocal or instrumental), dancing, concerts or other like entertainment, or the operation of any sound or video broadcasting or receiving apparatus, (radio, television, video, compact disc player, tape player or “Ghetto-blaster” etc.).
- b) Any aspect of practice or organised game of football, golf or any other game or athletics.

**6.2.2.** No person, club or organisation shall organise or take part in a game of football or any other game or athletics where an Employee of the Council or an Authorised Person considers the ground to be unfit for such use.

**6.2.3.** Any person, club or organisation who uses any non designated area for sports competition, practice or training or who contravenes any of the provisions of Clause 6.2. may be liable to have their playing facilities withdrawn.

**6.2.4.** No person shall act or behave in such a manner so as to prevent or disrupt the authorised playing of a game of football or any other game or athletics.

**6.2.5.** Playground facilities are provided only for the enjoyment of children up to 12 years of age. All such children must be accompanied by an adult.

## **7. Prohibited Substances:-**

### **7.1 Drugs:-**

It is prohibited to possess, ingest, supply, or offer for sale, illegal drugs or other consciousness altering substances in a Park.

### **7.2 Alcohol:-**

The possession, supply or consumption of alcohol in a Park, save with the permission in writing of the Council and subject to such conditions as the Council may prescribe, is strictly prohibited.

## **8. Enforcement and Penalties:-**

**8.1** An Authorised Person and/or a member of the Garda Síochána shall have free and unencumbered access to any Park at all time whether during or outside of the official opening times, in the normal exercise of their duty, and shall not require the prior permission of the Council to gain such access.

**8.2.** An Authorised Person and/or a member of the Garda Síochána may request any person who appears to be committing or to have committed in any Park a contravention of any of the provisions of these Bye-Laws or who appears to be committing or to have committed in any park an offence under any Public General Act or Statute (including the Misuse of Drugs Act, 1977 or any Act amending or extending the same) or under the common law to leave such Park or to refrain from any activity and may remove any person failing to comply with such request from such Park.

**8.3.** Where an Authorised Person and/or a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed in any park a contravention of any of the provisions of these Bye-Laws such authorised person or member may request such person to give his or her name and address. Failure of any person to give his or her name and address when requested to do so or give a name or address that is false or misleading shall be a prosecutable offence under these Bye-laws.

**8.4.** A person shall not resist, wilfully obstruct, impede or refuse to comply with a request of an Authorised Person and/or a member of the Garda Síochána acting in the exercise of the functions conferred on an authorised person or on a member of the Garda Síochána by these Bye-Laws

**8.5.** A person who contravenes a provision of these Bye-Laws is guilty of an offence and is liable on summary conviction to a fine not exceeding € 2,500.00.



**9. Fixed Payment Notice:-**

**9.1.** If an Authorised Person and/or a member of the Garda Síochána 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 and/or a member of the Garda Síochána may serve on the person a fixed payment notice in the general form as set out in the Schedule to these Bye Laws.

**9.2.** Where a notice is served under section 9.1. of these Bye-Laws a person to whom the notice applies may, during the period specified in the notice, make to the Council the payment specified in the notice, accompanied by the notice,

**9.3.** The Council shall receive the payment and issue a receipt for it and may retain the money so paid and no payment so received shall in any circumstances be recoverable by the person who made it, and a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged will be instituted.

**9.4.** A fixed payment shall be served in one of the following ways-

- a) By delivering it to the person,
- b) By leaving it at the address at which the person ordinarily resides.
- c) By sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides,

**10. 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.

**11. Repeal:-**

The Bye-Laws made by the Council of the South County of Dublin on 1st June 1996 are hereby repealed without prejudice to any previous breach thereof.

**12. Commencement:-**

These Bye-Laws shall come into force on the **1<sup>st</sup> August 2011.**

Present when the Official Seal  
of SOUTH DUBLIN COUNTY COUNCIL  
was hereunto affixed.

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Mayor/Deputy Mayor

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County Manager

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DATE

First Schedule

FIXED PAYMENT NOTICE

NAME OF LOCAL AUTHORITY: **SOUTH DUBLIN COUNTY COUNCIL**

To: Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is alleged that you have contravened the provision of Bye-Laws made under Part 19 of the Local Government Act, 2001 entitled South Dublin County Council Bye-Laws for Parks and Open Space 2011.

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 ..... Euros, accompanied by this notice, at the offices of the local authority named in this notice located at County Hall, Tallaght, Dublin 24

.....

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of ..... Euros 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 – South Dublin County Council.

A receipt will be given.

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