



# **CARLOW COUNTY COUNCIL**

## **TULLOW TOWN PARK BYE-LAWS**

**2017**

Made under Section 199 of the Local Government Act 2001 for the use, operation, protection, regulation and management of Tullow Town Park.

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## **1. Definitions:-**

These Bye-Laws shall be cited as "Tullow Town Park Bye-Laws 2017".

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

- 1.1 "Tullow Town Park" means the land outlined in red on the attached map.
- 1.2 "Council" means Carlow County Council.
- 1.3 "Employees of the Council" shall include Litter Warden, 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 "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.

## **2. Access to Tullow Town Park**

- 2.1 Entry and exit to and from Tullow Town 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 by the Council from time to time.
- 2.3 The opening and closing hours of the Town 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 the Town Park outside of opening hours.

## **3. Traffic**

- 3.1 Save with the permission of the Council, no person shall bring into the Tullow Town Park any Mechanically Propelled Vehicle including, for the avoidance of doubt but not exhaustively, motorcycles, scramblers, dirt bikes, pit bikes, mini moto, motor-cross quads, buggies, go karts or other powered vehicles.

- 3.2 Where a Mechanically Propelled Vehicle is permitted access into Tullow Town Park (e.g. Council fleet, authorised contractors, commercial suppliers), the vehicle shall be driven carefully subject to a maximum speed limit of 20kph on the authorised routes within the Town Park, other than where expressly permitted by the Council.
- 3.3 Bye-Law 3.2 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 disabled persons.
- 3.4 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.
- 3.5 The use of bicycles, non motorised scooters and similar vehicles is not permitted. The use of BMX Bikes shall be permitted in the Skate Park.
- 3.6 These Bye-Laws shall not apply to a vehicle, motorbike or bicycle being used in the execution of his/her duty by a member of An Garda Síochána.

#### **4. Animals**

##### **4.1 Dogs.**

4.1.1 Dogs shall only be allowed into the park when on a leash, and must remain on a leash at all times while in the park. All persons who bring dogs into the park must remove any dog fouling from their dogs at each visit.

4.1.2 Bye-law 4.1.1 shall not apply to dogs which are used solely for the convenience of disabled persons.

4.1.3. These Bye-Laws shall not apply to a dog or horse being used:

(a) in the execution of his/her duty by a member of An Garda Síochána,

(b) for such other purpose as the Minister for the Housing, Planning, Community & Local Government or the Minister for Communications, Climate Action and Environment may prescribe from time to time.

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

No person shall:-

(a) Take from Tullow Town Park or destroy or injure or otherwise interfere with any bird, bird's nest or bird's eggs in the Town Park or ill-treat, worry or disturb any animal in the Town Park.

(b) Partake in hawking or bring hawks or other birds of prey into the Town Park for the sport of hawking



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

No person shall:

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

## **5. General Regulations in Relation to Persons Using the Town Park**

### **5.1 Materials, Features, Fittings and Furniture.**

No person shall:

- (a) Climb any tree, shrub, seat, fence, railing, wall, gateway, climb on, or interfere with, any maintenance vehicle or equipment, or walk upon any flower bed or through any shrubbery, enclosed plantation or other similarly planted area in the Town Park.
- (b) Damage, destroy or remove any tree, shrub or plant growing in the Town 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 building, facility, security systems, playground equipment, Town Park boundary including walls, railings and gates, Town Park furniture including seating, bins, bicycle racks, notice boards and signage, sculpture, lighting and any other structures or features in the Town Park.
- (d) Take or remove any soil, sand, gravel, stone or timber from the Town Park, save with prior written permission of the Council.

### **5.2 Consideration for other Town Parks users**

No person shall:

- (a) Interfere with any person using or enjoying the Town Park in a lawful manner.
- (b) Beg, gamble, importune, solicit or otherwise cause annoyance.
- (c) Hold or address a public meeting or religious service, save with the prior written 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) Bring into the Town Park any air-gun, bow, catapult or any other weapon.
- (f) Make any bonfire, fire, barbeque, possess or light any firework, save with the prior written consent of the Council.

### **5.3 Litter**

No person shall bring, deposit, throw or leave in the Town Park any item of litter as defined in the Litter Pollution Act 1997 except in receptacles provided for the purpose.

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

### **6.1 Trading etc.**

The following activities are prohibited in the Town 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 or service of any kind whatsoever, or displaying any sign, poster, handbill, or other notice, or engaging in taking photographs for payment, save with the prior written consent of the Council.
- (b) Levying any charge for the participation in, or viewing of, any game, sport, event or exhibition.
- (c) Erecting any tent or camp or placing or keeping any caravan or dorm mobile in the Town Park.

### **6.2. Games, exhibitions, playgrounds etc.**

- 6.2.1. Public events, exhibitions, entertainment shows or spectacles of any kind are subject to the prior consent in writing Carlow County Council and subject to terms and conditions as directed by an Employee of the Council or an Authorised Person.
- 6.2.2. Playground facilities where provided are only for the enjoyment of children up to 12 years of age. All such children must be accompanied by an adult. Adults attending at the playground facilities must be accompanied by a child under 12 years of age.
- 6.2.3 Skateboards, in-line skates and roller-skates and BMX bikes shall be used in designated areas only.



## **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 the Town Park.

### **7.2 Alcohol.**

The possession, supply or consumption of alcohol in the Town Park is strictly prohibited.

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

- 8.1 An Authorised Person / a member of An Garda Síochána shall have free and unencumbered access to the Town Park 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 permission of the Council to gain such access.
- 8.2. An Authorised Person / a member of An Garda Síochána may request any person who appears to be committing or to have committed in the Town Park a contravention of any of the provisions of these Bye-Laws or who appears to be committing or to have committed in the Town 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 Town Park or to refrain from any activity. An Garda Síochána on request of an Authorised Person may then (i) remove any person failing to comply with such request from such Town Park and (ii) remove from the Town Park any vehicle and/or Mechanically Propelled Vehicle being used by a person contrary to the provisions of these Bye-Laws.
- 8.3. Where an Authorised Person / a member of An Garda Síochána has reasonable grounds for believing that a person is committing or has committed in the Town 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.
- 8.4 Where a person whose name and address is requested of him/her, under sub- section 8.3, refuses or fails to give his/her name and address, or gives a name and address which is false or misleading he/she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
- 8.5. A person shall not resist, willfully obstruct, impede or refuse to comply with a request of an Authorised Person / a member of An Garda Síochána acting in the exercise of the functions conferred on an Authorised person or on a member of An Garda Síochána by these Bye-Laws.
- 8.6. A person who contravenes a provision of these Bye-Laws is guilty of a offence and is liable on summary conviction to a fine not exceeding €1,500.

## **9. Fixed Payment Notice**

- 9.1. If an Authorised Person / a member of An 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 / a member of An 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. The amount of the fixed payment shall be €75.
- 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.
  - (d) If an address for the service of notices has been furnished by the person by leaving it at, or sending it by prepaid registered post addressed to the person to, that address.

## **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 An Garda Síochána or any authority legally existing for preventing or punishing offences.

## **11. Commencement:-**

These Bye-Laws shall come into force on the 1<sup>st</sup> December 2017.



Seal Affixed: \_\_\_\_\_ Chief Executive  
/Director of Services

Seal Authenticated By:

\_\_\_\_\_ Nominated Officer

\_\_\_\_\_ Nominated Member

Dated this: \_\_\_\_\_ day of \_\_\_\_\_ 2017

**FIXED PAYMENT NOTICE**

NAME OF LOCAL AUTHORITY: **CARLOW 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 Tullow Town Park Bye-Laws 2014

by

.....  
..... (in general terms specify nature of contravention) at .....

.....  
on .....

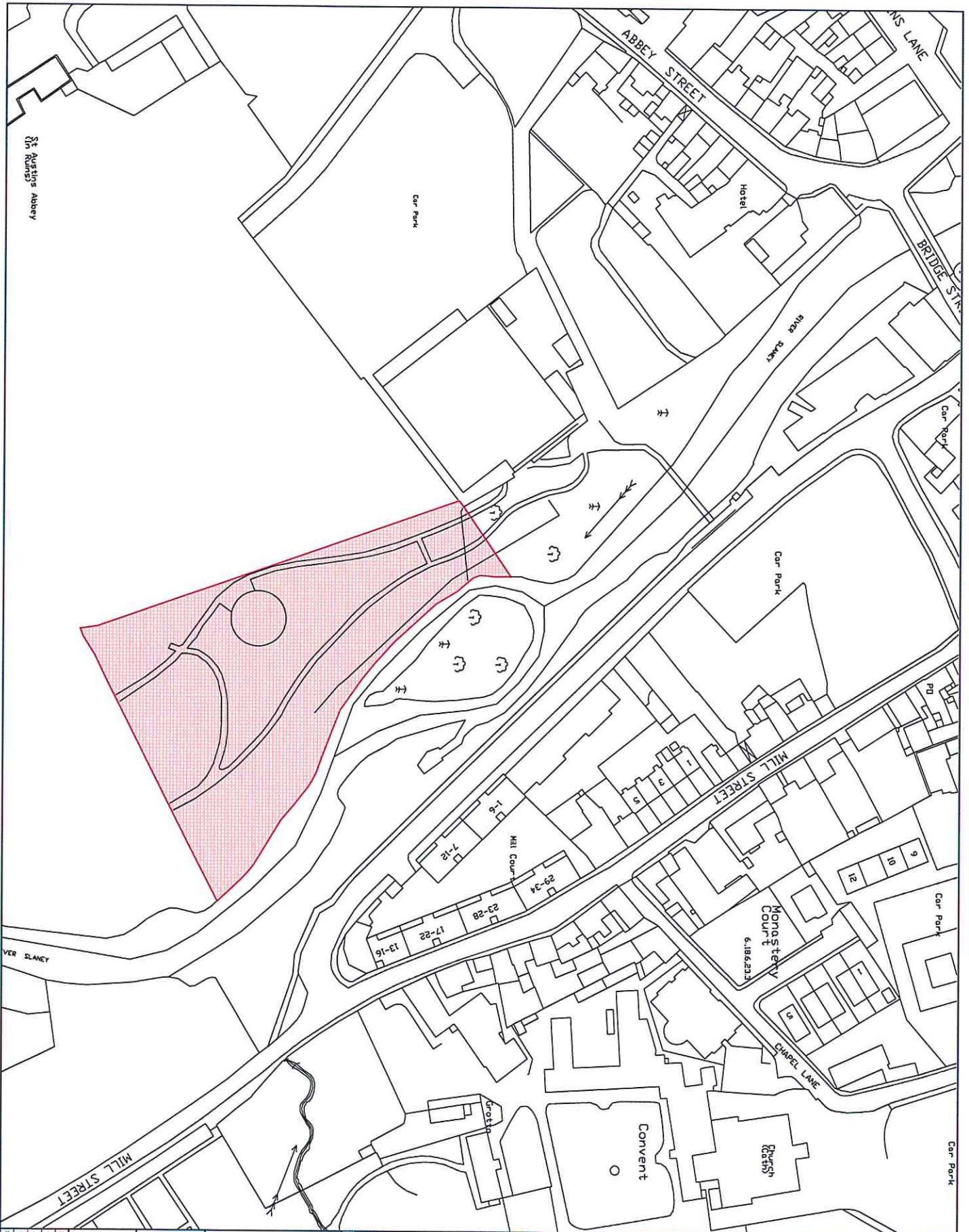
During this period of 21 days beginning on the date of this notice you may pay the sum of ..... Euros, accompanied by this notice, at the offices of the local authority named in this notice located at Civic Offices, Tullow, Co. Carlow or County Hall, Athy Road, Carlow.

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 – Carlow County Council. A receipt will be given.

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



**NOTES**

1. This drawing is the property of Carlow County Council and is not to be copied, reproduced, or otherwise used without the prior written consent of the Council.
2. DO NOT SCALE. Use 50mm dimensions only.

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No.	Date	By	Amendment/Issue	Rev.
1			Initial Issue	1/1

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**CARLOW**  
 Carlow Local Authority, A City of Knowledge Economy

**TULLOW TOWN PARK**  
**2016 PARK BYE-LAWS**

**Park Layout & Bye-Law Extents**

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