

KILKENNY COUNTY COUNCIL

COMHAIRLE CHONTAE CHILL CHAINNIGH

MEETING HELD: 17th October 2011

PROPOSED BY: Cllr M. Sharvill

SECONDED BY: Cllr M. Beatty

AND RESOLVED:

"We the members of Kilkenny County Council in accordance with the provisions of Section 200 (4) of the Local Government Act 2011, resolve to make the Parks Bye-Laws 2011 and furthermore that the Bye-Laws will come into force on Monday 21st November, 2011."

SIGNED: 

CATHAOIRLEACH

DATE: 17th October 2011

Parks Bye-Laws 2011

**BYE-LAWS FOR REGULATING THE USE AND ENJOYMENT OF PARKS,
PLAYGROUNDS, PLAYING PITCHES AND MUGAS (MULTI USE GAMES AREAS)
OWNED BY, CONTROLLED BY OR IN THE CHARGE OF KILKENNY COUNTY
COUNCIL**

**Kilkenny County Council
County Hall,
John St.
Kilkenny**

**MADE PURSUANT TO THE LOCAL GOVERNMENT
ACT, 2001**

Kilkenny County Council 2011 Parks Bye-Laws

The following Bye-Laws, as set out, are made under Part 19 of the Local Government Act, 2001.

The Bye-Laws are intended to control, regulate, protect and manage the operation, and day-to-day use of Parks, Playgrounds, Recreational Playing Grounds, Sports Pitches and Multi Use Games Areas (M.U.G.A.s) which are owned, controlled by or in the charge of Kilkenny County Council.

These Bye-Laws are in force to ensure that parks and all recreational playing grounds, together with their associated facilities, which are provided as public amenities, can be used by members of the public in an appropriate and safe manner.

**KILKENNY COUNTY COUNCIL
PARKS BYE-LAWS 2011.**

WHEREAS KILKENNY COUNTY COUNCIL being the local authority for the County of Kilkenny has, by virtue of Part 19 of the Local Government Act 2001, power to make Bye-Laws 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 Kilkenny County Council or in relation to any matter connected therewith.

BE IT KNOWN THAT KILKENNY COUNTY COUNCIL the Local Authority for the County of Kilkenny, in exercise of said powers, hereby makes the following Bye-Laws for or in relation to the use, operation, protection, regulation, or management of parks, playgrounds, recreational playing grounds, sports pitches and multi use games areas (M.U.G.A.s) which are owned, controlled by or in the charge of Kilkenny County Council and are wholly situated in the County of Kilkenny.

1. **These Bye-Laws shall be cited as follows:** Kilkenny County Council Parks Bye-Laws 2011.
2. **Commencement of Bye-Laws:** These Bye-Laws shall come into force on Monday the 21st of November, 2011.
3. **Area of Application:** These Bye-Laws shall apply to the parks, playgrounds, sports pitches, recreational play areas and M.U.G.A.s specified in the Second Schedule hereto.

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1. Definitions:

- a.** "Park" shall include parks, both enclosed and unenclosed, recreational playing grounds, Multi Use Games Areas and playgrounds owned, controlled by or in the charge of Kilkenny County Council.
- b.** "Council" means the Council of the County of Kilkenny.
- c.** "Employee of the Council" shall include every Supervising Official, Employee, or other person employed by and duly authorised by the Council to administer and enforce these bye-laws.
- 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.** "Permission of the Council" means the permission in writing of an authorised person.

- h.** "Licence" has the same meaning as "Permission of the Council".
- i.** "Authorised Person" means a person authorised in writing by the Council, pursuant to Section 204 of the Local Government Act, 2001.

2. Traffic

- a. No person, other than an authorised person or an employee of the Council shall drive or allow to be driven or be a passenger in any motorbike, moped, car, tractor, van or lorry or any other mechanically propelled vehicle, in any park save in an area designated for such purpose. Areas designated for such purpose are identified on maps in Schedule 2.

Bye-law 2 (a) shall not apply to wheelchairs or similar vehicles used solely for the conveyance of disabled persons.

3. Animals

- a. No person shall turn out to graze in a park, or allow or suffer to stray or remain in the park, any cattle, sheep, horse, or other animal without the consent in writing of the Council.
- b. No person shall lead, walk or ride a horse in a park or allow themselves to be conveyed by a horse drawn vehicle.
- c. 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 person.
- d. 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.
- e. If a dog defecates in the park, the person in charge of the dog shall remove the faeces. Guide dogs for the blind are exempt from this Bye- Law.
- f. A person shall not cause or allow any dog in their charge, to which the Control of Dogs (Restriction of certain dogs) Regulations, 1991 apply, to enter or remain in the park unless such dog is kept muzzled and no person shall, in any portion of the park where a notice prohibiting the admission of dogs is exhibited, cause or allow any dog in their charge to enter or remain there.

4. General Regulations in Relation to Persons Using a Park:

No Person Shall:

- 4.1 Trample upon any flower bed or through any shrubbery, enclosed plantation or other enclosed land in the park.
- 4.2 Destroy or injure any tree, shrub or plant growing in the park.
- 4.3 Climb any tree or shrub in the park or climb any fence, railing or wall in the park.
- 4.4 Injure, disfigure, write graffiti on or mark any seat, chair, sculpture or structure, in the park.
- 4.5 Injure, deface, write graffiti on or disfigure or in any way interfere with any notice or notice-board in the park.
- 4.6 Deface, damage or otherwise interfere with any items of infrastructure provided to support the function of the park, including any surface, item of equipment, public light, boundary fence, goalpost, street furniture or any other structural item.
- 4.7 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.
- 4.8 Throw any missile in the park to damage property or endanger any other person or wildlife within the park.
- 4.9 Molest, menace, threaten or otherwise interfere with any person using or enjoying the park.
- 4.10 Take or remove any soil, sand, gravel, stone or timber from the park, save with the permission in writing of the Council.
- 4.11 Dump or dispose of any bottle, glass, china, tin, container, litter or other refuse in the park or into any watercourses/lakes that adjoin the parks or playgrounds except in receptacles provided for the purpose.
- 4.12 Defecate or urinate in the park except in receptacles provided for the purpose.
- 4.13 Bring into the park any firearm, airgun, catapult or any other weapon.
- 4.14 Make any bonfire, fire or barbecue or light any firework in the park, save with the prior permission of the Council.

- 4.15 Resist, obstruct or interfere with any employee of the Council or other person in the exercise of his/her duty or disobey his lawful directions.
- 4.16 Operate in the park 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.
- 4.17 Walk, swim, or bathe, in any of the waters in a park except in those areas where persons traditionally have tended to congregate for swimming.
- 4.18 Exercise or wash or allow any horse to enter any watercourses of any park and watercourses immediately adjacent to any park.
- 4.19 Erect any tent or camp in any part of any park or open space save with the written permission of the Council and subject to the terms and conditions of such permission.
- 4.20 Place or keep any caravan, camper van or dormobile in any part of any park or open space save with the written permission of the Council and subject to the terms and conditions of such permission.
- 4.21 Enter or remain in a park while under the influence of controlled drugs within the meaning of that phrase as defined in the Misuse of Drugs Act, 1977
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- 4.22 Consume, inject, inhale or otherwise absorb or have in their possession, in any park, a controlled drug or solvents, within the meaning of that phrase as defined in the Misuse of Drugs Act, 1977.
- 4.23 Have in their possession, in a park, for the purpose of supply or consumption any alcohol, save with the permission in writing of the Council and subject to such conditions as the Council may prescribe. No person shall have in their possession, for the purpose of consumption any alcohol except in an area designated by the Council for that purpose.

5. Children's Playgrounds:

- a. No person above the appropriate age, specified on local playground signage, shall use any of the equipment or playing appliances in any children's playground specified by notice as being for the sole use of children of that specified age and under.
- b. No person shall remain in any playground after the hour of 10pm at night during the months of April to September inclusive and after the hour of 7pm at night during the months of October to March inclusive.

6. Regulated and Controlled Activities

6.1 Trading in a Park:

Save with the permission in writing of the Council and subject to the terms and conditions of permission, no person shall sell, offer, offer for hire, or expose for sale in a park any commodity of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in a park or engage therein in the business of taking photographs for payment.

6.2 Advertising

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

6.3 Games and Athletics:

(a) No person, club or organisation shall organise or take part in the game of football or any other game or athletics when an employee of the Council considers the ground to be unfit for such use and where the person, club or organization has been made aware that the ground is unfit for use.

(b) Any person, club or organisation contravening any of the bye-laws set out in 6.3(a) may be liable to have playing facilities withdrawn.

(c) No person shall act or behave in such a manner so as to prevent or disrupt playing of the game of football or any other game or athletics in areas of the park designated by the Council for that purpose.

7. Licences and Letting Agreements:

Every licence and letting agreement granted to any person, club or organisation for the specific occupation by such person, club or organisation of any portion of the park shall be in accordance with such conditions as shall be laid down by the Council from time to time provided always that the Council shall be entitled to add conditions to existing licences.

8. Obstruction:

- a. No person shall resist, obstruct or interfere with any employee or agent of the Council or other person in the exercise of his/her duty or disobey his/her lawful directions.
- b. Nothing in these Bye-laws shall interfere with or affect or prevent the carrying on of any work or duty in connection with any park or open space by employees or agents of the Council or by a contractor instructed by the Council or by an employee of any such contractor.

9. Offences:

9.1 Pursuant to the Local Government Act, 2001, it shall be lawful for any authorised person or agent of the Council or for any member of An Garda Síochána to enforce these bye-laws and to exclude or remove from any park or recreational playing ground any person committing any breach of the above bye-laws and to take any other such action as may be deemed necessary in the enforcing of these bye-laws.

9.2 Pursuant to the Local Government Act, 2001, any person offending against any of the above bye-laws may be removed from the park and shall on summary conviction be liable to a penalty not exceeding €1,905.

9.3 Pursuant to the Local Government Act, 2001, 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 €1,905.

9.4 Pursuant to the Local Government Act, 2001, 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 €126 per day.

9.5 Pursuant to the Local Government Act, 2001, an authorised person may request any person who appears to be contravening or to have contravened a provision of these bye-laws to leave the park or to refrain from any activity and may remove any person failing to comply with such request.

9.6 Pursuant to the Local Government Act, 2001, a person who obstructs or impedes or refuses to comply with a request 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.

9.7 Pursuant to the Local Government Act, 2001, where an authorised person is of the opinion that a person is committing or has committed an

offence to which the bye-laws relate, the authorized person 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.

9.8 Pursuant to the Local Government Act, 2001, where a member of An Garda Síochána 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.

9.9 Pursuant to the Local Government Act, 2001, an offence under these bye-laws may be prosecuted by the Council which made the relevant bye-law, or by a member of the Garda Síochána.

9.10 Pursuant to the Local Government Act, 2001, a person may be served with a notice specifying a fixed payment, 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 Schedule to these Bye-Laws. The amount of the Fixed Payment shall be €75.

9.11 Pursuant to the Local Government Act, 2001, a person who repeatedly contravenes the Bye-Laws may be barred from a park by the Council.

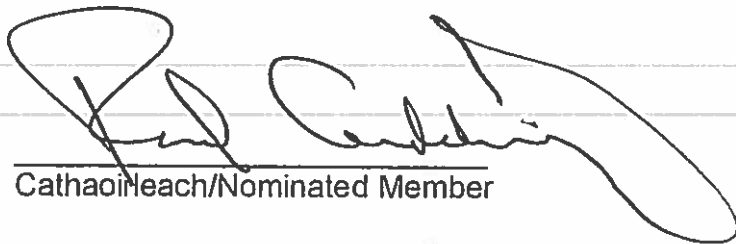
10. Commencement:-

These Bye-Laws shall come into force on 21st Nov. 2011

Present when the Official Seal of

KILKENNY COUNTY COUNCIL

Was hereunto affixed.

A handwritten signature in black ink, appearing to read 'Paul Cusack', written over a horizontal line.

Cathaoirleach/Nominated Member

Comhairle Chontae Chill Chainnigh

Director of Services

KILKENNY COUNTY COUNCIL

PARKS BYE-LAWS

FIRST SCHEDULE

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE
LOCAL GOVERNMENT ACT, 2001 (BYE-LAW NUMBER----**)

NAME OF LOCAL AUTHORITY : KILKENNY COUNTY COUNCIL

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 entitled Kilkenny County Council Parks Bye-Laws 2011 by

.....

.....

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

..... on

During the 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 County Hall, John Street, Kilkenny.

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 **KILKENNY COUNTY COUNCIL**.
A receipt will be given.

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

KILKENNY COUNTY COUNCIL

PARKS BYE-LAWS

SECOND SCHEDULE

LOCATIONS TO BE COVERED BY BYE-LAWS

Kilkenny City Environs

Bishop Birch Pitch – *As highlighted in green on Map KC1 attached hereto*

Gallowshill (off Woodbine Avenue) – *As highlighted in green on Map KC2 attached hereto*

Garrincreen Neighbourhood Park - *As highlighted in green on Map KC3 attached hereto*

Glendine Amenity Area - *As highlighted in green on Map KC4 attached hereto*

Larchfield Pitch and Amenity Area - *As highlighted in green on Map KC5 attached hereto*

Millennium Court Pitch - *As highlighted in green on Map KC6 attached hereto*

Newpark Marsh Eco Park and Pitches - *As highlighted in green on Map KC7 attached hereto*

Newpark Close Playground - *As highlighted in green on Map KC8 attached hereto*

Pococke Neighbourhood Park - *As highlighted in green on Map KC9 attached hereto*

River Nore Linear Park North - *As highlighted in green on Map KC10 attached hereto*

River Nore Linear Park South - *As highlighted in green on Map KC11 attached hereto*

St. Catherine's Playground, Wetlands - *As highlighted in green on Map KC12 attached hereto*

Talbot's Court Playground, Freshford Road - *As highlighted in green on Map KC13 attached hereto*

Westfield Neighbourhood Park, Loughboy - *As highlighted in green on Map KC14 attached hereto*

Callan Area

Playground and Pitches at Fair Green, Callan – *As highlighted in green on Map KC15 attached hereto*

Castlecomer Area

Church Avenue, Castlecomer - *As highlighted in green on Map KC16 attached hereto*

Playground in the Castlecomer Demesne - *As highlighted in green on Map KC17 attached hereto*

Coon Playground – *As highlighted in green on Map KC18 attached hereto*

Thomastown Area

Playground at Marsh's Street, Thomastown - *As highlighted in green on Map KC19 attached hereto*

Playground at Fair Green, Graiguenamanagh - *As highlighted in green on Map KC20 attached hereto*

Playground at Vicar's Lane, Ballyhale - *As highlighted in green on Map KC21 attached hereto*

Woodstock Gardens, Inistioge - *As highlighted in green on Map KC22 attached hereto*

Piltown Area

Playground at Blackthorn Hills, Ferrybank - *As highlighted in green on Map KC23 attached hereto*

Playground at Main Street, Mooncoin - *As highlighted in green on Map KC24 attached hereto*

Playground at Main Street, Mullinavat - *As highlighted in green on Map KC25 attached hereto*

