

LIMERICK CITY COUNCIL



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Limerick City Public Park Bye-Laws, 2010

Date: November 2009

This is a Draft Version only.

The Limerick City Public Parks Bye-Laws, 2010

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CITY OF LIMERICK

BYE-LAWS

Made under Part 19 of the Local Government Act, 2001 by Limerick City Council

Whereas the Limerick City council the Local Authority for the City of Limerick has by virtue of Part 19 of the Local Government Act, 2001 and in exercise of every other power in that behalf it enabling power to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services or any other thing whatsoever provided by or under the control or management of Limerick City Council in relation to any matter connected herewith NOW BE IT KNOWN THAT LIMERICK CITY COUNCIL. The Local Authority for the City of Limerick, in exercise of the said powers hereby make the following bye-laws for or in relation to the use, operation, protection, regulation or management of the following Public Parks:-

- (a) The Peoples Park situate at Pery Square,
- (b) The Arthur's Quay Park situate at Arthur's quay,
- (c) The Terence Albert O'Brien Park situate at Clare Street,
- (d) The Shelbourne Park situate at Shelbourne Road,
- (e) Barrington's Pier Park,
- (f) Curraghower Falls Park,
- (g) Robert Byrne Park,
- (h) Canal Bank Walk,
- (i) Skate Park Mt Kennett Place,
- (j) Ted Russell Park,
- (k) Custom House Park.

All of which such Public Parks are under the control or management of Limerick City Council and are wholly situate in the City of Limerick.

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Short Title 1. These Bye-Laws may be cited as the Limerick City Public Parks Bye-Laws, 2010.

Commencement of Bye-Laws 2. These Bye-Laws shall come into operation on the _____ day of _____, 2010.

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Area of Application 3. These Bye-Laws shall apply to the following Public Parks:-

- (a) The Peoples Park situate at Pery Square,
- (b) The Arthur's Quay Park situate at Arthur's Quay,
- (c) The Terence Albert O'Brien Park situate at Clare Street,
- (d) The Shelbourne Park situate at Shelbourne road,
- (e) Barrington's Pier Park,
- (f) Curraghgower Falls Park
- (g) Robert Byrne Park
- (h) Canal Bank Walk
- (i) Skate Park Mt Kennett Place

All of which such Public Parks are under the control or management of Limerick City Council and are wholly situate in the City of Limerick.

Interpretation 4. Throughout these bye-laws the following words and expressions shall have the meaning hereinafter respectively assigned to them, unless the context otherwise requires, that is to say:-

“Authorised Person” means an “authorised person” within the meaning of Section 40(10) of the Local Government Act, 1994, as amended by Section 35 of the Litter Pollution Act, 1997 and comprises an Authorised person for the purposes of the Local Government Act 1994 (Bye-Laws) Regulations, 1995 }S.I. No 360 of 1995} or any Act or Regulation extending or amending the same provided always that an “authorised person” shall not include a member of the Garda Siochana for the purposes of Bye Law 52 of these Bye Laws.

“Limerick City Council” means the Council of the city of Limerick;

“Park” means any of the Public Parks to which these Bye-Laws apply.

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“Intoxicating Liquor” includes any alcoholic drink, spirits, wine, beer, porter, cider, perry, sweets and any fermented, distilled or spirituous liquid or liquor which cannot according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.

“Employee of “Limerick City Council” shall include every Superintendent, Supervising Officer, Officers, Servant or other person employed by and duly appointed by Limerick City Council to administer and enforce these Bye-Laws.

- Open to Public* 5. The Parks shall be open to the Public on every day throughout the year, except on such days as Limerick City Council may think it desirable to close the park for necessary repairs or for other purposes.
- Entrance and Exit* 6. A person shall not enter or quit any park otherwise than through the gateways or other openings provided for that purpose.
- Opening And Closing of Parks* 7. The hours (if any) appointed for the opening and closing of each Park shall be displayed by means of a notice at or near the entrance gates, or at some other place within the Park.
- Warning Bell* 8. Every Person except an employee of Limerick City Council shall in every case where this bye-law is applicable, begin to leave the Park before or during the ringing of a bell (if any) which shall begin to ring five minutes before the hour (if any) appointed for closing the gates and be left the park on the hour (if any) appointed for closing the gates, whether a warning bell rings or not.
- Trespass* 9. A person shall not enter into any part of any Park during the time

between hours (if any) appointed for closing and opening the Park, nor shall any person remain in any part of any Park after the hour (if any) appointed for closing the Park.

Interference with Notices etc

10. A Person shall not wilfully or improperly remove or displace an board, plate or tablet, or any support, fastening, or fitting of any board, plate or tablet, used or constructed or adapted to be used for the exhibition of any Bye-Laws or notice, and fixed or set up by Limerick City Council in any part of any Park, or in, or on any building, or structure therein or at, or near to any one of the appointed means of entrance to or egress from such park, or in or on any wall or fence enclosing the park.

Injury to Fences, etc.

11. A person shall not carelessly, or negligently deface, injure or destroy, any part of any wall or fence in or enclosing any park or any part of any building, barrier, or railing or of any fixed or moveable seat, or of any other structure or erection in or on the park.

Removal of Property

12. A person shall not wilfully, carelessly, or negligently remove, take up, pull down, damage, cut, deface or displace any barrier, wall, gate, fence, shelter, bridge, tree-guard, fountain, railing or post or any fixed or moveable seat, or any part of any building, structure or erection or any monument, statue or other erection, work of art, ornament or decoration, or any soil, sand or gravel, or any implement, utensil, apparatus, appliance or article, provided for use, or used or adapted to be used, in the laying out, planting, improvement or maintenance of any park, or in the care, cultivation, or protection of any tree, sapling, shrub, underwood, gorse, furze, fern herb or plant in any park.

Vehicles

13. A person shall not, other than an employee of Limerick City Council, ride a motor cycle or drive or cause to be driven in any park, any vehicle, motor vehicle, horse-drawn, animal drawn or mechanically propelled vehicle unless with the approval of Limerick City Council. A

person, other than an employee of Limerick City Council, shall not ride a bicycle in any park except for the Canal Bank walk, unless with the approval of Limerick City Council.

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PROVIDED that this Bye-Law shall not apply to a person moving, drawing or propelling, mechanically or by hand, chairs on wheels, perambulators, or other similar vehicles which are used solely for the conveyance of children, invalids or disabled persons **AND ALSO PROVIDED** that this Bye-Law shall not apply to children riding bicycles under the age of 12 years who are accompanied by and under the care of an adult.

- Animals and Dogs* 14. A person shall not, at any time, bring into any park, or cause or and willingly permit to enter on to any park any horse, ass or other equine animal, cattle or bovine animal, sheep, goat, pig or any other animal PROVIDED ALWAYS that this Bye-Law shall not apply to a person bringing into any park or causing or willingly permitting to enter on to any park any dog provided such dog is on a lead and under proper control, or otherwise under proper and effective control.
- Selling and Hawking* 15. A person shall not in any park, without the express permission of Limerick City Council, first had and obtained, sell or offer, or expose for sale or hawk any article or commodity.
- Stalls, Booths, Tents Kiosks, etc.* 16. A person shall not in any park, without the express permission of Limerick City Council first had and obtained, erect or suffer to be erected any stall, booth, tent, stand, shed or other erection, whether fixed or moveable. The Council may in its consideration facilitate trading which would be pertinent to the enjoyment of the Park and playground amenities as appropriate.
- Chairs for Hire* 17. A person shall not in any park, place for hire chairs or other seats, except with the licence of Limerick City Council and subject to the terms and conditions of such licence.

- Beggings etc.* 18. A person shall not in any park beg or solicit alms, or for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either orally or by the distribution of handbills, circulars or advertisements; and this bye-law shall be deemed to prohibit the commission of any like offence within any park.
- Indecency etc.* 19. A person shall not in any park be guilty of an act or gesture of indecency, or of using any indecent, obscene, offensive or insulting language.
- Intimidation* 20. A person shall not in any park be guilty of any act or gesture of intimidation, or of using any threatening or abusive language.
- Gambling and Betting.* 21. A person shall not in any park gamble or bet in any form nor take Part in gambling or betting of any kind.
- Interference* 22. A person shall not in any park wilfully obstruct or interfere with the use or enjoyment by any other person of any park.
- Consumption of intoxicating liquor, Drunk or Disorderly* 23(i) A person or persons shall not in any park consume or attempt to consume intoxicating liquor, unless with the prior written consent of Limerick City Council.
- A person under the influence of intoxicating liquor, or who is drunk, shall not enter or remain in any park, and a person visibly under influence of intoxicating liquor, or who is drunk and incapable of taking care of himself, shall not be allowed to enter or remain in any park.
- (ii). Where an authorised person suspects, with reasonable cause, that a person is committing or has committed a Contravention of a provision of Bye-Law 23(i) of these Bye-Laws the authorised person or member concerned may seize, obtain or remove, without warrant, any bottle or container, together with its contents which:-

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- (a) is in the possession of a person by whom such authorised person or member suspects the contravention is being or has been committed, and
- (b) such authorised person or member suspects, with reasonable cause, contains intoxicating liquor.

*Itinerant
Musicians etc.*

24. Except with the express permission of Limerick City Council first had and obtained, a person shall not sound a musical instrument in any Park and an acrobat, ballad-singer, itinerant musician, or entertainer shall not practice his or her calling within any park. This bye-law shall be deemed to prohibit the playing of any gramophone, video or the operation of any loud-speaker or audible radio apparatus except with the express permission of Limerick City Council first had and obtained.

Photographers

25. A person shall not in any park, for purpose of trade or profit, photograph, seek to photograph, video or seek to video any person, except with the express permission of Limerick City Council first had and obtained

*Games &
Children's
Playgrounds*

26. Except in places specifically set apart by Limerick City Council for such purposes, a person shall not in any park play any form of football or handball, or any game played with a ball, or with a bat, stick, club or racquet, nor shall any person over the age of twelve enter or remain in any part of any park set aside as a Children's Playground but this last mentioned prohibition shall not apply to any person who is for the time being in charge of any child therein.

Boxing etc.

27. Except in places specifically set apart by Limerick City Council for such purposes, a person shall not in any park take part in boxing or wrestling of any kind.

- Walking on Flower Beds* 28. A person shall not in any park walk upon any flower-bed, verge or border or through any shrubbery or enclosed plantation, or on any ground specially enclosed, or where cautionary notices are placed on any portion of the grass plots or grassed areas.
- Injury to Trees* 29. A person shall not in any park destroy or damage, injure, cut, break bark, root up, or deface any tree, bush, plant, flower, leaf, bulb, corm, turf, grass or shrub or pluck any flower.
- Climbing on Trees etc.* 30. A person shall not in any park climb trees, shrubs, walls, railings or fences or climb upon any part of any building, structure or erection of any monument, fountain, statue, or work of art. or other erection.
- Private Reservations* 31. A person shall not go into or remain in any part of any park, where a notice is placed prohibiting the use of such part.
- Lighting Fires* 32. A person shall not light any fire in any part of any park or, throw or set fire to any squib or firework, or bring into any park any squib or firework, unless with the express permission of Limerick City Council nor shall a person set fire to any tree, sapling, shrub, underwood, gorse, furze, fern, herb, plant, or vegetation, or to any woodwork or structure in any park.
- Careless Smoking* 33. A person shall not either wilfully or negligently throw away any lighting or glowing match or cigarette and or other similar article, likely to be capable of setting fire to any tree, sapling, shrub, underwood, gorse, furze, fern, herb, plant, or vegetation, or to any woodwork or structures in any park.

Firearms and Metal Detectors 34. (a) A person shall not have in his or her possession in any park or bring into or discharge in any park any firearm as defined in the *Firearms or any Weapon* Firearms Acts, 1925 to 1990 or any Act extending or amending the same.

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(b) A person shall not have in his or her possession in any park or bring into any park any weapon capable of causing injury.

(c) A person shall not have in his or her possession in any park or bring into any park or use in any park any metal detector.

Throwing Stones 35. A person shall not wilfully, carelessly or negligently throw or discharge in any park any stone or other missile to the damage or danger of any person or property.

Advertisements etc. 36. A person shall not in any part of any park, erect, affix, deposit, write or indicate any advertising matter, or any notice, slogan or news, whether on a bill or poster or not, or deface any wall, paling or pavement by lettering of any kind.

Spitting 37. A person shall not spit or expectorate in any park.

Roller-skating and Skate-boarding 38. Except in those places (if any) specifically set aside by Limerick City Council for the purpose, a person shall not roller-skate or skate-board in any park.

Bathing in Lake 39. A person shall not in any park:-

- (i) Bathe, wade or wash in any lake, pond, stream, ornamental water or fountain;
- (ii) Wilfully, carelessly or negligently foul or pollute any such water.
- (iii) Throw or put sticks, stones, refuse, litter or substances of any description in such water.

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Fish and fowl 40. A person shall not in any park take, injure or destroy or attempt to take, injure, destroy or wilfully disturb any fish, fowl or bird in any lake, pond, stream or ornamental waters, or wilfully disturb or worry or ill-treat any fish fowl or bird in any such lake, pond stream or ornamental waters or elsewhere.

Birds and Birds Nests 41. A person shall not in any park:-

- (i) Wilfully displace or disturb, injure or destroy any bird's nest, or wilfully take, injure or destroy any bird's egg.
- (ii) Take, injure, capture or destroy any bird, or spread or use any net or set or use any snare or other implement, instrument or means for the taking, injury, capture or destruction of any bird.

Restricted Places 42. A male person above the age of six years shall not in any park intrude upon or use any building or place set apart for the use of females and children, and a female person shall not intrude upon or use any building or place in any park set apart for the use of males nor shall any person urinate or defecate in any park except in a building (if any) set apart or provided for such purpose in any public park.

*Nurseries, Green-
City
houses, etc.* 43. A person shall not without the permission of any employee of Limerick Council enter or remain in any nursery or in any greenhouse or conservatory of any park except where such nursery, greenhouse or conservatory is open to the public.

Pavilions, 44. A person shall not use pavilions, shelters and other buildings in any park

otherwise than for the purposes permitted by Limerick City Council.

Defacing Buildings 45.
floor,
etc.

A person shall not throw water about the rooms, spit upon or litter the
or deface any part of any pavilion, shelter or building in any park or
otherwise behave in such manner as to interfere with or cause
discomfort to any person therein.

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- Obstruction* 46. A person shall not in any park wilfully obstruct, disturb or annoy any employee of Limerick City Council in the execution of his duty, or any person or servant of any person employed by Limerick City Council. In the execution of any work in connection with the laying out, planting, improvement or maintenance of any part of any park.
- Incitement to Resist* 47. A person shall not in any park resist, obstruct, or incite any person to resist or obstruct, any employee of Limerick City council or other person in the execution of his duty or lawful exercise of his authority.
- Employees of The City council* 48. Nothing in these Bye-Laws shall interfere with or effect or prevent the carrying on of any work or duty in connection with any park by employees of Limerick city Council or by a Contractor or other person instructed by Limerick City council or by a servant or employee of any such contractor or other person.
- Powers of an Authorised Person* 49(1). An authorised person or a member of the Garda Siochana 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.

(2) Where an authorised person 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 or is committing or has committed or has 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, such authorised person or member may:

- (a) arrest such person without warrant,
- (b) request such person to give his or her name and address, and may request that the information given be verified, and
- (c) is dissatisfied with the verification provided pursuant to a request under paragraph (b), may request that the person accompany the authorised person or member to a local authority office or Garda station for the purpose of the verification.

(3) A person shall not-

- (a) Fail to give his or her name and address when requested to do so Under Bye-Law 49(2)(b) or give a name or address that is false or misleading, or
- (b) fail to comply with a request by an authorised person or member of the Garda Síochána under Bye-Law 49(2)(C) of these Bye-Laws.

(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.

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- Saver* 50. 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.
- Penalties* 51. A person who contravenes a provision of these bye-laws shall be guilty of an offence under and by virtue of Section 40 of the Local Government Act, 1994 and shall be liable on summary conviction to a fine not exceeding €2,500.
- Fixed Payment Notice* 52(1). If an authorised person other than 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 may serve on the person a fixed payment notice as prescribed by the Local Government Act, 1994 (Bye-Laws) regulations, 1995 (S.I. No. 360 of 1995) or any Regulation amending or extending the same stating-
- (a) that the person is alleged to have committed the contravention,
 - (b) that the person may during the period of 21 days beginning on the date of the notice, make to Limerick Corporation a payment of €150 accompanied by the notice, and
 - (c) that 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.
- (2). Where a notice is served under subsection (1) -
- (a) a person to whom the notice applies may, during the period specified in the notice, make to Limerick City

Council the payment specified in the notice,
accompanied by the notice,

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- (b) Limerick City 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
 - (c) that 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.
- (3). In a prosecution for a contravention referred to in subsection (1), the onus of showing that a payment pursuant to a notice under this section has been made shall lie on the accused.

Service of Notices 53. Any notice required to be served by or under Bye-Law 52 of these Bye-Laws 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) Be 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.

54. A person will comply with all notices and instructions issued by an authorised person in regard to playgrounds and playground equipment at all times.

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Made under the Official Seal of Limerick City Council

DATED THIS _____ DAY OF _____, 2010

PRESENT when the Official Seal of the Limerick City Council was affixed.

MAYOR OR NOMINATED MEMBER _____

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