



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

## **TIPPERARY COUNTY COUNCIL**

### **THURLES TOWN PARK DRAFT** **BYE-LAWS 2015**

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

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**1. Definitions:-**

These Bye-Laws shall be cited as “Thurles Town Park Bye-Laws 2015”.

**In these Bye-Laws**

- 1.1 "Thurles Town Park" means the land outlined in red on the attached map.
- 1.2 "Council" means Tipperary County Council.
- 1.3 “Employees of the Council” shall include any person employed by Tipperary County Council and any other person duly authorised by the Council to administer and enforce these Bye-Laws.
- 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 Thurles Town Park**

- 2.1 Entry and exit to and from the Town Park shall be gained only through the authorised access points.
- 2.2 No persons shall remain in any part of the Town Park after 9:00pm at night.

**3. Traffic**

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

- 3.2 Where a Mechanically Propelled Vehicle is permitted access into Thurles 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 except on the main footpath running through the Town Park and linking with the new bridge at Thomond Road, Thurles. The use of BMX Bikes and non motorised scooters 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 No person shall take into, or allow to remain in the Town Park, any dog.
- 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, or
  - (b) for such other purpose as the Minister for the Environment, Community & Local Government may prescribe from time to time.

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

No person shall:-

- (a) Take from the 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, 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, bridge, facility, security systems, playground equipment, sports equipment, Town Park boundary including walls, railings and gates, Town Park furniture including seating, bins, bicycle racks, notice boards and signage, sculpture, bandstand, lighting and any other structures or features in the Town Park.
- (d) Take or remove any soil, sand, gravel, stone, timber or other material from the Town Park, save with prior written permission of the Council.
- (e) Enter the water body (River Suir) in and adjacent to the Town Park.
- (f) Interfere with or use any lifesaving equipment on such space, except in an emergency.

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

No person shall:

- (a) Molest, threaten, or interfere with any person using or enjoying the Town Park in a lawful manner.

- (b) Beg, gamble, importune, solicit, use obscene or profane language or otherwise cause annoyance.
- (c) Throw any object in the Town Park to damage property or endanger any other person who is legitimately using or enjoying such space.
- (d) Hold or address a public meeting or religious service, save with the prior written consent of the Council.
- (e) 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.
- (f) Bring into the Town Park any firearm, air-gun, bow, catapult or any other weapon.
- (g) Operate in the Town Park any model aeroplane, any other object designed for controlled flight or any model mechanically propelled vehicle except in areas that may be designated by the Council and in accordance with the terms and conditions of such designation.
- (h) Make any bonfire, fire, barbecue, possess or light any firework.

### **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.
- (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 dormobile 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 Tipperary County Council and subject to terms and conditions as directed by an Employee of the Council or an Authorised Person.

- 6.2.2. The Council may designate areas of parks or open spaces as suitable for musical, artistic or other performances and may restrict such performances to such designated areas.
- 6.2.3 No person shall use any park or open space 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.
- 6.2.4 Playground facilities are only for the enjoyment of children up to 12 years of age. All such children must be accompanied by an adult.
- 6.2.5 Play equipment and outdoor adult exercise equipment shall be used in accordance with any instruction given.
- 6.2.6 The use of the skateboard park and Multi Use Games Area shall be in accordance with any instruction given.
- 6.2.7 No person shall play any form of football or handball or any game played with a ball, or with a bat, stick, hurley, club or racquet in the Town Park. Soccer, basketball and volleyball shall be permitted in the Multi Use Games Area.
- 6.2.8 Skateboards, in-line skates, roller-skates, non motorised scooters and BMX bikes shall be permitted in the Skate Park.

## **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 Any Employee of the Council may remove and confiscate any structure, notice, objects or material erected or placed in the Town Park.
- 8.2 An Authorised Person / a member of An Garda Síochána shall have free and unencumbered access to the Town Park at all times in the normal exercise of their duty, and shall not require the prior permission of the Council to gain such access.
- 8.3 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.

- 8.4 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.
- 8.5 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 €2,500.00.
- 8.6 A person shall not resist, wilfully obstruct, interfere, 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.
- 8.7 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 €1,904.60.

## **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 €75.00.
- 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 .....2015.

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

Seal Authenticated By:

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

First Schedule

FIXED PAYMENT NOTICE

NAME OF LOCAL AUTHORITY: **TIPPERARY 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 Thurles Town Park Bye-Laws 2015

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, Thurles, Co. Tipperary or Civic Offices, Clonmel, Co. Tipperary.

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 – Tipperary County Council. A receipt will be given.

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

