

BYELAWS MADE BY ENNIS TOWN COUNCIL (HEREINAFTER REFERRED TO AS “THE COUNCIL”) IN EXERCISE OF THE POWERS VESTED IN IT BY PART VII OF THE LOCAL GOVERNMENT ACT 1994 IN RELATION TO THE CONTROL AND REGULATION OF THE USE OF PARKS, OPEN SPACES, PLAYING PITCHES, RUNNING TRACK(S) AND RECREATIONAL GROUNDS OWNED, CONTROLLED BY, OR IN THE CHARGE OF THE COUNCIL WHETHER OPEN OR ENCLOSED.

These Bye-Laws are in force: -

- To ensure that parks, open spaces, playing pitches, running track(s) and recreational grounds and facilities at Lees Road Sports and Amenity Park and Tim Smythe Park / Fairgreen are used in safety and comfort, and
- For the protection of parks, open spaces, playing pitches, running tracks which are provided as a public amenity; and
- To ensure as much enjoyment as possible for users of these parks and open spaces.

1. TITLE.

These Bye-Laws may be cited as the Ennis Town Council Parks and Open Spaces Bye-Laws 2011.

2. INTERPRETATION.

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:

- (a) “Park” shall include all parks, playing pitches, running track(s) and recreational grounds, owned, controlled by or in the occupation of Ennis Town Council whether open or enclosed at Lees Road Sports and Amenity Park and Tim Smythe Park/Fairgreen.
- (b) “Council” means Ennis Town Council.
- (c) “Employee or Agent of the Council” shall include Designated Employees of the Council, Supervising Official and/or other persons employed by and duly authorised by the Council.
- (d) “Horse” shall include donkey, mule and ass.
- (e) “Permission of the Council” means the permission in writing of an authorised person.
- (f) “Licence” has the same meaning as “Permission of the Council”.
- (g) “Authorised Person” means a person authorised in writing by a local authority.
- (h) “Noise Sensitive Premises” means a residential property, hospital, school, church or nursing home.

- (i) “Juvenile” means persons or teams under the age of 18.
- (j) “Commercial Activity” means activity for profit or gain, and includes trading activity.

3. OPENING AND CLOSING OF PARKS.

The parks shall be open on such days and during such hours as may be fixed by the Council from time to time.

4. PROHIBITED ACTS.

4.1 UNAUTHORISED ENTRY.

- (a) No unauthorised person shall enter or remain in any park when it is closed.
- (b) No person shall enter or exit any park otherwise than through the gateways or other openings provided for that purpose.
- (c) No person shall refuse to leave any park or open space when requested to do so by an employee or agent of the Council or by a member of An Garda Síochána.
- (d) No person shall enter or remain in any park or any part of any park that is at the time set apart for the purpose of any game or recreation, except persons taking part in such game or recreation.
- (e) Bye-Law 4.1(d) shall not apply to onlookers at any match or exhibition where such positions in any park or open space or part thereof may be set aside for spectators.
- (f) Bye-Laws set out in 4.1(a) and 4.1(b) do not apply to employees or agents of the Council or to members of An Garda Síochána in the course of their duty.

4.2 DRUGS AND ALCOHOL

- (a) A person under the influence of controlled drugs or alcohol shall not enter or remain in any park.
- (b) No person shall consume, inject, inhale or otherwise absorb or have in their possession, controlled drugs or solvents in any park.
- (c) No person shall consume, or have in their possession, alcohol in any park.

4.3 LITTER

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

4.4. GLASS, ETC.

No person in any park shall break any glass, china or other like thing.

4.5 GRAFFITI

No person shall injure, disfigure, write graffiti on or mark any seat, gate, fountain, sculpture, structure, notice or notice board or any property or fittings in any park or open space.

4.6 TRAFFIC, BICYCLES, SKATEBOARDS, ETC.

- (a) No person shall cycle or use any skateboard, roller skates, roller blades or other vehicle in any park, except in appointed areas where facilities for that purpose are provided.
- (b) Parking of vehicles shall be restricted to designated parking spaces and locations, as identified on the map in Schedule 6.
- (c) No person shall park any vehicle in a manner that would obstruct the free movement of emergency or service vehicles.
- (d) No person other than employees or agents of the Council shall drive or be a passenger in a mechanically propelled vehicle in any park except on authorised routes.
- (e) No person shall wheel a non-mechanical vehicle in any park or open space except on authorised routes.
- (f) Bye-Law 4.6(a) and 4.6(d) shall not apply to bicycles or tricycles ridden by children under the age of 10 years who are accompanied by and under the care of an adult or to cyclists using authorised routes for access to and exiting from any park.
- (g) All persons to whom Bye-Laws 4.6(a), 4.6(c) and 4.6(d) apply shall stop when called upon to do so by signal or otherwise by an employee or agent of the Council or by a member of An Garda Síochána.
- (h) The speed limit for all vehicles on authorised routes in any park or open space shall be fifteen kilometres per hour.

- (i) No person shall in any park drive or in any way use any vehicle, motor cycle, scooter or moped for the purpose of giving or receiving instruction in driving, managing or repairing such vehicle.
- (j) No person shall in any park or open space engage in motorcycle or quadbike scrambling.
- (k) Bye-Laws 4.6(c) and 4.6(d) 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 children or disabled persons.
- (l) The Bye-Laws set out in 4.6(a) to 4.6(d) inclusive and 4.6(h) shall not apply to employees or agents of the Council or members of An Garda Síochána in the course of their duty.
- (m) Byelaw 4.6(a) shall not apply to the use of skateboards, roller skates or roller blades in the purpose built skateboard park at Lees Road Sports and Amenity Park”.

4.7 ANIMALS

- (a) No person shall cause or allow any horse as defined in the Control of Horses Act 1996 to enter or remain in any park.
- (b) No person shall turn out to graze in any park or allow or suffer to stray or remain in any open space, any cattle, sheep, horse or other animal.
- (c) No person shall lead, walk, lunge, break in or ride a horse in any park.
- (d) Every person in charge of a dog in any park shall prevent it from causing annoyance to any person using the park or worrying in the park. No person shall take into or allow to remain on any park any dog unless it is on a leash. Every person in charge of a dog in any park shall remove any faeces deposited by that dog.
- (e) Every person bringing a dog into any park or open space 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 any park or open space must remove it from the park or open space if so directed by an employee or agent of the Council.
- (f) Byelaws 4.7(a), 4.7(c) and 4.7(e) shall not apply to members of An Garda Síochána in the course of their duty.

4.8 PUBLIC DISORDER/NUISANCE.

- (a) No person shall molest, menace, threaten, annoy, fight with or otherwise interfere with any person using or enjoying any park or open space.
- (b) No person shall in any park or open space beg, gamble, use obscene or profane language, behave indecently or otherwise cause annoyance.
- (c) No person shall in any park or open space play musical instruments, radio, stereos, etc. such noise level as to cause a nuisance and noise shall be considered a nuisance in this instance whenever it is so loud, so continuous, so repeated or of such duration or pitch or occurring at such times that it gives reasonable cause for annoyance.
- (d) No person shall discharge or squirt any gun, syringe, catapult or other instrument or throw or discharge any stone or missile in any park or open space.
- (e) No person shall take or remove any soil, sand, gravel, stone or timber from any park or open space save with the written permission of the Council and subject to the terms and conditions of such permission.
- (f) No person shall in any park deposit or leave any dead animal.

4.9 VANDALISM.

- (a) No person shall remove, displace or cause any damage to property or fittings in any park or open space.
- (b) No person shall throw any missile in any open space to damage property or endanger any other person or wildlife in any park or open space.
- (c) No person shall destroy or injure any tree, shrub, plant or grass growing in any park or open space or pluck, cut or remove any flower or any blossom or any fruit on any tree, shrub or plant growing therein.
- (d) No person shall destroy, injure or damage any playing pitch, green or court in any park or open space.
- (e) No person shall take from any park or open space or destroy, injure, worry, or disturb or otherwise interfere with any bird, bird's nest or bird's eggs.

- (f) No person shall climb any tree or shrub in any park or open space or climb any fence, railing or wall in any park, structure or building in any park.
- (g) No person shall in any park stand on any seat or place thereon anything that defiles it or causes or tends to cause discomfort to any member of the public.

4.10 CARAVANS, TENTS, ETC.

- (a) No person shall erect any tent or camp in any part of any park or open space.
- (b) No person shall place or keep any caravan, camper van or dormobile in any part of any park or open space.

4.11 TRADING.

- (a) No person shall engage in any form of trading in a park, save with the written consent of the Council, and subject to such terms and conditions as determined by the Council.
- (b) No person shall sell, offer, expose for sale or distribute in any park or open space any commodity of any kind whatsoever or exhibit any sign, poster, handbill, or other notice in any park or open space, save with the written consent of the Council, and subject to such terms and conditions as determined by the Council.
- (c) No person shall in any park or open space use any type of camera for the purpose of business or with a view to gain, without the written permission of the Council and subject to the

4.12 COMMERCIAL ACTIVITY

No Person shall engage in any commercial activity in any park or open space, save with the written consent on the Council, and subject to such terms and conditions as determined by the Council. The Council may impose a charge in accordance with the scale of charges set out in Schedule 5 in respect of any such commercial activity.

4.13 ADVERTISING.

- (a) No person shall display any advertisement, or erect, exhibit, affix, chalk or paint any picture, bill, placard, banner, tract or notice in any open space or on any wall, fence or hedge enclosing any park or open space or engage in any promotional activity without the written permission of the Council and subject to the terms and conditions of such permission.

4.14 MUSICAL PERFORMANCES, DANCES, ETC.

- (a) No person shall, save with the written permission of the Council and subject to such conditions as the Council may prescribe, conduct or take part in any musical performance (whether vocal or instrumental) dance, concert, or other like entertainment or film for commercial purposes in any part of any open space.

4.15 GAMES AND ATHLETICS

- (a) No club or organisation shall organise or take part in the game of football or any other game or athletics save in such places in any park or open space as the Council sets apart for that purpose and then only subject to and in accordance with such conditions as may be set out by the Council from time to time or as directed by an employee of the Council.
- (b) 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.
- (c) No person, club or organisation shall use the playing pitches or running track(s) without making a payment of the prescribed fee set out in Schedule 2, Schedule 3 and Schedule 4 of these Byelaws.
- (d) Any person, club or organisation contravening any of the provisions of any bye-law may be liable to have access to facilities withdrawn.
- (e) No person shall act or behave in such a manner so as to prevent or disrupt playing of the game of football or any game or athletics in areas of any park or open space designated by the Council for that purpose.

4.16 FIREARMS.

- (a) No person shall bring into any park or open space any firearm, airgun, catapult or any other weapon.

4.17 BONFIRES, BARBECUES, ETC.

- (a) No person shall make any bonfire, fire or barbecue or light any fireworks in any parks.

4.18 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 Byelaws 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.

4.19 MODEL AIRCRAFT, ETC.

- (a) No person shall in any park or open space operate any model aircraft or any mechanically propelled model vehicles save with the written permission of the Council and subject to the terms and conditions of such permission.

4.20 ENNIS TOWN COUNCIL (PROHIBITION OF CONSUMPTION OF INTOXICATING LIQUOR ON STREETS AND IN PUBLIC PLACES) BYELAWS, 2000.

- (a) Nothing in these Byelaws shall affect the provisions of the Ennis Town Council (Prohibition of Consumption of Intoxicating Liquor on Streets and in Public Places) Byelaws 2000.

5. CHANGING ROOMS, SHELTERS, ETC.

- (a) Changing rooms, shelters and other buildings in any park or open space shall not be used otherwise than for the purposes for which they are provided.
- (b) No person shall throw water about the rooms, spit upon or litter the floor, or deface any part of any changing room, shelter or building in any park or open space, or otherwise behave in such a manner as to interfere with or cause discomfort to any visitors therein.
- (c) No person shall in any park or open space infringe any regulations of the Council with respect to the use of apparatus and equipment (including lockers and other conveniences) or dressing accommodation provided or maintained by the Council.

6. LICENCES.

- (a) Any permission granted to any person, club or organisation for the exclusive and/or specific occupation of any portion of any open space shall be in accordance with such conditions as the Council consider appropriate having regard to the circumstances in any particular case.

- (b) No person, organisation or club shall levy any charge for the participation in or viewing of any game, sport, performance or exhibition, save with the permission in writing of the Council, and in accordance with the terms and conditions of such permission.
- (c) Without prejudice to the generality of this byelaw, no person shall place any chair, seat, bicycle or other equipment for hire on recreational open space, save with the written consent of the Council and subject to such terms and conditions as determined by the Council.
- (d) The Council may impose a charge in respect of any specified use of any of the facilities, playing pitches and running tracks listed in Schedule 1 of these Byelaws. The charge shall be in accordance with a scale of charges listed in Schedule 2, Schedule 3 and Schedule 4 of these Byelaws. These schedules may be revised from time to time by the Council at its discretion.
- (e) Any such person, club or organisation on whom a charge is levied under these byelaws shall pay such charge within the time specified by the Council for payment.

7. REFUSAL OF PERMISSION.

- (a) The Council may refuse permission for a licence for any of the purposes mentioned in these byelaws if, having regard to the character of the applicant, the number of persons already holding licences of the class applied for and the general comfort and convenience of visitors to any park or open space, they consider that a licence should not be granted.

8. OFFENCES.

- (a) It shall be lawful for any authorised person or member of An Garda Síochána to enforce these byelaws and to exclude or remove from any part of any park or open space any person committing any breach of the above byelaws and to take such other steps as authorised by law.
- (b) A person who contravenes a provision of these byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,200 pursuant to Section 40(1) of the Local Government Act 1994.
- (c) If the contravention of a provision of these byelaws 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 €120 per day.
- (d) A person who obstructs or impedes or refuses to comply with a request of a member of An Garda Síochána or of an authorised person acting in

the exercise of the functions conferred on an authorised person by these byelaws shall be guilty of an offence.

- (e) Where an authorised person or a member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under these byelaws, the authorised person or the Garda, as the case may be, 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.
- (f) Where a member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under these byelaws that member may arrest such person without warrant.
- (g) An offence under these byelaws may be prosecuted by the Council or by a member of An Garda Síochána.
- (h) Where an authorised person or a member of An Garda Síochána is of the opinion that an offence is being committed or has been committed under these byelaws the authorised person or a member of An Garda Síochána may serve such person with a notice, specifying fixed payment, in respect of a contravention of a byelaw as an alternative to a prosecution of the contravention and where the byelaw so provides it shall specify: -
 - (i) the amount of the fixed payment, and
 - (ii) the period within which it must be paid in order to avoid prosecution.

The amount of the fixed payment applicable to the fixed payment notice shall be €63.00.

9. COMMENCEMENT DATE.

These byelaws shall come into operation on 11th March 2011.

SCHEDULE 1 – FACILITIES

Playing pitches Nos. 1, 2, 3 and 4 at Lees Road Sports & Amenity Park.
All weather astro-turf pitch at Lees Road Sports & Amenity Park.
Synthetic running track at Lees Road Sports & Amenity Park.
Cross country running track Lees Road Sports & Amenity Park.
Pitch Nos. 1, 2 & 3 at Tim Smythe Park / Fairgreen.

SCHEDULE 2 – SCALE OF CHARGES – LEES ROAD SPORTS AND AMENITY PARK

***TABLE A – 1st April to 31st August.**

Location	Charge €
Playing pitches 1, 2, 3 and 4 at Lees Road Sports and Amenity Park	€60 per session (max. 2 hours) for adults.
Playing pitches 1, 2, 3 and 4 at Lees Road Sports and Amenity Park	€20 per session (max. 2 hours) for U18s.
Playing pitches 1, 2, 3 and 4 at Lees Road Sports and Amenity Park.	€20.00 per session (max. 2 hours) for Summer Camps, Community Games & Schools.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€90.00 per hour (full size pitch).
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€30.00 per hour (sub-division).
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€20.00 per hour (sub-division) for Summer Camps, Community Games & Schools.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€20 per hour (sub-division) for U18s.

TABLE B – 1st September to 31st March.

Location	Charge €
Playing pitches 1,2,3 and 4 at Lees Road Sports and Amenity Park	€60 per session (max. 2 hours) for adults.
Playing pitches 1,2,3 and 4 at Lees Road Sports and Amenity Park	€20 per session (max.2 hours) for U18s.
Playing pitches 1, 2, 3 and 4 at Lees Road Sports and Amenity Park.	€20.00 per session (max. 2 hours) for Summer Camps, Community Games & Schools.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€150.00 per hour (full size pitch), Monday to Friday.
All weather astro-turf pitch at Lees Road	€90.00 per hour (full size pitch), Saturdays

Sports and Amenity Park	and Sundays.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€50.00 per hour (sub-division) for adults, Monday to Friday.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€30.00 per hour (sub-division) for adults, Saturdays and Sundays.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€20 per hour (sub-division) for U18s.
All weather astro-turf pitch at Lees Road Sports and Amenity Park	€20.00 per hour (sub-division) for Summer Camps, Community Games & Schools

SCHEDULE 3 – SCALE OF CHARGES – TIM SMYTHE PARK / FAIRGREEN

Location	Charge €
Playing pitches 1, 2 and 3 at Tim Smythe Park / Fairgreen	€40.00 per session (max. of 2 hours) for adults
Conventional playing pitches 1, 2 and 3 at Tim Smythe Park/Fairgreen	€15.00 per session (max. of 2 hours) for juveniles (U18s)
Conventional playing pitches 1, 2 and 3 at Tim Smythe Park/Fairgreen	€15.00 per session (max. of 2 hours) for Summer Camps/ Community Games/Schools

SCHEDULE 4 – SCALE OF CHARGES – SYNTHETIC RUNNING TRACK

Location	Charge €
Lees Road Sports and Amenity Park	€40.00 per hour for Clubs
Lees Road Sports and Amenity Park	€200.00 per day for events
Lees Road Sports and Amenity Park	€2.00 per run for an individual

SCHEDULE 5 - SCALE OF CHARGES – COMMERCIAL ACTIVITY

Location	Charge €
Lees Road Sports and Amenity Park	€300 per day
Lees Road Sports and Amenity Park	€150 per half day

SCHEDULE 6 - SCALE OF CHARGES – SECTION OF CROSS-COUNTRY RUNNING TRACK OUTLINED ON THE ATTACHED MAP

Location	Charge €
Lees Road Sports and Amenity Park	€40 per hour for use by clubs.

Dated this _____

**PRESENT WHEN THE CORPORATE SEAL OF THE ENNIS TOWN
COUNCIL** was affixed hereto:

Méara Bhaile na hInse

Town Clerk