



Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath

PARKS AND OPEN SPACES BYE-LAWS 2002

**BYE-LAWS FOR REGULATING THE USE AND ENJOYMENT OF PARKS AND
OPEN SPACES MADE IN EXERCISE OF POWERS CONTAINED IN THE LOCAL
GOVERNMENT ACT, 1994**

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BYE LAWS MADE BY DUBLIN CITY 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 AND RECREATIONAL PLAYING 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 and recreational playing grounds and their facilities are used to the maximum extent, in safety and comfort and for the protection of parks, open spaces and recreational playing grounds which are provided as a public amenity and for respect and consideration for parks and open space users to ensure as much enjoyment as is possible of these amenities.

1. TITLE

These Bye-Laws may be cited as the Dublin City Council Parks and Open Spaces Bye-Laws 2002.

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 and recreational playing grounds, owned, controlled by or in the occupation of Dublin City Council whether open or enclosed.
- (b) "Open Space" includes all lands, open spaces, gardens, beaches vested in or under the control of the Council, and all land (which is open land) managed by the Council for the provision of facilities for games and recreation thereon.
- (c) "Council " means the Dublin City Council.
- (d) "Employee or Agent of the Council" shall include every Superintendent, Supervising Official, Park Warden, Park Ranger and/or other person employed by and duly authorised by the Council.
- (e) "Waters" shall include rivers, estuaries, streams, lakes, ponds, both artificial and natural, reservoirs, canals etc.
- (f) "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 Regulation.
- (g) "Horse" shall include donkey, mule and ass.
- (h) "Permission of the Council" means the permission in writing of an authorised person.
- (i) "Licence" has the same meaning as "Permission of the Council".
- 2. (j) "Authorised Person" means a person authorised in writing by a local authority.

- (k) “Noise Sensitive Premises” means a residential property, hospital, school, church or nursing home.

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 or open space when it is closed.
- (b) No person shall enter or exit any park or open space 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 open space or any part of any park or open space 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

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

4.3. LITTER

No person shall bring, deposit, throw or leave in any park or open space 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 or open space 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 noticeboard 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 or open space except on such routes and in such places as may be designated by the Council for that purpose.
- (b) No person shall leave any vehicle unattended in any park or open space, except in such places as may be set aside as standing or parking places.
- (c) No person other than employees or agents of the Council shall drive or be a passenger in a mechanically propelled vehicle in any park or open space except on authorised routes.
- (d) No person shall wheel a non-mechanical vehicle in any park or open space except on authorised routes.
- (e) Bye-Law 4.6(a) and 4.6(d) shall not apply to:
 - (1) bicycles or tricycles ridden by children under the age of 10 years who are accompanied by and under the care of an adult
 - (2) bicycles using designated cycle lanes.
- (f) 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.
- (g) The speed limit for all vehicles on authorised routes in any park or open space shall be ten kilometres per hour.

- 4.6**
- (h)** No person shall in any park or open space 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.
 - (i)** No person shall in any park or open space engage in motorcycle scrambling except in an area designated by the Council for that purpose.
 - (j)** 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.
 - (k)** 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.

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 or open space.
- (b)** No person shall turn out to graze in any park or open space, or allow or suffer to stray or remain in any open space, any cattle, sheep, horse or other animal without the written permission of the Council and subject to the terms and conditions of such permission.
- (c)** No person shall lead, walk, lunge, break in or ride a horse in any park or open space without the written permission of the Council and subject to the terms and conditions of such permission and only then on such routes as may be designated by the Council for this purpose, from time to time.
- (d)** Every person in charge of a dog in any park or open space shall prevent it from causing annoyance to any person using the park or open space or worrying in the park or open space.
- (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)** No person shall in any park or open space carry on ferreting without the written permission of the Council and subject to the terms and conditions of such permission.
- (g)** Bye-laws 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., at such noise level as to cause a nuisance and noise shall be considered a nuisance in this instance when ever 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) Any person shall not in any park or open space discharge or squirt any gun, syringe, catapult or other instrument or throw or discharge any stone or missile.
- (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 or open space deposit or leave any dead animal.
- (g) During a music event/concert at a park noise levels measured at the façade of any noise sensitive premises shall not exceed the background noise level by more than 10 decibels, dB(A), over a 15 minute period.

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

 - (1) any bird, bird's nest or bird's eggs
 - (2) any fish in waters.

- 4.9** (f) No person shall walk upon flower beds, shrubberys, enclosed plantations or other enclosed lands in any park or open space.
- (g) No person shall climb any tree or shrub in any park or open space or climb any fence, railing or wall in any park or open space or upon any fountain, sculpture, structure or building in any park or open space.
- (h) No person shall in any park or open space 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 CHILDREN'S PLAYGROUNDS

- (a) No person above the age of twelve years shall enter or remain in any park or open space or any part of any park or open space set apart as a Children's Playground.
- (b) No person above the age of twelve years shall use any of the equipment or playing appliances in any children's playground in any park or open space specified by notice as being for the sole use of children aged twelve years or under.
- (c) Bye-law 4.10(a) shall not apply to any person who is for the time being responsible for or accompanying a child under the age of 13 years using the playground.

4.11 WATERCOURSES

- (a) No person shall bathe in any of the waters in any park or open space except in any area designated for that purpose by the Council.
- (b) No person shall skate on the frozen water of any lake, pond or watercourse in any park or open space nor foul or pollute any such watercourse.
- (c) No person shall use a boat, raft or similar craft on any watercourse in any park or open space save with the prior written permission of the Council and subject to the terms and conditions of such permission.
- (d) No person shall fish 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.
- (e) No person shall in any park or open space throw or put sticks, stones or substances of any description into any water feature, or cause the water to be fouled or polluted.
- (f) No person shall in any park or open space enter or go on any water feature without the written permission of the Council and subject to the terms and conditions of such permission.

4.12 CARAVANS, TENTS ETC.

- (a)** No person shall 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.
- (b)** No person shall 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.

4.13 TRADING

- (a)** Save with the written permission of the Council and subject to the terms and conditions of such permission, 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 or engage therein in the business of taking photographs for payment.
- (b)** Save with the written permission of the Council and subject to the terms and conditions of such permission, no person, organisation, club, etc. shall levy any charge for the participation in or viewing of any game, sport or exhibition in any park or open space.
- (c)** No person shall in any park or open space place any chair or seat for hire, save with the written permission of the Council and subject to the terms and conditions of such permission.
- (d)** 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 without the written permission of the Council and subject to the terms and conditions of such permission.
- (e)** No person shall in any park or open space ply for hire or let out any horse or other animal or any vehicle.
- (f)** 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 terms and conditions of such permission.

4.14 MUSICAL PERFORMANCES, DANCES ETC.

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 person, 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 shall play the game of golf or cricket or practise any aspect of the game in any part of any park or open space, save in those areas specifically designated for those purposes.
- (d) Any person, club or organisation contravening any of the provisions of bye-law 4.15(a) or 4.15(b) may be liable to have playing 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 of athletics in areas of any park or open space designated by the Council for that purpose.

4.16 FIREARMS

No person shall bring into any park or open space any firearm, airgun, catapult or any other weapon, save with the written permission of the Council for an approved competition or for the practice for an approved competition and subject to terms and conditions of such permission.

4.17 BONFIRES, BARBECUES ETC.

No person shall make any bonfire, fire or barbecue or light any fireworks in any park or open space, save with the prior written permission of the Council and subject to the terms and conditions of such permission.

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 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.

4.19 MODEL AIRCRAFT ETC

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

5. NURSERIES, GREENHOUSES, CONSERVATORIES

No person shall without the written permission of the Council, enter or remain in any nursery or in any greenhouse or conservatory in any park or open space except when such nursery, greenhouse or conservatory is open to the public.

6. PAVILIONS, SHELTERS, ETC

- (a) Pavilions, shelters and other buildings in any park or open space shall not, except with the written permission of the Council and subject to the terms and conditions of such permission, 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 pavilion, 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 regulation 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.

7. LICENCES

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.

8. REFUSAL OF PERMISSION

The Council may refuse permission for *a licence for* any of the purposes mentioned in these bye-laws 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.

9. OFFENCES

(a) It shall be lawful for any authorised person or member of An Garda Síochána to enforce these bye-laws and to exclude or remove from any part of any park or open space any person committing any breach of the above bye-laws and to take such other steps as authorised by law.

9. (b) 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 €1,200.

(c) 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 €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 bye-laws 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 bye-laws, 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 bye-laws that member may arrest such person without warrant.

(g) An offence under these bye laws 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* bye-laws 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 bye-law as an alternative to a prosecution for the contravention and where the bye-law 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

10. COMMENCEMENT DATE

These Bye-Laws shall come into operation on 1st July 2002.