

A TRUE COPY

**THE CORK CITY COUNCIL
PARKS, OPEN SPACES AND CEMETERIES BYE-LAWS 2011.**

WHEREAS CORK CITY COUNCIL being the local authority for the City of Cork has by virtue of Part 19 of the Local Government Act 2001 power to make bye-laws for or 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 Cork City Council or in relation to any matter connected therewith.

BE IT KNOWN THAT CORK CITY COUNCIL the Local Authority for the City of Cork, in exercise of said powers hereby make the following bye-laws for or in relation to the use, operation, protection, regulation or management of parks, open spaces and cemeteries which are under the control and management of Cork City Council and are wholly situate in the City of Cork, except Saint Catherine's cemetery which is situated in the County of Cork.

1. These Bye-Laws shall be cited as follows: *The Cork City Council Parks, Open Spaces and Cemeteries Bye-Laws 2011.*
2. **Commencement of Bye-Laws:** These Bye-Laws shall come into force on the 20th day of July 2011.
3. **Area of Application:** These Bye-Laws shall apply to the parks and cemeteries specified in the Schedule Part I and open spaces which are under the control and management of Cork City Council and to parks, cemeteries and open spaces which are currently under construction and which may be developed in the future which are under the control and management of Cork City Council and are wholly situate in the City of Cork, except Saint Catherine's cemetery which is situated in the County of Cork.
4. **Previous Bye-laws:** Any and all previous bye-laws applying to parks, cemeteries and open spaces are hereby revoked save and except for the bye-laws entitled Cork Corporation (Prohibition of Consumption of Intoxicating Liquor on Streets and in Public Places) Bye-Laws, 2001, as amended and Green Gardens Shandon Street Cork Bye-Laws 2004.
5. **Interpretation:**

In these Bye-Laws

- A. any reference to the masculine gender includes reference to the feminine gender and any reference to the neuter gender includes the masculine and feminine genders.
- B. any reference to the singular includes reference to the plural.

and the word or words –
- C. “*park*” refers to the parks specified in the Schedule Part I hereto whether open or enclosed and includes furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Cork City Council.

- D. "cemetery" refers to the cemeteries specified in the Schedule Part I hereto.
- E. "open space" includes all lands, open spaces, gardens, walkways, park furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Cork City Council for the provision of facilities for games and recreational activities thereon.
- F. "Council" means the Council of the City of Cork.
- G. "employee of the Council" shall include every Superintendent, Supervising Official, Foreman, Park Warden, Servant, Agent or other person employed by and duly authorised by the Council to administer and enforce these Bye-Laws.
- H. "Authorised Person" means a person authorised in writing by the Council or a member of the Garda Síochána.
- I. "waters" shall include rivers, estuaries, streams, lakes, ponds, both artificial and natural, reservoirs, canals and so on.
- J. "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.
- K. "horse" shall include donkey, mule and ass.
- L. "permission of the Council" means the permission in writing of an authorised person.
- M. "license" has the same meaning as "Permission of the Council".
- N. "noise sensitive premises" means a residential property, hospital, school, church or nursing home.

6. Opening and Closing:

- a. The parks and cemeteries shall be opened on such days and during such hours as may be fixed by the Council from time to time.
- b. The opening and closing hours will be subject to variation by the Council as circumstances require.
- c. A person shall not enter or exit a park or cemetery otherwise than through gateways or other openings provided by the Council for that purpose.
- d. No unauthorised person shall enter or remain in a park or cemetery when it is closed.

7. Traffic:

- a. No person shall cycle or use any skateboard, roller skate, roller blades or other such apparatus in a park, cemetery or open-space in such manner as to cause nuisance or annoyance to other users of the park, cemetery or open space or cause damage to any public property.

- b. No person other than employees of the Council or members of An Garda Siochana on duty shall drive or be a passenger in a mechanically propelled vehicle in a park, cemetery or open space, only on authorised routes.
- c. Bye-Law 7(b) shall not apply to mechanically propelled lawnmowers being used by residents associations or persons who at the request of a residence association and on its behalf engage in the maintenance of open spaces in estates. All such persons operating mechanically propelled lawnmowers or other apparatus in the maintenance of open spaces shall enter upon such open space and carry out all works at their own risk and shall ensure they have adequate insurances in place. To the fullest extent permitted by law, the Council assumes no liability for any injury or loss suffered by any person engaged in the maintenance of open spaces as hereinbefore referred to and makes no guarantees, representations or warranties in respect of the state and condition of any open space.
- d. No person shall wheel a non-mechanical vehicle in a park, cemetery or open space only on authorised routes.
- e. Bye-Law 7(d) shall not apply to (i) bicycles or tricycles ridden by children under the age of 10 years who are accompanied by and under the care of an adult and (ii) bicycles using designated cycle track. Cyclists must at all times give priority to pedestrians.
- f. No person shall in a park, cemetery or open space drive or in any way use any vehicle, motor cycle, scooter or moped for the purpose of giving or receiving instructions in driving, managing or repairing such vehicle.
- g. Bye Law 7(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, ill or disabled persons.
- h. No person shall leave any vehicle, bicycle or tricycle unattended in a park, cemetery or open space except in such places as may be set aside as standing or parking places.
- i. The speed limit for vehicles in a park, cemetery or open space shall be 10km per hour.

8. **Animals:**

- a. No person shall cause or allow any horse as defined in the Control of Horses Act 1996 to enter or remain in a park, cemetery or open space. Members of An Garda Siochana in the course of their duties on horseback are exempt from this Bye-Law.
- b. No person shall turn out to graze in a park, cemetery or open space or allow to suffer, to stray or remain in a park, cemetery or open space any cattle, sheep, horse or other animal without the consent in writing of the Council and subject to the terms and conditions of such permission.
- c. No person shall take into or allow to remain in a park, cemetery or open space any dog unless it is on a leash.
- d. A person in charge of a dog in a park, cemetery or open space shall prevent it from causing annoyance to any person using the park, cemetery or open space or worrying,

chasing injuring or disturbing any animals, birds or other creatures in a park, cemetery or open space.

- e. A person bringing a dog into a park, cemetery or open space shall be responsible for its conduct and shall be liable for any damage or injury which may be caused by it. A person bringing a dog into a park, cemetery or open space must remove it from the park, cemetery or open space if so directed by an Authorised Person.
- f. If a dog defecates in a park, cemetery or open space, the person in charge of the dog shall remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose. Guide Dogs for the blind are exempt from this bye-law.
- g. Persons shall not cause or allow any dangerous dog as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations 1991 or any subsequent amending Regulations or Act, in their charge to enter or remain in a park, cemetery or open space. This Bye-Law shall not apply to a dog which is kept by the Garda Siochana and wholly used by a member of the Garda Siochana in the execution of his/her duty.

9. General in Relation to Persons Using Parks, Cemeteries and Open Space

No Person shall:-

- a. Walk upon any flower bed or through any shrubbery, enclosed plantation or other enclosed land in a park, cemetery or open space other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.
- b. Destroy or injure any tree, shrub or plant growing in a park, cemetery or open space or pluck, cut or remove any flower or blossom or any fruit on any tree, shrub or plant growing therein, other than an employee of the Council in or about any work in connection with the laying, planting, improvement or maintenance of same.
- c. Climb any tree or shrub in a park, cemetery or open space or climb any fence, railing or wall in a park, cemetery or open space.
- d. Injure, write graffiti on or disfigure or in any way interfere with any notice or notice board in a park, cemetery or open space.
- e. Take from a park, cemetery or open space or destroy or injure or otherwise interfere with any bird, birds nest or birds eggs in a park, cemetery or open space or ill treat worry or disturb an animal in a park, cemetery or open space.
- f. Throw any missile in a park, cemetery or open space to damage property or endanger any other person or wildlife within a park, cemetery, or open space.
- g. Molest, menace, threaten, annoy or otherwise interfere with any person using or enjoying the park, cemetery or open space.
- h. Take or remove any soil, sand, gravel, stone or timbers from a park, cemetery, or open space save with the permission in writing of the Council and subject to the terms and conditions of such permission.

- i. Fish in any part of a park, cemetery or open space save with the permission in writing of the Council and subject to the terms and conditions of such permission and any person so fishing shall be obliged to comply with rules and regulations which may apply.
- j. Dump or dispose of any bottle, glass, china, tin, container, litter or other waste in a park, cemetery or open space except in receptacles provided for that purpose.
- k. Bring into a park, cemetery or open space any firearm, airgun, catapult or any other weapon save with the permission in writing of the Council for an approved competition or for practice for an approved competition and subject to the terms and conditions of such permission.
- l. Make any fire, bonfire or barbecue or light any fire works in a park, cemetery or open space save with the prior permission in writing of the Council and subject to the terms and conditions of such permission.
- m. Beg, gamble, use obscene or profane language, behave indecently or inappropriately or otherwise cause annoyance.
- n. Hold or address a public meeting or religious service except with the permission in writing of the Council. This Bye-Law does not apply to the holding of religious services in Cemeteries.
- o. Resist, obstruct or interfere with any employee of the Council or other person in the exercise of his/her duty or disobey his/her lawful directions.
- p. Bathe in any of the waters in a park, cemetery or open space except in those areas which may be set aside for that purpose by the Council.
- q. Skate on any frozen water on any lake, pond or watercourse in a park, cemetery or open space nor foul or pollute any such lake, pond or watercourse.
- r. Use a boat, raft or similar craft on any watercourse in a park, cemetery or open space save with the prior permission in writing of the Council and subject to the terms and conditions of such permission.
- s. Consume, inject or inhale or otherwise absorb controlled drugs or solvents in a park, cemetery or open space.
- t. Operate in a park, cemetery or open space 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.
- u. Destroy, injure or damage any playing pitch, green or court in a park or open space.
- v. Erect any tent or place or keep any caravan, camper van or dormobile in a part of a park, cemetery or open space save with the prior written consent of the Council and subject to the terms and conditions of such permission.

- w. Throw away any lighting match or cigarette or other similar apparatus likely to be capable of setting fire to any tree, shrub, underwood, plant or vegetation or to any woodwork or structures in a park, cemetery or open space.

10. Children's Playgrounds

- a. No persons, other than young children under the age of 12 years, shall use any of the equipment or playing appliances in any children's playground in a park or open space that is designed solely for young children.
- b. No cycling, skateboarding or similar activity is permitted in a children's playground in a park or open space.

11. Musical Performance and Dances:

No person shall, save with the permission in writing 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 in any part of a park, cemetery or open space or operate any radio, television, video, compact disc player or tape player in a park, cemetery or open space.

12. Games and Athletics:

- a. No person, club or organisation shall organise or take part in the game of football or any other games or athletics save in such place in a park or open space as the Council set 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 authorised person 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 in a park or open space when an authorised person of the Council considers the ground to be unfit for such use and a notice prohibiting play has been communicated through newspapers/radio to all interested parties and/or is posted at or near a park or open space.
- c. No person shall play the game of golf or practice any aspect of the game in any part of a park or open space save in those areas (if any) specifically designated for those purposes.
- d. Any person club or organisation contravening any of the provisions of paragraphs (a) or (b) of this bye-law may be liable to have playing facilities withdrawn.
- e. No person shall act or behave in such a manner as to prevent or disrupt playing of the game of football or any other game or athletics in areas of a park or open space designated by the Council for that purpose.

13. Nurseries Greenhouse Conservatories:

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

14. Licenses:

Any person, club or organisation who is licensed by the Council to occupy a portion of a park or open space shall do so in accordance with such conditions as shall comply with these bye-laws.

15. Powers of an Authorised Person

- a. An Authorised Person may request any person who appears to be contravening or to have contravened a bye-law in a park, open space or cemetery to leave or to refrain from any activity and may remove any person failing to comply with such request.
- b. Where an Authorised Person is of the opinion that a person is committing or has committed an offence, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person is guilty of an offence.
- c. Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence, that member may arrest the person without warrant.
- d. A person is not bound to comply with a request of an Authorised Person unless the Authorised Person produces, if requested by the person, evidence of his/her appointment as an Authorised Person.

16. Fixed Payment Notices:

- a. 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 2001, (Bye-Laws) Regulations 2006 (S.I. No. 362 of 2006) or any regulation amending or extending same. The notice shall specify the name and address of the alleged offender, in general terms the nature of the contravention alleged to have been committed, the date and place of the alleged contravention and that the person may during the period of 21 days beginning on the date of the notice make to the Council at City Hall Cork a payment of €75.00 accompanied by the notice and a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice. Notice of the fixed payment shall be in the general form of notice set out in the Schedule Part 2 to these Bye-Laws.
- b. Where a fixed payment has been duly paid in respect of an alleged contravention by a person during the period specified in the notice, no proceedings shall be instituted against the person in respect of the alleged contravention.
- c. A fixed payment notice under Section 206 of the Local Government Act 2001 shall be signed on behalf of the local authority concerned by an "authorised person" within the meaning of Section 204 (1).

17. Service of Notices:

Any notice required to be served by or under these bye-laws shall be served in one of the following ways:

- (i) By delivery to the person,
- (ii) By leaving it at the address at which the person ordinarily resides,
- (iii) By sending it by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides,
- (iv) If an address for the service of notice has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person at that address.

18. Penalties:

- a. A person who contravenes a provision of these bye-laws shall be guilty of an offence under and by virtue of Section 204 and Section 205 of the Local Government Act 2001 liable on summary conviction to a fine not exceeding €1904.60.
- b. If the contravention of a bye-law is continued after conviction, the person causing the contravention is guilty of an offence on each day of which that contravention continues and is liable on summary conviction for each such offence to a fine not exceeding €126.97.

19. 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 the Garda Síochána or any authority legally existing for preventing or punishing offences.

**SCHEDULE
PART 1**

PARKS:

1. Atlantic Pond
2. Ballinlough Park
3. Beaumont Park
4. Bishop Lucey Park
5. Bishopstown Park
6. Boreenamanna Road Park
7. Clashduv Park
8. Cloverhill Park
9. Fitzgerald's Park
10. Gerry O'Sullivan Park
11. Glen River Park
12. Glenamoy Park
13. Joe McHugh Park
14. Kennedy Park
15. Kilmore Park
16. Lee Fields
17. Lough Mahon Park
18. Meelick Park
19. Pophams Park
20. Seán Cronin Park
21. Shalom Park
22. Skehard Road Park
23. The Lough
24. Tory Top Park
25. Military Cemetery Park
26. St. Ann's Park

CEMETRIES:

1. St. Catherine's Cemetery (situated in the County of Cork)
2. St. Finbarr's Cemetery
3. St. Joseph's Cemetery
4. St. Michael's Cemetery

PART 2

CORK CITY COUNCIL

PARKS, OPEN SPACES & CEMETERIES BYE-LAWS 2011

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT 2001

NAME OF LOCAL AUTHORITY: CORK CITY COUNCIL

To: Name: _____

Address: _____

It is alleged that you have contravened the provisions of a bye-law made under Part 19 of the Local Government Act 2001 entitled *The Cork City Council Parks, Open Spaces and Cemeteries Bye-Laws 2011* by.....(in general terms specify nature of contravention) aton.....

During the period of 21 days beginning on the date of this notice, you may pay the sum of €75.00 (seventy five euro), producing/attaching this notice, at the offices of the local authority named in this notice located at City Hall Cork.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 (seventy five euro) is paid during that period, no prosecution will be instituted at any time.

A prosecution will be instituted if the sum of €75.00 (seventy five euro) is not paid within the said period.

Signed: _____

Date: _____

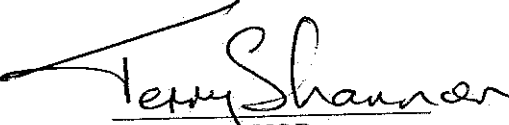
AUTHORISED PERSON

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 "Cork City Council" (name of local authority). A receipt will be issued.

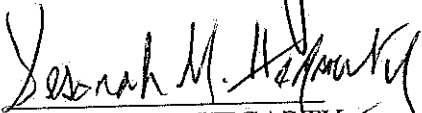
You are entitled to disregard this notice and defend a prosecution of the alleged contravention in court.

Made and adopted under the Common Seal of Cork City Council this 13th day of June 2011.

PRESENT when the Common Seal of **CORK CITY COUNCIL** was affixed hereto; **THE LORD MAYOR** also being present:


LORD MAYOR


CITY MANAGER


DEBORAH G. HEGARTY
LAW AGENT

Local Government Official
Cork City Council
City Hall, Cork
