

Ceantar Bardasach Carraig Mhachaire Rois – Baile na Lorgan

Comhairle Contae Mhuineachain



The Municipal District of Carrickmacross – Castleblayney

Monaghan County Council

**Lough Muckno Park Draft Bye-Laws 2018**

**Local Government Act, 2001**

## **1. Title**

These Bye-Laws may be cited as the Monaghan County Council Lough Muckno Park Bye-Laws, 2018

## **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" means all areas of Lough Muckno Park as is more particularly set out on the map thereof annexed hereto and thereon bounded in red and marked "Map 1".
- b. "Council" means Monaghan County Council.
- c. "Employee or Agent of the Council" shall include every superintendent, supervising official, park ranger, or other person 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 an authorised person within the meaning of Section 204 of the Local Government Act 2001.
- h. "Noise Sensitive Premises" means a residential property, hospital, school, church or nursing home.
- i. "Juvenile" means person or teams under the age of 18.

- j. "Municipal District" shall mean the Municipal District of Carrickmacross- Castleblayney.
- k. "Authorised Routes" shall mean such areas which are, from time to time, designated by the Council and or the Municipal District for use by motorised vehicles as is more particularly set out on the map thereof annexed hereto and marked "Map 2".

### **3. Opening and Closing of the Park**

- a. Entry and exit to and from the Park shall be gained only through the authorised access points.
- b. Such entrances shall be open to the public on such days and during such hours as shall be fixed and displayed by the Council from time to time.
- c. The opening and closing hours of Park entrances will be subject to variation by the Council as circumstances require.
- d. No unauthorised person shall enter or remain in any part of the Park outside of opening hours.

### **4. Prohibited Acts**

#### Unauthorised Entry

- a. No unauthorised person shall enter or remain in the park when it is closed.
- b. No person shall enter or exit the park otherwise than through the gateways or other openings provided for that purpose.
- c. No person shall refuse to leave the park or open space when reasonably 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 part of the park that is, at the time, set apart for the purpose of any event, game, recreation or exhibition except (i) persons taking part in such event, game, recreation or exhibition or (ii) spectators viewing such event, game, recreation or exhibition in areas of the park or open space or part thereof set aside for spectators (iii) employees or agents of the Council or An Garda Síochána in the course of their duty.

### **5. Drugs and Alcohol**

- a. A person under the influence of alcohol or controlled drugs shall not enter or remain in the park.
- b. No person shall consume, inject, inhale or otherwise absorb or have in their possession, controlled drugs or solvents in the park other than those which are reasonably required by a person for the purpose of carrying on his trade or profession.
- c. No person shall consume, or have in their possession, alcohol in the park except under licence/permit or express approval of the Council.

## **6. Litter**

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

## **7. Glass, etc**

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

## **8. Graffiti**

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

## **9. Traffic, Bicycles, Skateboards.**

- a. No person shall use any skateboard, roller skates, roller blades or other vehicle in the park or open space, except in such areas which are from time to time designated by the Council and or the Municipal District for such use.
- b. No person shall park any vehicle in a manner that would obstruct the free movement of emergency or service vehicles.
- c. No person other than employees or agents of Monaghan Co. Council shall drive or be a passenger in a mechanically propelled vehicle in the park except on authorised routes.
- d. No person shall wheel a non-mechanically propelled vehicle in the park except on authorised routes.
- e. This rule 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, using and exiting from the park.
- f. All persons so using such cycles 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 within the park shall be fifteen kilometres per hour.
- h. No person shall in the park drive or in any way use any vehicle, motor cycle, scooter or moped for the purpose of giving or receiving instruction in driving or managing or repairing such vehicle.
- i. No person, in the park or open space, shall engage in motorcycle or quad bike driving, racing or scrambling.
- j. This bye-law (9 (a-k)) 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. This section shall not apply to employees or agents of the Council or Members of An Garda Síochána in the course of their duty.

## 10. Animals

- a. No person shall cause or allow any horse, as defined in the Control of Horses Act 1996, to enter or remain in the park.
- b. No person shall turn out to graze in the park, or allow or suffer to stray or remain in the park or any of its open spaces, any cattle, sheep, horse or other animal.
- c. No person shall lead, walk, lunge, break in or ride a horse in the park.
- d. Every person in charge of a dog in the park shall prevent it from causing annoyance to any person using the park or worrying any person in the park. No person shall take into or allow to remain in the park any dog unless it is under effective control on a leash. Every person in charge of a dog in the park shall remove any faeces deposited by that dog.
- e. Every person bringing a dog into the 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 the park or open space must remove it from the park or open space if so directed by an employee or agent of Monaghan Co. Council.
- f. The Control of Dogs Regulations 1998 and any amendment in relation to the following breeds (and strains/cross-breeds) of dog shall apply to such breeds when within the Park:
- American pit bull terrier
  - English bull terrier
  - Staffordshire bull terrier
  - Bull mastiff
  - Dobermann pinscher
  - German shepherd (Alsatian)
  - Rhodesian ridgeback
  - Rottweiler
  - Japanese akita
  - Japanese tosa
  - Bandog

When within the park, these dogs (or strains and crosses of them) must:

- (i) Be kept on a short, strong lead by a person over 16 years who is capable of controlling them.
- (ii) Be muzzled whenever they are in the park.
- (iii) Wear a collar bearing the name and address of their owner at all times.

The legislation on muzzling and leashing does not apply to dogs used by the Gardaí, and bona fide rescue teams in rescue operations. The rules on muzzling do not apply to guide dogs for the blind.

## **11. Fishing.**

No person shall fish on Lough Muckno without the prior consent of Monaghan County Council; and where such consent is given, shall abide by such rules which shall be made by Monaghan County Council from time to time in relation to such fishing.

## **12. Invasive Species Control.**

Lough Muckno is an internationally renowned angling venue and is a valuable fishery habitat supporting great stocks of both game and coarse fish.

The introduction of any invasive fish, plants invertebrates or pathogens of any description to its waters is prohibited.

- a. Every person entering onto the waters of Lough Muckno will exercise Invasive Species Control Measures to prevent or limit the spread of invasive species.
- b. All persons involved in competition, pleasure; all forms and all disciplines of angling on the waters of Lough Muckno, its streams or tributaries, must ensure that their footwear and equipment is verifiably disinfected prior to commencing that activity (At least 5 disinfection stations are provided at various points on the Lough for that purpose).
- c. All boat users, recreational, sporting and angling will, before launching on Lough Muckno, its tributaries or streams; verifiably disinfect all craft, equipment and any apparatus whatsoever coming into contact with the water.
- d. Boat users will access Lough Muckno and all of its tributaries and streams by way of the designated launch areas only; and will not launch or enter the Lough system via any other route unless resident, moored or permanently/seasonally tied on the Lough.
- e. The slipways and launch areas, subject to closure, will be for use by rescue or emergency services only but may be used with permission granted by the Council, for any legitimate purpose and following proper disinfection procedures outside of an emergency.
- f. A designated disinfection point for all boats and water craft will be identified where a credible and certified disinfection process will be carried out, at a minimal cost to the boat or craft user, against receipt, which will form the user's certification of disinfection.

## **13. Circuses**

No circus operating within the Park or any public place may exhibit or have as part of a circus performance any wild animal.

#### **14. Public Disorder/Nuisance**

- a. No person shall molest, menace, threaten, annoy, fight with or otherwise interfere with any person using or enjoying the park or open space.
- b. No person shall, in the park or open space; beg, gamble, use obscene or profane language, behave indecently or otherwise cause annoyance.
- c. No person shall, in the park or open space; play musical instruments, radio, stereos, etc to such a noise level as to cause a nuisance. 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; except under licence/permit with the express approval of the Council.
- d. No person shall take or remove any soil, sand, gravel, stone or timber from the 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 this park or open area, deposit or leave any dead animal.

#### **15. Vandalism**

- a. No person shall remove, displace or cause any damage to property or fittings in the 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 the park or open space.
- c. No person shall destroy or injure any tree, shrub, plant or grass growing in the 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 apparatus or other fixture in any playground, green, or court in the park or open space.
- e. No person shall take from the park or open space or destroy, injure, worry, or disturb or otherwise interfere with any bird, birds nest or birds eggs.
- f. No person shall climb any tree, shrub, fence, railing, wall, structure or building in the park.
- g. No person shall, in the 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.
- h. No person shall destroy, pollute, injure or damage any waters in the park or open space. (In the Local Government (Water Pollution) Acts 1977-1990 "waters" are defined in Section 1 and include river, stream, lake, canal, etc.

#### **16. Caravans, tents, etc**

- a. No person shall erect any tent or camp in any part of the park or open space save with the written consent of the Council and subject to such terms and conditions as determined by the Council.
- b. No person shall place or keep any caravan, camper van or dormobile vehicle in any part of the park or open space, save those marked expressly for that purpose, without the

written consent of and subject to such terms and conditions as determined by the Council.

### **17. Trading**

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

### **18. Commercial Activity**

No person shall engage in any commercial activity in the park or open space, save with the prior written consent of the Council, and subject to such terms and conditions as determined by the Council. The Council may impose a charge in respect of any such commercial activity.

### **19. Advertising**

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

### **20. Musical Performance, Dances, etc**

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

## **21. Activities 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 the 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 or agent of the Council.
- b. No person, club or organisation shall organise or take part in activity including Tug-O-War or any other game or athletics when the Council considers the ground to be unfit for such use.
- c. No person shall act or behave in such a manner so as to prevent or disrupt competition in any compatible sporting activity in the areas of the park, lake or open space designated by the Council for that purpose.
- d. No person shall have, launch or otherwise use any Jet Ski or similar apparatus on the Lake at Lough Muckno. Bye Law prohibiting such use is in force.

## **22. Firearms**

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

## **23. Bonfires, Barbeques, etc**

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

## **24. 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 Rules, Policies and Bye- Laws shall interfere with or affect or prevent the carrying on of any work or duty in connection with the 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.

## **25. Model Aircraft, etc**

No person shall, in the 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.



## **26. Refusal of Permission**

The Council may refuse permission for a licence for any of the purposes mentioned in these Rules and 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 the park or open space, they consider that a licence should not be granted.

## **27. Offences**

- a. It shall be lawful for any authorised person or Member of An Garda Síochána to enforce the bye-laws and to exclude or remove from any part of the Park any person committing any breach of the above bye-laws and to take such other steps as are authorised by law.
- 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 €2,500.00 pursuant to Section 205 of the Local Government Act 2001.
- c. If the contravention of a provision of the 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 €126.97 per day.
- d. A person who obstructs or impedes or refuses to comply with a request of a Member of An Garda Síochána, or an authorised person acting in the exercise of the functions conferred on an authorised person by these bye-laws, or by Section 204 of the Local Government Act 2001, shall be guilty of an offence.
- e. Where an authorised person or a Member of An Garda Síochána is of the opinion that a person is committing or has committed or is likely to commit an offence under any of the provisions of these bye-laws, the authorised person or the Garda, as the case may be, may demand from that person his name and address and failure by that person to provide his name and address to the authorised officer or the Garda, or who provides a name and/or an address which is false, shall be guilty of an offence.
- f. Where a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under these 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, in a prosecution for an offence under these bye-laws, it is alleged that the offence was committed within the Park, it shall be assumed, until the contrary is shown by the Defendant, that the offence was committed within the Park.
- i. Where a person is convicted of an offence under these bye-laws, in proceedings brought by the Council, the Court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Council the costs and expenses, measured by the Court, incurred by the Council in relation to the investigation, detection and prosecution of the offence, including the costs of the remuneration or other expenses incurred by any employees, consultants or advisors of the Council as the case may be.

## **28. Fixed Payment Notice**

- a. If an Authorised Person and/or 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 and/or 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. The period within which it must be paid in order to avoid prosecution shall be 21 days-
- b. Where a notice is served under section 27(a) 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. The Council shall receive the payment and issue a receipt for it to the person making the payment.
- c. A fixed payment notice shall be served in one of the following ways:-
  - i. By delivering it to the person,
  - ii. By leaving it at the address at which the person ordinarily resides.
  - iii. By sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides.

## **29. 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.

FIXED PAYMENT NOTICE

NAME OF LOCAL AUTHORITY:- Monaghan 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 **Lough Muckno Park Bye-Laws 2017** by .....  
(in general terms specify nature of contravention ) at .....  
on .....

During the period of 21 days beginning on the date of this notice you may pay the sum of €75.00 (Seventy Five Euro), accompanied by this notice, at the offices of the local authority named in this notice located at Office of the Carrickmacross and Castleblayney Municipal District at Civic Offices, Riverside Road, Carrickmacross in the County of Monaghan.

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.

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 – Monaghan County Council

A receipt will be given.

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