

Wexford County Council (Prohibition of Overnight Camping on Roads and in Public Places in Courtown) Bye-Laws 2020

Wexford County Council, (hereinafter called the Council) is empowered pursuant to Section 199(1) of the Local Government Act, 2001 (as amended) to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services or any other thing whatsoever provided by or under the control of the Council, or in relation to any matter connected therewith and has power pursuant to Section 199(2)(a) where in its opinion it is desirable in the interest of the common good of the local community (i) that any activity or matter should be regulated or controlled or (ii) that any nuisance should be controlled or suppressed, to make a bye-law for that purpose.

Whereas the Council is of the opinion that behaviour or conduct consisting of overnight camping on roads and in other public places in Courtown is contrary to the proper use, operation, protection, regulation or management of such roads and other public places in Courtown under its control or management in that such behaviour or conduct seriously detracts from the proper purpose, amenity and enjoyment of such roads and public places and is of the opinion that it is desirable in the interest of the common good of the local community that overnight camping on roads and public places in Courtown should be controlled.

NOW WEXFORD COUNTY COUNCIL in the exercise of the powers conferred on it by Section 199(2)(a) of the Local Government Act 2001 (as amended) and all other powers in that behalf

HEREBY MAKE THE FOLLOWING BYE-LAWS:

- Citation: 1.** These Bye-Laws may be cited as the Wexford County Council (Prohibition of Overnight Camping on Roads and in Public Places in Courtown) Bye-Laws 2020.
- Commencement: 2.** These Bye-Laws shall come into operation on the 1st day of April 2021.
- Area of Application: 3.** These Bye-Laws apply to the area comprising of the village of Courtown as outlined in the map in Schedule 1.
- Interpretation: 4.** In these Bye-Laws, except where the context otherwise requires:- "road" means any street, lane, footpath, square, court, alley or passage, any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway, pavement or footway, service area, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, roundabout, gantry, pole, ramp, bollard, pipe, wire cable, sign, signal or lighting forming part of the road, and any other structure or thing forming part of the road and necessary for the safety, convenience or amenity of road users or for the

construction, maintenance, operation or management of the road or for the protection of the environment, or prescribed by the Minister AND which is in the control or management of the Council.

“public place” means a place to which the public can and do have access, to include cemeteries, open spaces, beaches, public parks, green spaces and amenity areas, canals, canal banks and towpaths, riverbanks, any outdoor area or place including the curtilage of private and public buildings to which the public have access either by right or as a trespasser or otherwise, or by express or implied permission together with such area or spaces contiguous with any of the foregoing places AND which is within the control or management of the Council. It does not include any area which has the necessary planning permission to operate as a site where a person can erect a tent or shelter, or arrange bedding or park a dormobile or caravan, for the purpose of remaining overnight.

“overnight camping” means erecting a tent or shelter, or arranging bedding or parking a dormobile or caravan, for the purpose of remaining overnight.

“authorised person” means a person authorised in writing by the Authority pursuant to the Local Government Act 2001.

“the Authority” means Wexford County Council.

“functional area” means the public places in Courtown falling within the curtilage of the area marked A, B, C, D as outlined in the map in Schedule 1.

5. Without prejudice to Section 9 hereof no person or persons shall –

- (1) Erect a tent or shelter, or arrange bedding or park a dormobile or caravan, for the purpose of remaining overnight on a road or in a public place within the functional area of Courtown as outlined in the map in Schedule 1.

A person who contravenes paragraph 5(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.

6. Where an authorised person or a member of An Garda Síochána has reasonable grounds for believing that a person is contravening or has contravened a provision of these Bye-Laws, such authorised person or member may direct such person to do either or both of the following, that is to say:

- (i) desist from such breach, and
- (ii) leave immediately the vicinity of the place concerned in a peaceable and orderly manner

Failure to comply with such a direction shall be an offence under this Bye-Law and shall be liable on summary conviction in the District Court to a fine not exceeding €1,900.

If a person fails, refuses or neglects to comply with a request made by an authorised person pursuant to this Bye-Law 6 the authorised person or a member of An Garda Síochána may seize and remove the tent or shelter or bedding or dormobile or caravan which appears to the authorised person or member of An Garda Síochána to belong to that person or to be in his or her possession or under his or her control.

7. 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 member of An Garda Síochána 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 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.

8. Where a member of An Garda Síochána or an authorised person is of the opinion with reasonable cause that an offence is being committed or has been committed under any provision of these Bye-Laws, a member of An Garda Síochána or an authorised person may serve such person/persons with a notice, specifying a fixed payment, not exceeding such amount as may be prescribed, 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 €75. In the event of non-payment within the specified period a person or persons shall be liable on summary conviction to a fine not exceeding €1,900.

9. Where a member of An Garda Síochána is of the opinion with reasonable cause, that a person or persons is/are committing or has committed an offence under these Bye-Laws, that member may arrest such person or persons without warrant.

10. Notwithstanding the provisions of these Bye-Laws the Chief Executive, on application, not less than 6 weeks before the event, may at his discretion and after consultation with An Garda Síochána relax the provisions of these Bye-Laws in whole or in part on the occasion of:

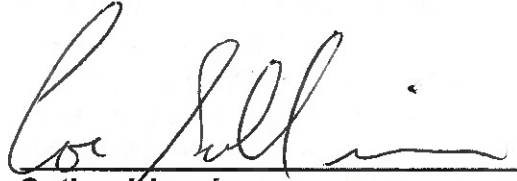
- (i) major civic celebrations.
- (ii) major sporting events.
- (iii) special community events organised for and by the community itself.

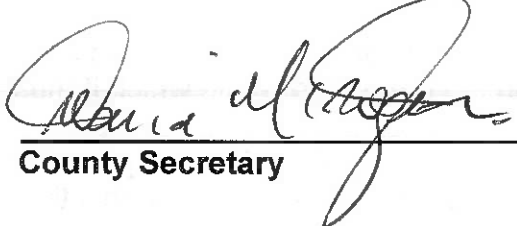
11. A person or persons who contravene(s) a provision of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900. If the contravention of the Bye-Law is continued after conviction, the person causing the contravention is guilty of an offence on each day on which that contravention continues and is liable upon summary conviction for each such offence to a fine not exceeding €500. An offence under these Bye-Laws may be prosecuted by the Council which made the Bye-Laws or by any member of An Garda Síochána.

Made and adopted under the Common Seal of Wexford County Council

this 13th day of January, 2021

Present when the Common Seal of Wexford County Council was affixed hereto:


Cathaoirleach


County Secretary


Director of Services

SCHEDULE 1

