

# Cork County Council

## Ballincollig Carrigaline Municipal District

### Draft

## Control of Dogs (Parks and Greenways) Bye-Laws 2017

Section 9 of the Control of Dogs Act 1986 (as amended) and regulations thereunder, requires the owner or any other person in charge of a dog to keep it under effectual control. In certain circumstances a higher level of control is required and these Byelaws provide for such control by requiring that a dog is kept on a leash at certain locations.

Cork County Council, Ballincollig Carrigaline Municipal District, in pursuance of the powers conferred in it by Part 19 of the Local Government Act 2001 **HEREBY MAKES** the following Bye-Laws in respect of the area comprising the functional area of Ballincollig Carrigaline Municipal District in the interest of the common good of the local community that a nuisance should be controlled.

### 1. SHORT TITLE

These Bye-Laws may be cited as Cork County Council, Ballincollig Carrigaline Municipal District, Control of Dogs (Parks and Greenways) Bye-Laws, 2017.

### 2. COMMENCEMENT

These Bye-Laws shall come into operation on the .....

### 3. INTERPRETATION OF TERMS

Throughout these byelaws the use of the following terms shall have the following means:

“The Act of 1986” is the Control of Dogs Act 1986, as amended.

“The Act of 2001” is the Local Government Act 2001, as amended.

“**Authorised person**” means a person authorised in writing by a local authority for the purpose of section 204 of the Act of 2001 or a member of An Garda Síochána. For the purposes of these bye-laws, the definition of an authorised person includes a dog warden.

“**Dog**” includes a bitch of any age or a dog of any age.

“**Dog Warden**” means a person employed under Section 15 of the Act of 1986 to be a dog warden for the purpose of the Control of Dogs Act of 1986.

“**Greenway**” refers to a Greenway specified in the Schedule Part 1 hereto whether open or enclosed and includes furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Cork County Council.

“**Local Authority**” means Cork County Council.

**“Park”** refers to the parks specified in the Schedule Part 1 hereto whether open or enclosed and includes furniture, equipment, statuary, monuments, fountains and fittings vested in or under the control of Cork County Council.

**“Stray Dog”** includes any dog which appears to be unaccompanied by a person unless such dog is the premises of its owner or of some other person who has the dog in his charge or of any other person with that person’s consent.

#### **4. APPLICATION OF BYE-LAWS**

These Byelaws shall apply to the Parks as set out in Schedule 1 below.

#### **5. PROHIBITIONS/RESTRICTIONS**

- a. A person in charge of a dog in a park shall keep the dog on a sufficiently strong chain or leash, not exceeding two metres in length if a fixed leash, or five metres retractable.
- b. The following dogs are exempt from the requirements of these bye-laws:
  - i. Guide dogs for the blind;
  - ii. Dogs kept by An Garda Síochána and under the control of a member of An Garda Síochána in the execution of his/her duties; and
  - iii. Dogs kept by the Customs and Excise Service and under the control of a member of the Customs and Excise Service in the execution of his/her duties.
- c. The Council may, at its discretion, designate areas within a park where subject to the dog being kept under effective control, a dog may be allowed off its leash. Such areas shall be clearly marked/indicated by signage.

#### **6. 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.
- b. The notice shall specify:
  - i. The name and address of the alleged offender;
  - ii. In general terms the nature of the contravention alleged to have been committed;
  - iii. The date and place of the alleged contravention; and
  - iv. That the person may during the period of 21 days beginning on the date of the notice make to the Council at County Hall, Carrigrohane Road, Cork a payment of €75.00 accompanied by the notice a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice.
- c. Notice of the fixed payment shall be in the general form of notice set out in the Part 2 to these Bye-Laws.
- d. 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.
- e. A fixed payment notice under Section 206 of the Act of 2001 (as amended) shall be signed on behalf of the local authority concerned by an authorised person.

## 7. Service of Notices

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

- a. By delivery to the per
- b. By leaving it at the address at which the person ordinarily resides;
- c. By sending it by post in a pre-paid registered letter addressed to the person at the address at which the person ordinarily resides.
- d. 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.

## 8. 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 Act of 2001 liable on summary conviction to a fine not exceeding €1,900.
- 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 €130.

## 9. 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.

## PART 2

### CORK COUNTY COUNCIL

#### Ballincollig Carrigaline Municipal District

#### Control of Dogs (Parks and Greenways) Bye Laws 2017

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

**NAME OF LOCAL AUTHORITY:** Cork County 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 Cork County Council, Ballincollig Carrigaline Municipal District, Control of Dogs –Parks Bye Laws by: \_\_\_\_\_ (in general terms specify nature of contravention)

At \_\_\_\_\_ (location) on \_\_\_\_\_ ( date)

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 County Hall, Cork or the Area Office at Innishmore, Ballincollig or Church Road, Carrigaline .

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 County Council. 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  
**THE COUNCIL OF THE COUNTY OF CORK.**

This      day of                      2017

\_\_\_\_\_  
**Senior Executive Officer  
Corporate Affairs**

\_\_\_\_\_  
**Clerical Officer**

\_\_\_\_\_  
**Clerical Officer**

**Cork County Council**

**Ballincollig Carrigaline Municipal District**

**Control of Dogs (Parks and Greenways) Bye Laws 2017**

**Schedule 1 – Parks to which the above Bye-Laws apply:**

Ballincollig – Regional Park  
Carrigaline – Community Park  
Douglas – Community Park  
Passage West – Marmullane