



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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CLARE COUNTY COUNCIL (PROHIBITION OF OVERNIGHT CAMPING IN
ILLAUNAMANAGH CAR PARK) BYE-LAWS 2023

Clare County Council (Prohibition of Overnight Camping in Illaunamanagh Car Park) Bye-Laws 2023

Clare 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 the power pursuant to Section 199 (2)(a) where in its opinion it is desirable in the interest of the common good of a 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 bye-laws for that purpose.

Whereas the Council is of the opinion that behaviour or conduct consisting of overnight camping in Illaunamanagh car park is contrary to the proper use, operation, protection, regulation or management of such a car park under its control or management in that such behaviour seriously detracts from the proper purpose of such a car park and is of the opinion that it is desirable in the interest of the common good of the local community that overnight camping in Illaunamanagh car park should be prohibited.

CLARE 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:

1. Citation

These Bye-Laws may be cited as the Clare County Council (Prohibition of Overnight Camping in Illaunamanagh Car Park) Bye-Laws 2023.

2. Commencement

These Bye-Laws shall come into operation on the **1st September 2023**.

3 . Area of Application

These bye-laws shall apply to Illaunamanagh car park as identified on the map in the First Schedule.

4. Definitions

In these Bye-Laws, except where the context otherwise requires:-

"Illaunamanagh car park" means the public car park in Illaunamanagh, Tullyvaraga, Shannon, Co. Clare as identified on the map in the First Schedule.

"overnight camping" means erecting a tent or shelter, or arranging bedding or parking a campervan or caravan or mobile home for the purpose of remaining overnight.

"authorised person" means a person authorised in writing by the Council to carry out any functions for the purposes of these bye-laws;

"the Authority" and **"the Council"** means Clare County Council.

5. No person or persons shall -

(1) Erect a tent or shelter or arrange bedding or park a campervan or caravan or mobile home for the purpose of remaining overnight in Illaunamanagh car park.

6. Contravention of these Bye-Laws

(1) (i) A person who contravenes bye-law 5(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.60.

(ii) Where an authorised person or member of An Garda Síochána is of the opinion with reasonable cause that a contravention of bye-law 5(1) has occurred, they may issue and serve a Fixed Payment Notice, specifying a fixed payment of €75 as an alternative to a prosecution for the contravention. The Fixed Payment Notice shall specify:

- a) the amount of the fixed payment; and
- b) the period within which it must be paid in order to avoid prosecution.

(2) A person who does not pay the amount set out in the Fixed Payment Notice within the prescribed timeframe shall be liable on summary conviction to a fine not exceeding €1,904.60.

(3) 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 €126.97 per day.

(4) It shall be lawful for any authorised person or member of An Garda Síochána to enforce these bye-laws or part thereof and to take any other such action as may be deemed necessary in the enforcement of these bye-laws.

(5) Where an authorised person or a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, 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 €1,904.60.

(6) Where an authorised person or a member of An Garda Síochána has reasonable grounds for believing that a person is contravening bye-law 5(1), 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 contravention, 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 €1,904.60.

(7) If a person fails, refuses or neglects to comply with a request made by an authorised person pursuant to bye-law 5(1) the authorised person or member of An Garda Síochána may seize and remove the tent or shelter, or bedding or campervan or caravan or mobile home which appears to the authorised person or member of An Garda Síochána to belong to that person or to be in their possession or under their control.

(8) Where a member of An Garda Síochána is of the opinion with reasonable cause that a person or persons is/are committing or has/have committed an offence to which bye-law 5(1) relates, that member of An Garda Síochána may (i) demand the name and address of such person and/or (ii) arrest the person without warrant. Such persons shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.60.

(9) If requested to do so, an authorised person under these bye-laws shall produce ID evidence of their appointment as an authorised person for the purpose of these bye-laws.

(10) An offence/contravention of these bye-laws may be prosecuted by the Council or by any member of An Garda Síochána.

Made and adopted under the Common Seal of Clare County Council this ____ day of
_____ 2023

Present when the common seal of Clare County Council was attached hereto:

Cathaoirleach,
Shannon Municipal District

Director of Services,
Shannon Municipal District