

Bray Town Council Regulation, Control and Use of Motorised Vehicles Including Off Road Vehicles Bye-Laws 2011

These bye-laws are introduced to address the misuse and over use of Motorised Vehicles Including Off Road Vehicles on Bray Head, Rehills Land Area, all Public Parks and Public Open Spaces, and areas where the public has access by right and are made pursuant to Part 19, Section 199 of the Local Government Act, 2001 and the Local Government 2001 (Bye-Laws) Regulations 2006.

PART I Preliminary

Short Title

1. These bye-laws may be cited as the Bray Town Council Regulation Control and Use of Motorised Vehicles Including Off-Road Vehicles Bye-Laws 2011.

Commencement of Bye Laws

2. These bye-laws shall come into effect 30 days after adoption by Bray Town Council.

Area of application

3. These bye-laws shall apply to the Bray Head, Rehills Land Area, all Public Parks and Public Open spaces presently in the Town of Bray. The attached maps show the areas of Bray Head and Rehills Land highlighted for reference purposes at Schedule 1.

Interpretations

4. In these bye-laws

“Authorised Officer” means:

- a) a person authorised in writing by Bray Town Council for the purpose of these bye-laws.
- b) A member of An Garda Siochana.

“Bray Head, Rehills Land, all Public Parks and Public Open Spaces” includes public or private lands with traditional grazing rights associated with ownership or tenancy of other lands.

“Motorised Vehicle including Off Road Vehicle” means any mechanically propelled vehicle or pedal cycle designed, adopted or used exclusively or predominantly for off road travel, including mechanical quad bikes.

"Road" has the meaning assigned by Section 2 of the Roads Act, 1993.

"The Council" means Bray Town Council.

"The Act" means the Local Government Act, 2001.

"The Regulations" means the Local Government Act, 2001 (Bye-Laws) Regulations 2006 (S.I. Nos 362 of 2006)

PART II

Prohibitions and powers of authorised officers

Prohibition of use

5. Subject to Bye-Law 10
 - (a) Motorised Vehicles Including Off Road Vehicles may not be used in the area described in Bye-Law 3
 - (b) It shall be an offence for a person to have in his possession a Motorised Vehicle including Off Road Vehicles in the area described in Bye-Law 3.

Power of Authorised Official

6. (a) Where an authorised officer suspects with reasonable cause that an offence under bye-law 5 has been committed he/she may
 - (i) demand a person to provide his/her name and address,
 - (ii) without warrant seize, remove and store any motorised vehicle including off road vehicles and any vehicle or trailer used to transport same.
- (b) If an authorised officer is not satisfied with the validity of the details given in response to a demand under paragraph (a) (i) above he/she may exercise paragraph (a) (ii) pending confirmation of identity.

Fixed Payment Notice

7. An authorised officer pursuant to Part 19, Section 206 of the Act may serve a Fixed Payment Notice (within the meaning of Section 206 aforesaid) on any person committing an offence by virtue of a contravention of any of these Bye-Laws. Such Fixed Payment Notice shall specify the amount of the fixed payment and the period within which the fixed payment notice must be paid in order to avoid prosecution and shall be in the general form of the notice set out in the regulations (or as provided for in any amending regulations but subject to such alterations thereto as the Council may consider appropriate in case of these Bye-Laws). The amount of the fixed payment applicable to the fixed payment notice shall be €50.

PART III

Licensing of use and exemptions

Licensing

8. The Council may issue a licence for the use of a Motorised Vehicle or Off-Road Vehicle. Such licence will issue only in the case of:
- (a) Use by a person with grazing rights and for the purpose of maintaining land, stock or fences.
 - (i) Such a licence shall issue by way of application, which shall contain name, address of applicant, photograph of applicant, details of vehicle, confirmation of grazing rights and herd identification details.
 - (ii) The Council may grant with or without condition a licence for use described in this byelaw for a period of twelve months.
 - (iii) Where the Council refuse to issue a licence under this Section it shall provide reasons for such a decision.
 - (iv) The Council shall set an application fee based on the desired use, which shall be not less than 10 Euro and not more than 50 Euro.
 - (b) A special event or occasion.
 - (i) An application for such a licence must be made not later than two weeks before the desired use.
 - (ii) The Council shall set an application fee based on the desired use, which shall be not less than 10 Euro and not more than 50 Euro.
 - (iii) The Council may grant with or without conditions a licence issued.
 - (iv) Where the Council refuse to issue a licence under this Section it shall provide reasons for such a decision.

Carrying of Licence

9. (a) Any licence issued under Bye-Law 8 shall be carried by the licensee at all times while using Motorised Vehicles and Off Road Vehicles, in the area to which these bye-laws apply
- (b) A Licensee must produce this licence when requested by an authorised officer.
 - (c) It will be considered an offence under these bye laws not to carry the herein mentioned licence when using a Motorised Vehicle or Off Road Vehicle in the area to which these bye-laws apply.

Exemptions

10. Bye-Law 5 shall not apply to:
- (a) A vehicle operated with a licence issued under Bye-Law 8
 - (b) A vehicle operated by the Council or it's Agents.
 - (c) A vehicle operated by An Garda Siochana or Defence Forces.
 - (d) A vehicle designed or adapted for use by persons suffering from physical disabilities'

PART IV

Miscellaneous

Storage and Disposal

- 11 (a) Where a Motorised Vehicle or an Off-Road Vehicle, trailer or vehicle used for transporting or drawing same has been seized by an authorised officer under Bye-Law 6, the authorised officer shall release it to the owners upon:
- (i) Payment of an impounding fee of €100;
 - (ii) Production of satisfactory proof of ownership
 - (iii) Payment of a daily storage fee of €10 per day to a maximum storage fee of €100
- (b) If a Motorised Vehicle or an Off Road Vehicle has not been claimed within 10 working days of seizure, the Off-Road Vehicle becomes the property of the Council.

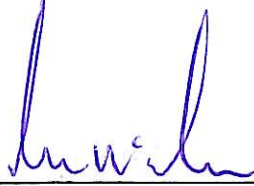
Penalties

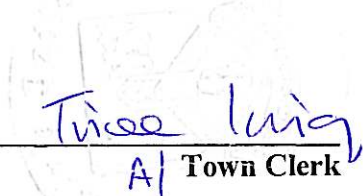
12. Notwithstanding the provisions of the remedies offered in Bye-Laws 6 and 7, a person who contravenes a provision of these Bye-Laws shall be liable on summary conviction to a fine not exceeding €2000 in lieu of the maximum fine specified in Section 205 of the Act.

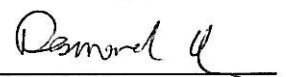
Made and adopted under the Common Seal of Bray Town Council

this 6TH day of SEPTEMBER 2011

Present when the Common Seal of Bray Town Council was affixed hereto:


Cathaoirleach


Tinec Luig
A/ Town Clerk


Director of Services

Schedule 1

**Map Showing Areas of Bray Head and Rehills Land to
Which Bye Laws Apply**

