



# **BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

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DRAFT

Byelaws made under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906 by **Marden Parish Council** with respect to its pleasure grounds, public walks and open spaces.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means **Marden Parish Council**;

“the ground” means any of the grounds listed in **Schedule 1**;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

### **Application**

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

### **Opening times**

3. (1) No person shall enter or remain in the ground except during opening hours.
- (2) Byelaw 3(1) applies only to the grounds listed in Schedule 2.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Protection of structures and plants**

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.

- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
  - (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

#### **Unauthorised erection of structures**

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

#### **Climbing**

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

#### **Grazing**

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

#### **Protection of wildlife**

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

#### **Gates**

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
  - (2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

#### **Camping**

10. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

#### **Fires**

11. (1) No person shall light a **barbeque or other** fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
  - (2) Byelaw 11(1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.

### Missiles

12. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

### Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

## PART 3

### HORSES, CYCLES AND VEHICLES

#### Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

#### Horses

15. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.  
(2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

#### Cycling

16. No person shall ride a cycle in the ground in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

#### Motor vehicles

17. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer.

#### Overnight parking

18. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10pm and 6am.

## PART 4

### PLAY AREAS, GAMES AND SPORTS

#### Interpretation of Part 4

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

#### Children’s play areas

20. No person aged **over the age specified in Schedule 3** shall enter or remain in a designated area which is a children’s play area unless in charge of a child **aged no more than specified in Schedule 3**.

#### Children’s play apparatus

21. No person aged **over the age specified in Schedule 3** shall use any apparatus stated to be for the exclusive use of persons **with the maximum age specified in Schedule 3 and as indicated** by a notice conspicuously displayed on or near the apparatus.

#### Skateboarding, etc

22. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to **any** other person.

#### Ball games

23. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
  - (b) as to cause danger or give reasonable grounds for annoyance to any other **person**; or
  - (c) which is likely to cause damage to any tree, shrub or plant in the ground.
24. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 4 and conspicuously displayed

on a sign in the designated area when asked by any person to desist from breaking those rules.

### **Cricket**

25. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

### **Archery**

26. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

### **Field sports**

27. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

### **Golf**

28. No person shall drive, chip or pitch a hard golf ball.

## **PART 5**

### **MODEL AIRCRAFT**

#### **Interpretation of Part 5**

29. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

#### **General prohibition – Model Aircraft**

30. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
  - (b) land in the ground without reasonable excuse.

## **PART 6**

## OTHER REGULATED ACTIVITIES

### Provision of services

31. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

### Excessive noise

32. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to **any other person by:**
- (a) shouting or singing;
  - (b) playing on a musical instrument; or
  - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 34(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### Public shows and performances

33. No person shall without the consent of the Council hold or take part in any public show or performance.

### Aircraft, hang gliders and hot air balloons

34. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

### Kites

35. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

### Metal detectors

36. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### Miscellaneous Nuisances

37. **A person shall not on the ground:**
- (1) **beat, shake, sweep, brush or cleanse any carpet, drugget, rug or mat or any other fabric retaining the dust or dirt; or**

- (2) hang, spread or deposit any linen or other fabric for drying or bleaching.

## **PART 7**

### **MISCELLANEOUS**

#### **Obstruction**

38. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### **Savings**

39. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

#### **Removal of offenders**

40. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

#### **Penalty**

41. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **SCHEDULES**

### **SCHEDULE 1 GROUNDS TO WHICH BYELAWS APPLY GENERALLY**

The grounds referred to in **Byelaws 1 & 2** are:

- **Marden Playing Field**
- **Southons Field**

### **SCHEDULE 2 GROUNDS REFERRED TO IN CERTAIN BYELAWS OPENING TIMES (BYELAW 3(2))**

- **Southons Field:**
  - **April to August - 7am to 8pm**
  - **September to October – 7am to 7pm**
  - **November to March – 8am to 4pm**

### **SCHEDULE 3 RULES FOR AGE RESTRICTIONS (BYELAWS 22 and 23)**

- **Marden Playing Field – Main Play Area:**
  - **14 years**
- **Marden Playing Field – Napoleon Drive Toddler Play Area:**
  - **10 years**

### **SCHEDULE 4 RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 26)**

Any person using a designated area for playing ball games is required by byelaw 26 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.