

Louth County Council

Louth County Council Regulation and Control of Off Road Vehicles, Bye-Laws 2003.

These bye-laws are introduced to address the misuse and over use of Off Road Vehicles on the Cooley Commonage lands, an area where the public has access by right and are made pursuant to Section 37 of the Local Government Act, 1994.

PART I Preliminary

- Short Title** 1. These bye-laws may be cited as the Louth County Council Regulation Control and Use of Off-Road Vehicles Bye-Laws 2003.
- Commencement of Bye Laws** 2. These bye-laws shall come into effect eight weeks after adoption by Louth County Council.
- Area of application** 3. These bye-laws shall apply to the Cooley Mountain Commonage area only presently in the County Electoral Area of Dundalk Carlingford as highlighted in map listed under Schedule 1 Part 1 and townlands listed under Part 2 of the same schedule.
- Interpretations** 4. In these by-laws "authorised officer" means:
- a) a person authorised in writing by Louth County Council for the purpose of these bye-laws.
 - b) A member of An Garda Siochana.
- "Mountain Commonage" means public or private lands with traditional grazing rights associated with ownership or tenancy of other lands.
- "Off Road Vehicle" means any mechanically propelled or pedal cycle designed, adopted or used for off road travel.
- "Road" has the meaning assigned to them by Section 2 of the Roads Act, 1993.
- "The Council" means Louth County Council.
- "The Act" means the Local Government Act, 1994.

PART II

Prohibitions and powers of authorised officers

- Prohibition of use** 5. (a) 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 an off road vehicle 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
1. demand a person to provide his/her name and address,
 2. without warrant seize, remove and store any vehicle or trailer used to transport same.
- (b) If an authorised officer is not satisfied with the validity of the details demanded in paragraph (a) (i) the above he/she may exercise paragraph (a) (ii) pending satisfaction of identity.
- (c) Paragraph (a) applies in the area referred to in Bye-Law 3 and any access track or route leading from mountain commonage to a road.
- Fixed Penalty Notice** 7. An authorised officer pursuant to Section 41 of the Local Government Act, 1994 may serve a Fixed Penalty Notice (within the meaning of Section 41 of aforesaid) on any person committing an offence by virtue of a contravention of any of these Bye-Laws. Such Fixed Penalty 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 first schedule to the Local Government Act, 1994 (Bye-Laws) Regulations 1995, SI No. 360 of 1995 (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 €100.

PART III

Licensing of use and exemptions

Licensing

8. The Council may issue a licence for the use of an Off-Road Vehicle. Such licence will issue only in the case of:
- (a) (i) Use by a person with grazing rights and for the purpose of maintaining land, stock or fences.
 - (ii) 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.
 - (iii) The Council may grant with or without condition a licence for use described in paragraph (I) of this bye-law for a period of twelve months.
 - (iv) Where the Council refuse to issue a licence under this Section it shall provide reasons for such a decision.
- (b) (i) A special event or occasion.
- (ii) Such an application must be made two weeks before the desired use.
 - (iii) 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.
 - (iv) The Council may insert conditions on any licence issued as they feel fit.
 - (v) The Council may refuse with reasons, any application made under this heading.

Carrying of Licence

9. (a) Any licence issued under Bye-Law 8 shall be carried by the applicants at all times while using off road vehicles;
- (b) An applicant must produce this licence when demanded by an authorised officer.
- (c) It will be considered an offence under these bye laws not to carry the above mentioned licence when using a Off Road Vehicle.

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 its' Agents.
- (c) A vehicle operated by An Garda Siochana or Defence Forces

PART 1V Miscellaneous

Storage and Disposal

11. Where an Off-Road Vehicle trailer or vehicle use for transporting or drawing same has been seized by an authorised officer under Bye-Law 6, the authorised officer shall:

- (a) (i) release it to the owner on payment of an impounding fee of €100;
- (ii) the onus of proof of ownership rests on the person applying for its return, and
- (iii) upon payment of a daily storage of €10 per day to a maximum stay of 10 working days.
- (b) If an Off Road Vehicle has not been claimed within 10 working days of seizure, the Off-Road Vehicle becomes the property of the Council and they may do as they feel fit with the property.

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 €1000 in lieu of the maximum fine specified in Section 40(I) of the Act.

John Quinlivan

County Manager

Joe Boland

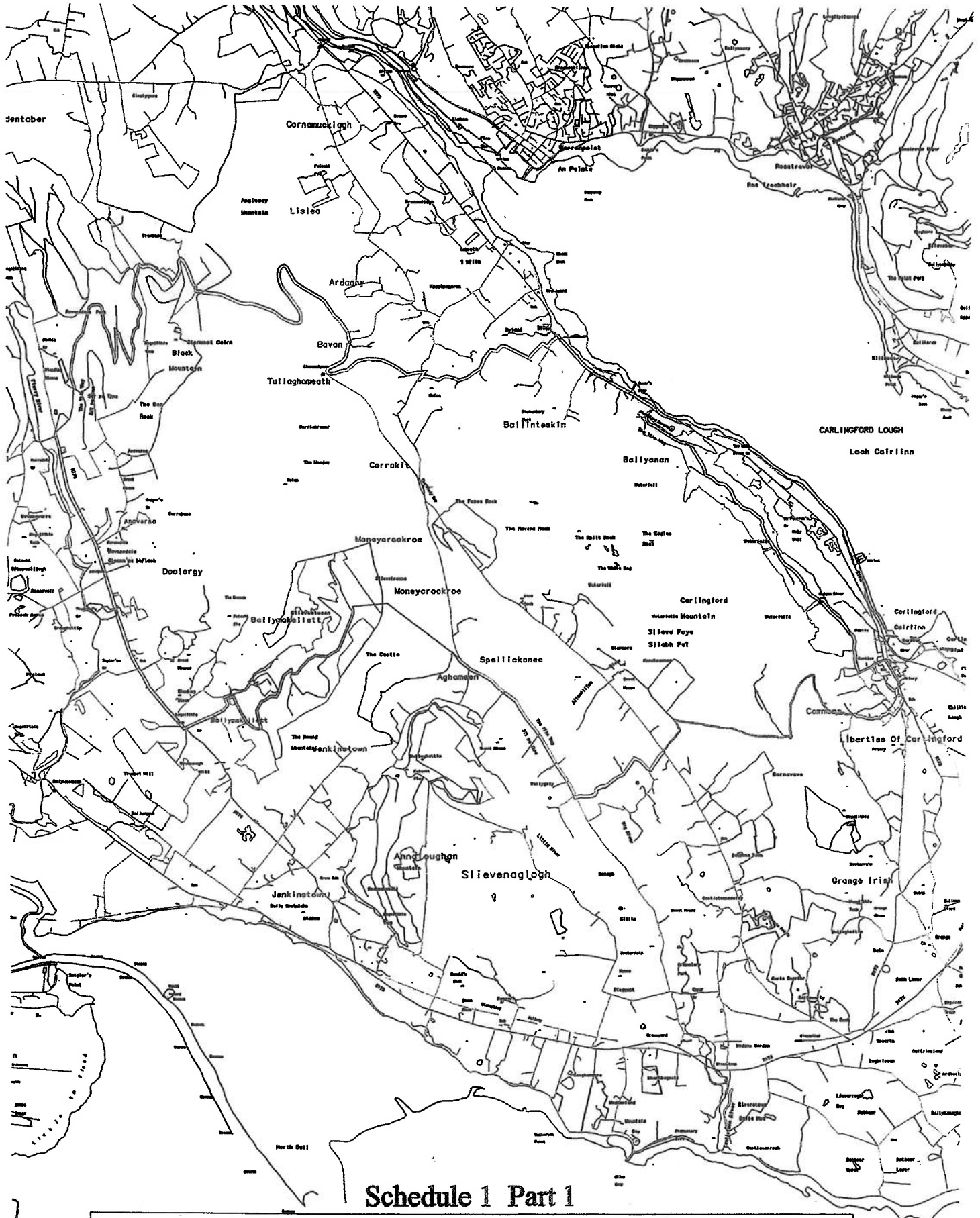
County Secretary

Cllr Jacqui McConville

Cathairleach

20th January 2003





Schedule 1 Part 1

LOUTH COUNTY COUNCIL
 (Regulation and Control of Off Road Vehicles)
 Bye Laws 2002 applicable to Townlands shown in red.

1 Croaghshingaugh

Schedule 1

Part 2

Townland	Acres	Valuation Map Ref	Elec. Div.
Aghameen	82	2	Jenkinstown
Anaverna	462	3	Ravensdale
Annaloughan	189	1	Jenkinstown
Ardaghy	139	42,42AB,43	Drummullagh
Ballinteskin	366	12AB.47	Drummullagh
Ballymakellet	114	5P	Ravensdale
Ballyonan	510	58B	Drummullagh
Bavan	234	42	Drummullagh
Carrickcarnan	60	7A	Ravendale
Commons	456	109A	Carlingford
Cornamucklagh	422	85	Drummullagh
Corrakit	455	29	Drummullagh
Doolargy	648	11	Ravendale
Edentober	163	41	Ravendale
Grange Irish	101	20B	Carlingford
Jenkinstown	191	1	Jenkinstown
Jenkinstown	67	32	Jenkinstown
Liberties of Carling.	151	17	Carlingford
Liberties of Carling.	114	21	Carlingford
Liberties of Carling.	245	43A	Carlingford
Lislea	287	40	Drummullagh
Moneycrockroe	230	1A	Jenkinstown
Rampark	43	21	Jenkinstown
Slievenaglogh	43	4	Jenkinstown
Slievenaglogh	117	7/8/17	Jenkinstown
Spellickanee	96	1	Jenkinstown
Tullaghomeath	541	25	Drummullagh