

COMHAIRLE CONTAE LÚGHAÍ

AN tACHT RIALTAIS ÁITIÚIL 2001

RIALACHÁIN AN ACHT RIALTAIS ÁITIÚIL 2001 (FODHLÍTHE) 2006

FODHLÍTHE CHOMHAIRLE CONTAE LÚGHAÍ (RIALÁIL AGUS RIALÚ ÓL DEOCHANNA MEISCIÚLA IN ÁITEANNA POIBLÍ) 2007

DE BHRÍ go bhfuil an tÚdaráis den tuairim gurb é leas coiteann an phobail áitiúil é laistigh dá Limistéar Feidhmiúil gníomhaíochtaí agus/nó níthe a rialáil agus a rialú agus gur chóir núiseanna a rialú nó a chur faoi chois **AGUS DE BHRÍ** go bhfuil an tÚdaráis den tuairim, sa bhreis air sin, gur imhianaithe ól Deochanna Meisciúla a chos in áiteanna poiblí laistigh den Limistéar Feidhmiúil agus gur chóir Fodhlí a dhéanamh chuige sin déanann an tÚdaráis **ANOIS** i bhfeidhmiú na geombachtaí a bhronntar air ag Alt 199 den Acht Rialtais Áitiúil 2001 agus na geombachtaí reachtúla eile ar fad sa mhéid sin **AN FODHLÍ SEO A LEANAS LEIS SEO:-**

1. Tabharfar Fodhlithe Chomhairle Contae Lúghaí (Rialáil agus Rialú Ól Deochanna Meisciúla in Áiteanna Poiblí) 2007 ar an bhFodhlí seo i bhfeidhm ar an 2ú Márta 2007.
2. Sa bhFodhlí seo, ach má éilíonn an comhthéacs a mhalairt, beidh ag na focail agus na frásaí seo a leanas na mínithe seo a leanas faoi seach:-
 - a. ciallaíonn “duine údaraithe” duine atá údaraithe i scríbhinn ag an Údaráis de bhun an Acht Rialtais Áitiúil 2001.
 - b. ciallaíonn “an tÚdaráis” Comhairle Contae Lúghaí.
 - c. ciallaíonn “cosán”, “bealach siúil” agus “bóthar” na mínithe a shanntar dóibh faoi seach ag Acht na mBóithre 1993.
 - d. Ciallaíonn “Limistéar Feidhmiúil” an limistéar laistigh de theorainn Chomhairle Contae Lúghaí ach amháin limistéir fheidhmiúla Chomhairle Baile Dhroichead Átha, Comhairle Buirge Dhroichead Átha agus Comhairle Baile Bhaile Átha Fhirdhia.

LOUTH COUNTY COUNCIL

LOCAL GOVERNMENT ACT 2001

LOCAL GOVERNMENT ACT 2001 (BYE- LAWS) REGULATIONS 2006

LOUTH COUNTY COUNCIL (REGULATION AND CONTROL OF THE CONSUMPTION OF INTOXICATING LIQUOR IN PUBLIC PLACES) BYE-LAWS 2007

WHEREAS the Authority is of the opinion that it is desirable in the interests of the common good of the local community within the Functional Area that certain activities and/or matters should be regulated and controlled and that nuisances should be controlled or suppressed **AND WHEREAS** the Authority is further of the opinion that it is desirable that the consumption of Intoxicating Liquor be prohibited in public places within the Functional Area and that a Bye-Law be made for this purpose **NOW** the Authority in exercise of the powers conferred on it by Section 199 of the Local Government Act 2001 and all other statutory powers on that behalf **HEREBY MAKES THE FOLLOWING BYE-LAW:-**

1. This Bye-Law shall be cited as the Louth County Council (Regulation and Control of the Consumption of Intoxicating Liquor in Public Places) Bye-Laws 2007 and come into effect on 2nd March 2007.
2. In this Bye-Law, except where the context otherwise requires, the following words and phrases shall have the following meanings respectively:-
 - a. "authorised person" means a person authorised in writing by the Authority pursuant to the Local Government Act 2001.
 - b. "the Authority" means Louth County Council.
 - c. "footpath", "footway" and "road" have the meanings assigned to them respectively by the Roads Act 1993.
 - d. "Functional Area" means the area within the boundary of Louth County Council with the exception of the functional areas of Dundalk Town Council, Drogheda Borough Council and Ardee Town Council.

e. Ciallaíonn “deoch meisciúil” biotáille, fion, beoir, pórtar, leann dubh, leann úll, leann pioraí agus deochanna mílse agus aon deoch mheisciúil coipthe, driogtha nó biotáilleach nach féidir, de réir aon dlí atá i bhfeidhm ag an am, a dhíol go dlíthiúil gan cheadúnas ó na Coimisinéirí Ioncaim nó aon deoch nó leacht eile ina bhfuil alcól.

f. áirítear ar “áiteanna poiblí”:-

- i. aon chosán, bealach siúil nó bóthar sa limistéar feidhmiúil
- ii. aon mhórbhealach
- iii. aon reilig, séipéal, cill nó garthimpeallacht aon séipéil
- iv. aon áitreabh, limistéar lasmuigh, páirc nó áit eile a mbíonn teacht ag an bpobal nó ar ceadmhach don phobal teacht a bheith acu air, cibé an de cheart, mar fhoghlóir, nó de bhun cuiridh, ceada nó eile, ráite nó intuigthe, nó cibé ar iocaíocht nó eile.
- v. aon sráid, lána, cé, cul-de-sac, cearnóg, pasáiste, caolsráid, droichead nó tollán mar aon le haon limistéir nó spásanna dá leithéid atá comhtheagmhálach le haon cheann de na háiteanna réamhluaithe.
- vi. aon traicín, soitheach nó feithicil a úsáidtear chun daoine a iompar cibé ar luach saothair nó nach ca
- vii. aon chuid den urrthra agus aon uisce cósta laistigh nó cóngarach don Limistéar Feidhmiúil

Ach ní fholaíonn sé:-

- (a) teach nó áit chónaithe príobháideach nó gairdín nó garthimpeallacht tí nó áit chónaithe mar é ach a mhéid is a bhaineann sé le gníomhú an úinéara nó an tsealbhóra nó duine atá laistigh de nó air de cheart nó le cead ráite nó intuigthe an úinéara nó an tsealbhóra;
- (b) aon áitreabh atá ceadúnaithe d’ól deochanna meisciúla le linn na n-uaireanta a údaráítear le haghaidh díol agus ól an chéanna de bhun na nAchtanna Ceadúnúcháin 1833 go 1988 mar a leasaíodh; nó

e. “Intoxicating liquor” means spirits, wine, beer, porter, stout, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence from the Revenue Commissioners or any drink or other liquid containing alcohol.

f. “public place” includes:-

- i. any footpath, footway or road in the functional area
- ii. any highway
- iii. any cemetery, church, churchyard or the curtilage of any church
- iv. any premises, out door area, park or other place to which members of the public have or are permitted to have access, whether as of right, as a trespasser, or by express or implied invitation, permission or otherwise, or whether on payment or otherwise
- v. any street, lane, quay, cul-de-sac, square, passageway, alley, bridge or tunnel together with any such areas or spaces as are contiguous with any of the foregoing places.
- vi. any train, vessel or vehicle used for the carriage of persons whether for reward or otherwise
- vii. any part of the foreshore and any coastal waters within or adjoining the Functional Area

But does not include:-

- (a) a private house or dwelling or the garden or curtilage of such house or dwelling only in so far as concerns any activity of the owner or occupier or of a person therein or thereon as of right or with the express or implied permission of the owner or occupier;
- (b) any premises licensed for the consumption of intoxicating liquor during the hours authorised for sale and consumption of same pursuant to the Licensing Acts 1833 to 1988 as amended; or

- (c) aon bhoird nó cathaoireacha lasmuigh d'óstán, de bhialann nó de theach phoiblí ar bhóthar poiblí agus atá ainmnithe ag an Aire (mar a shainmhínítear é ag an Acht um Forbairt agus Pleanála 2000 (ar a dtabharfar "Acht 2000" ina dhiaidh seo) mar áiteanna atá oiriúnach le ceadúnú faoi Alt 254 d'Acht 2000 agus ar dheonaigh an tÚdarás ceadúnas maidir leo atá i bhfeidhm ag an am agus faoi réir ghéilliúlacht le haon choinníollacha atá i gceadúnas mar é.
3. Ní ólfaidh duine deoch meisciúil nó deoch alcólach ná ní dhéanfaidh sé iarracht a leithéid a ól in áit phoiblí laistigh den Limistéar Feidhmiúil agus ní bheidh ina sheilbh ag duine ar bith deoch meisciúil nó deoch alcólach in áit phoiblí laistigh den Limistéar Feidhmiúil agus an tinn aige é a ól in áit phoiblí laistigh den Limistéar Feidhmiúil nó é a sholáthar do dhuine ar bith eile le hól in áit phoiblí laistigh den Limistéar Feidhmiúil.
4. Féadfaidh aon duine údaraithe agus/nó comhalta den Garda Síochána a iarraidh ar dhuine ar bith a ndearaíonn sé go bhfuil siad ag sárú nó gur sháraigh siad foráil den bhFodhlí seo an chónagaracht a fhágáil agus greadadh leis nó gan sárú dá leithéid a dhéanamh. Measfar gur sárú den Airteagal seo den bhFodhlí seo é diúltú géilleadh d'iarratas mar é.
5. I gcás go bhfuil amhras ar dhuine údaraithe agus/nó comhalta den Garda Síochána le húdar réasúnta go bhfuil deoch meisciúil i mbuidéal nó i geoimeadán in áit phoiblí sa Limistéar Feidhmiúil (cibé an bhfuil nó nach bhfuil sé i seilbh an duine) agus go bhfuil amhras air chomh maith le húdar réasúnta go bhfuil cion faoin bhFodhlí seo déanta nó á ndéanamh, ansin is ceadmhach don duine údaraithe agus/nó comhalta den Garda Síochána aon bhuidéal nó coimeádán mar é a ghabháil agus a serios mar aon lena bhfuil ann gan bharántas.
6. Duine ar bith a sháraíonn aon foráil den bhFodhlí seo nó a choisceann, a dhéanann iarracht a chose nó a mhisníonn nó a ghríosáíonn duine chun duine údaraithe
- (c) any tables and chairs outside a hotel, restaurant or public house on a public road and which are designated by the Minister (as defined by the Planning and Development Act 2000 (herein called "the Act of 2000") as being suitable for licensing under Section 254 of the Act of 2000 and in respect of which a licence has been granted by the Authority and is for the time being in force and subject to compliance with any conditions contained in such licence.
3. A person shall not consume or attempt to consume intoxicating liquor or an alcoholic drink in a public place within the Functional Area and a person shall not have in his possession intoxicating liquor or an alcoholic drink in a public place within the Functional Area with the intention of consuming it in a public place within the Functional Area or of supplying it to any other person for consumption in a public place within the Functional Area.
4. An authorised person and/or a member of the Garda Síochána may request any person who appears to be contravening or to have contravened a provision of this bye-law to leave the vicinity and move off or to refrain from any such breach. Failure to comply with such a request shall be a contravention of this Article of this Bye-Law.
5. Where an authorised person and/or a member of the Garda Síochána suspects with reasonable cause that a bottle or container in a public place situate in the Functional Area (whether or not in the possession of a person) holds an intoxicating liquor and further suspects with reasonable cause that an offence under this Bye-Law has been or is being or may be committed, then such authorised person and/or a member of the Garda Síochána may seize and destroy without warrant any such bottle or container together with its contents.
6. Any person who contravenes any provision of this bye-law or who prevents, attempts to prevent or encourages or incites any other person to prevent or attempt to prevent the exercise by an authorized

agus/nó comhalta den Gharda Síochána a chosc nó iarracht a dhéanamh é a chosc ó chumhacht a bhronntar faoin bhFodhlí seo a fheidhmiú nó a mhíniú nó a ghriosaíonn duine éigin eile gan géilleadh le hiarratas faoi Alt 4 den bhFodhlí seo, beidh an duine sin ciontach i gceion agus dlífeair air ar a chiontú go hachomair fineáil nach mó ná €1900.

7. (a) Beag beann ar an leighas a bhforálar dó in alt 6 de na bhFodhlíthe seo, féadfaidh an Chomhairle, de bhun Alt 206 den Acht Rialtais Áitiúil, 2001 fógra íocaíocht shocráithe a sheirbheáil (laistigh de chiall an Alt 206 réamhráite) ar duine ar bith a dhéanann cion de bhun sárú na bhFodhlíthe seo. Sonróidh fógra íocaíocht shocráithe mar é méid na hiocaíochta socraithe agus an tréimhse a gcaithfear an fineáil a íoc laistigh di d'fhonn ionchúiseamh a sheachaint agus beidh sé san fhoirm ghinearálta den bhfógra a leagtar amach sa chéad sceideal le Rialachán an Acht Rialtais Áitiúil, 2001 (Fodhlíthe) 2006 – I.R. Uimh. 362 de 2006 – (nó mar a fhorálar dó in aon rialachán leasaithe) **ach faoi réir** aon athruithe orthu a dhéanfaidh an Chomhairle faoina rogha féin i gcás na bhFodhlíthe seo.) Beidh méid na hiocaíochta socraithe a bhainfidh leis an bhfógra íocaíocht shocráithe ionann le €75.00.

(b) Má mheasann comhalta den Gharda Síochána go bhfuil cion á dhéanamh nó déanta ag duine faoi na fodhlíthe seo, féadfaidh an comhalta sin an duine sin a ghabháil gan bharántas.

person and/or a member of the Garda Síochána of a power conferred by this Bye-Law or who incites or encourages any other person not to comply with a request under Paragraph 4 of this Bye-Law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1900.

7. (a) Notwithstanding the remedy provided for in paragraph 6 of these Bye-laws, the Council may, pursuant to S.206 of the Local Government Act, 2001 serve a fixed payment notice (within the meaning of S.206 aforesaid) on any person committing an offence by virtue of a contravention of these Bye-Laws. Such fixed payment notice shall specify the amount of the fixed payment and the period within which the fixed payment 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, 2001 (Bye-Laws) Regulations, 2006 – S.1 No. 362 of 2006 – (or as provided for in any amending regulations) **but subject** to such alterations thereto as The council may consider appropriate in the case of these Bye-Laws. The amount of the fixed payment applicable to the fixed payment notice shall be €75.00.

(b) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence under this bye-law, that member may arrest such person without warrant.


CHAIRMAN


DIRECTOR OF SERVICES


COUNTY MANAGER

Dated the 2nd day of March 2007.

Present when the Common Seal of Louth County Council was affixed hereto.