

DRAFT 1

URSWICK PARISH COUNCIL

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

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Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by Urswick Parish Council with respect to Urswick Tarn and verges known as the Landings, and the Hagg, all with Land Registry title number CU233251.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Urswick Parish Council

“the ground” means Urswick Tarn, the verges known as the Landings, and the Hagg.

“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;

Application

2. These byelaws apply to Urswick Tarn, the verges known as the Landings, and the Hagg.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

3. (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 **or conservation purposes** and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

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

Climbing

5. 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

6. 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

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

Camping

8. 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

9. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 9(1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit.

Missiles

10. 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, **or damage any plant or structure**.

Interference with life-saving equipment

11. 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

Horses

12. (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 to any other person.

Cycling

13. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles.

Overnight parking

14. 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 ***other than in designated areas.***

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

15. 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.**

Ball games

16. No person shall play ball games in the ground.

Archery

17. No person shall engage in the sport of archery. **HELD WITH THE CONSENT OF THE COUNCIL**

Field sports

18. No person shall throw or put any javelin, hammer, discus or shot.

Golf

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

PART 5

WATERWAYS

Interpretation of Part 5

20. In this Part:

“boat” means any yacht, *dinghy*, *sailboard*, motor boat, *canoe*, *inflatable* or similar craft but not a model or toy boat;

“power-driven” means driven by either the combustion of petrol vapour or other combustible substances, *or electricity*.

“waterway” means any river, tarn, lake, pool or other body of water. **AND INCLUDES ANY FOUNTAIN**

Bathing

21. No person shall without reasonable excuse bathe or swim in any waterway.

Ice Skating

22. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

23. No person shall operate a *wind or* power-driven model boat on any waterway ***without the written consent of the Tarn Association.***

Boats

24. (1) No person shall on any waterway sail or operate any boat which is not registered with the Tarn Association.
- (2) A boat is registered for the purposes of byelaw 24(1) when the owner has made a written application to the Tarn Association and the Association has:

(a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Association;

and

(b) issued to the owner a certificate of registration incorporating these particulars.

Fishing

25. No person shall in any waterway cast a net or line for the purpose of catching fish ***without a permit issued by the Tarn Association.***

Pollution

26. No person shall foul or pollute any waterway.

Blocking of watercourses

27. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

28. 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.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

29. 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 7

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

31. (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 other persons in the ground 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 32(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

32. 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

33. 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

34. 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

35. 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.

PART 8

MISCELLANEOUS

Obstruction

36. 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

37. (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

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

Penalty

39. 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.