



DOUGLAS GENERAL BYELAWS 2013

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Statutory Document No. 0130/13



Local Government Act 1985

DOUGLAS GENERAL BYELAWS 2013

Approved by Tynwald: 21 May 2013
Coming into Operation: 1 June 2013

Douglas Corporation makes the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

1 Title

These Byelaws are the Douglas General Byelaws 2013.

2 Commencement

If approved by Tynwald, these Byelaws come into operation on 1 June 2013¹ and cease to have effect on the 20th anniversary of that date².

3 Interpretation

In these Byelaws—

“**the Act**” means the Local Government Act 1985;

“**authorised person**” means a duly authorised officer of the local authority;

“**the district**” means the Borough of Douglas;

“**foreshore**” means —

(a) the whole of the area comprising Douglas beach and foreshore between Pollock Rocks and a line drawn at right angles to the sea wall, through the southern end of the Manx Electric Railway terminus at Derby Castle; and

(b) Port Skillion,
as shown in the plan in Schedule 1;

“**the local authority**” means Douglas Corporation;

“**motor cycle**” means a motor cycle as defined in the Road Traffic Act 1985 whether or not made, adapted or permitted to be used on a road;

¹ Tynwald approval is required by section 30(4) of the Act

² In accordance with section 28(3) of the Act

“**motor vehicle**” means any mechanically propelled vehicle, whether or not made, adapted or permitted to be used on a road, other than a motor cycle or invalid carriage;

“**public place**” means any highway and any other premises or other place to which at the material time the public are permitted to have access, whether on payment or otherwise; and

“**road margin or verge**” means land that is —

- (a) adjacent to the carriageway of a street (or between two such carriageways); and
- (b) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in ornamental condition by the local authority.

4 Penalties and enforcement

- (1) A person contravening any of these Byelaws is liable on summary conviction to a fine not exceeding £2,500.
- (2) These Byelaws are enforceable by a constable in uniform or an authorised officer of the local authority without the need for a complaint having been made.

5 Excessive noise

- (1) After being asked to desist by a constable in uniform or an authorised person no person may, in any public place —
 - (a) play upon or sound any musical or noisy instrument;
 - (b) sing or shout;
 - (c) operate or permit to be operated, any radio, amplifier, compact disc player or other similar device; or
 - (d) otherwise make any noise,in a manner so loud or so continuous or repeated as to cause disturbance or nuisance or give reasonable grounds for annoyance to any other person in the street, public place, foreshore or residents living in the area.
- (2) But this byelaw does not apply to a loudspeaker used in circumstances where section 14 of the Public Health Act 1990 (noise in streets) applies.
- (3) For the sake of clarity paragraph (1) does not apply to anything done in conformity with a written authorisation or consent from a Department, Statutory Board or the local authority.

6 Street collections

- (1) No person shall organise, or make, a collection of money from the public for charitable or benevolent purposes in any public place or foreshore —

- (a) without the consent in writing of the local authority; or
 - (b) in contravention of any condition imposed under paragraph (2).
- (2) The local authority may give its consent to such a collection subject to any of the following conditions as it thinks fit –
- (a) specifying the date, time and place of the collection;
 - (b) requiring every person taking part in the collection to be authorised in writing by the person by whom it is organised and to produce such authorisation to a constable or authorised person on demand;
 - (c) requiring all contributions received to be placed at once in a numbered box or other receptacle securely closed and sealed so as to prevent its being opened without the seal being broken;
 - (d) requiring every such box or receptacle to be delivered with the seal unbroken to a person by whom the collection is organised;
 - (e) prohibiting the making of any payment or reward to any person taking part in, or rendering any service in connection with, the collection;
 - (f) requiring the person by whom the collection is organised within 28 days of the day on which it is held –
 - (i) to give to the local authority a statement certified by an auditor holding such qualification as may be specified of the amount collected, the expenses of the collection and the application of the proceeds of it; and
 - (ii) to publish in a newspaper published and circulating in the Island a statement of the name of the person organising the collection, its objects, the date on which it was held, the amount collected, the expenses of the collection and the application of the proceeds of it.
- (3) No person shall take part in such a collection in contravention of a condition imposed under paragraph (2)(a) to (e).
- (4) Any sale, offer for sale or invitation to offer to buy anything in a street, public place or foreshore shall be treated as a collection for the purposes of this byelaw, if it is accompanied by an express or implied representation that the proceeds or any part of them will be devoted to charitable or benevolent purposes.

7 Touting and begging

- (1) No person shall in any street, foreshore or public place, without prior consent of the local authority –
- (a) beg;
 - (b) advertise or solicit custom or for service; or

- (c) seek to gather information for use in the supply of goods or services,

in such a manner as to cause obstruction or give reasonable grounds for annoyance to any other person.

- (2) The local authority may give consent under paragraph (1) unconditionally, or subject to conditions that may include (but are not limited to) –
 - (a) requiring those advertising or gathering information, and persons taking part in the distribution of leaflets, to ensure that discarded leaflets are retrieved so as to prevent littering; and
 - (b) requiring those persons to remain in specified areas.

8 Dangerous games near streets

No person shall play football or any other game on land adjacent to a street in a manner likely to –

- (a) cause danger or give reasonable grounds for annoyance to any person, or
- (b) cause obstruction to traffic in the street.

9 Ball games, self-propelled vehicles, etc. to the annoyance of local residents

- (1) No person shall –
 - (a) play football or any other ball game,
 - (b) ride a pedal cycle or
 - (c) skate, slide or ride on rollers, skateboards or other self-propelled vehicles,

in any street, on the foreshore, in any public place or in any parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985, so as to cause danger, obstruction or give reasonable grounds for annoyance to any person.

- (2) In this byelaw “**self-propelled vehicle**” means a vehicle, including a pedal cycle, propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle but does not include a wheelchair or a perambulator (in each case) used in the manner for which it was constructed;

10 Loitering at church doors

No person shall loiter at or near the entrance of any church, chapel or other place of public worship in such a manner as to cause obstruction or give

reasonable grounds for annoyance to persons going to or from the church, chapel or place of worship.

11 Offensive substances

- (1) No person shall in any public place –
 - (a) throw or let off any stink bomb or similar article, or
 - (b) squirt, spray or otherwise throw or scatter any substancein such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any resident or other person in a public place.
- (2) Paragraph (1) does not apply to fireworks.

12 Repairing vehicles

- (1) No person shall repair any vehicle on the footway or carriageway of any street.
- (2) If a person commits an offence under paragraph (1) above, and the local authority decides that it is necessary to cleanse the street or any surface water drain as a consequence of such repair as soon as possible, the local authority may undertake the cleansing and recover the cost of so doing from that person.
- (3) No person shall, to the annoyance of residents, service, repair or work upon a motor vehicle or other mechanically propelled vehicle in any street for general maintenance purposes.
- (4) In proceedings for a contravention of paragraph (3) it is a defence to show that –
 - (a) the vehicle had broken down and the act complained of was necessary in order to remove it, or
 - (b) the vehicle had been left outside suitable premises to await removal from the street at the earliest possible time, for such service, repair or maintenance work.

13 Interference with life-saving equipment

No person shall, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance placed by the local authority.

14 Riding on road margins and verges

- (1) No person shall without lawful authority ride or lead a horse upon any road margin or verge to which this byelaw applies.
- (2) This byelaw applies to the areas shown in Schedule 2.

15 Vehicles on road margins or verges

- (1) No person shall without lawful authority drive, park or leave any motor vehicle, motor cycle, trailer, or caravan, on any road margin or verge to which this byelaw applies.
- (2) This byelaw applies to the areas shown in Schedule 3.
- (3) This byelaw does not apply to a heavy commercial vehicle within the meaning of section 38 of the Road Traffic Regulation Act 1985.
- (4) In this byelaw “**trailer**” means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle or motor cycle.

16 Cycling and skating

No person shall cycle, skate on roller skates, a skateboard, rollers or wheels or any similar device on any footway or pavement in such a manner as to cause danger or annoyance to any person.

17 Moveable dwelling

- (1) No person shall maintain or reside in a moveable dwelling in any public place or foreshore without prior written consent from the local authority.
- (2) For the purpose of this byelaw, the following maintain a moveable dwelling –
 - (a) a person by whom the dwelling was placed there; and
 - (b) a person who resides in or makes domestic use of the dwelling.
- (3) In this byelaw, “**moveable dwelling**” means any tent, caravan, van, or other conveyance (whether or not capable of being used on roads), and any shed or similar structure, which is made, adapted or used for human habitation.

18 Washing or cleaning yards, gardens, premises, etc.

No person or business shall wash, sluice or brush, or cause to be washed, sluiced or brushed, into any street, public place any dirt, debris or other waste from any yard, garden or other part of the curtilage of the premises.

19 Feeding of animals and birds

- (1) No person shall feed, or attract the gathering of wild birds, other wildlife or vermin, by providing any food in a manner likely to cause nuisance, inconvenience or to give reasonable grounds for annoyance to any person.
- (2) This byelaw applies to the areas shown in the plan in Schedule 4.

20 Street traders

- (1) A street trader (“S”) commits an offence if, without the consent of the local authority, S sells, exposes for sale or offers for sale any food in any open space within the district.
- (2) If the local authority grants consent under paragraph (1) subject to conditions, S commits an offence if S fails to comply with any of the conditions.
- (3) For the sake of clarity, this byelaw is in addition to any provision of the Pedlars and Street Traders Act 1906 (“**the 1906 Act**”), and byelaws made under the 1906 Act.
- (4) Nothing in this byelaw applies to a food business which is registered in accordance with the Food Act 1996 or which is exempt from registration under that Act.
- (5) In this byelaw “**street trader**” and “**open space**” have the meanings given by section 2 of the 1906 Act.

21 Removal of notices and signs

No person, other than an authorised person, shall remove or otherwise tamper with any notice, sign, street name plate or other article that has been erected, placed on or attached to any property, by or on behalf of the local authority in pursuance of any statutory functions or for public information.

22 Shopping trolleys

- (1) No person shall leave or abandon a shopping trolley in any street, public place or foreshore, away from the shop from which it was obtained.
- (2) On being notified of the whereabouts of an abandoned shopping trolley, the owner of the shop must remove it.
- (3) If the owner of a shopping trolley fails to remove it within 48 hours of being notified by the local authority of its whereabouts, the local authority may deliver the trolley to the shop and recover its reasonable costs for collection and delivery.
- (4) In this byelaw “**shopping trolley**” means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop.

23 Drying or airing clothes, etc.

No person shall hang, drape or otherwise leave any clothing, bedding, towels or other items to be dried or aired at the front of, or a side abutting a street of, any premises on any string, line, rail or other apparatus.

24 Failure to remove refuse bins from highway after collection

- (1) The occupier of any premises from which controlled waste is collected commits an offence if he or she fails to remove any bin from the highway as soon as practicable after the bin has been emptied by the local authority or any contractor.
- (2) Paragraph (1) does not apply to a bin that is placed on the highway with the consent of the Department of Infrastructure and in compliance with any conditions associated with that consent.

25 Failure to provide particulars

If a constable in uniform or an authorised person has reasonable grounds for believing a person is committing, or has committed, an offence under these Byelaws the constable or authorised person may require the person to give his or her full name and address.

THE COMMON SEAL of Douglas Corporation was affixed in the presence of

—

MADE: 22 APRIL 2013

D ASHFORD

Mayor of Douglas Corporation

KATHLEEN RICE

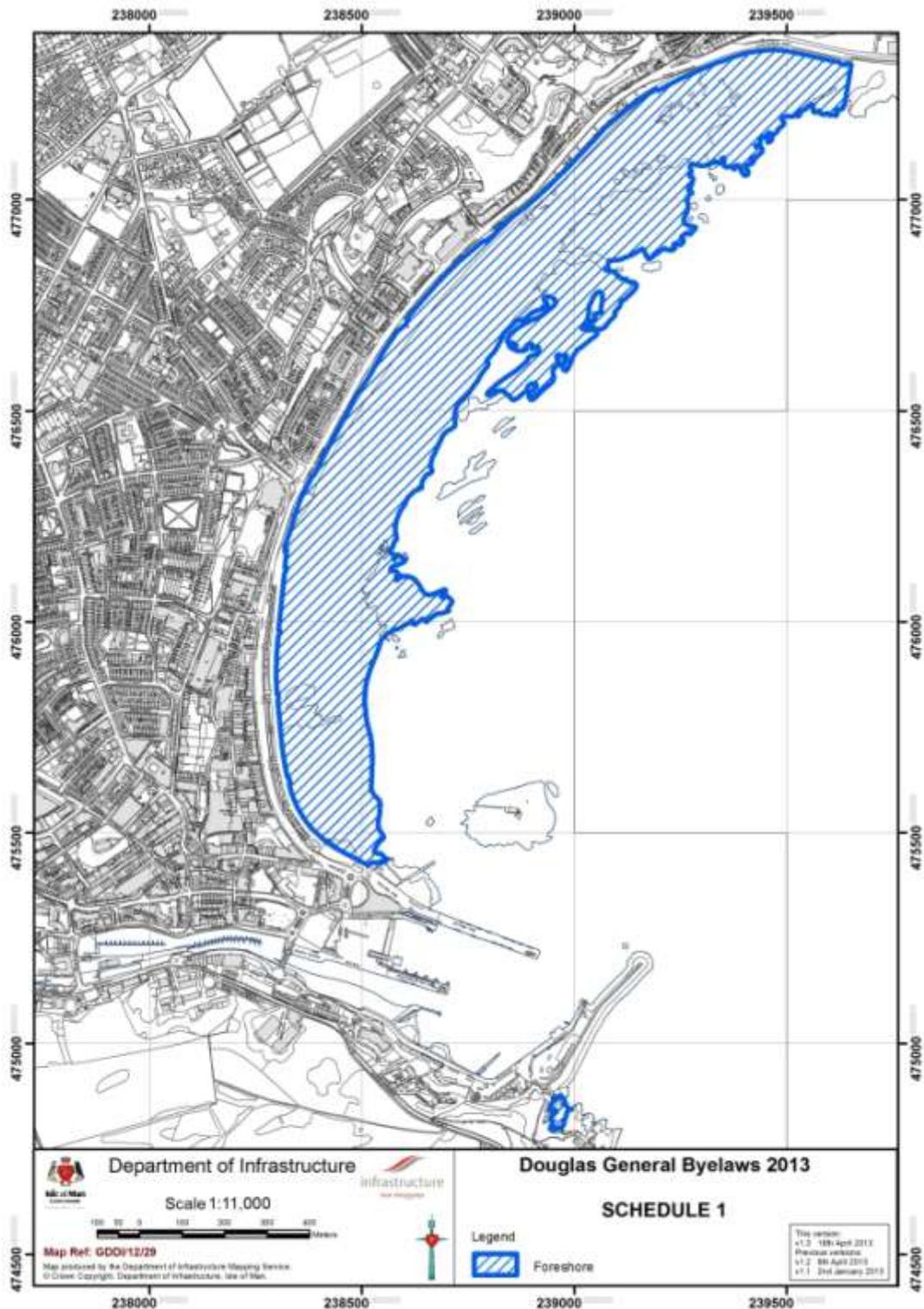
Town Clerk and Chief Executive



SCHEDULE 1

[Byelaw 3]

MAP OF FORESHORE





SCHEDULE 2

[Byelaw 14]

RIDING ON ROAD MARGINS OR VERGES

Areas where without lawful authority riding or leading a horse on road margins or verges is prohibited

Johnny Watterson's Lane
Watterson Lane
Peveril Road
Tromode Road
Queens Promenade
Spring Valley Road
Springfield Avenue
Alder Road
Anagh Coar Road
Cushag Road
Stevenson Way



SCHEDULE 3

[Byelaw 15]

VEHICLES ON ROAD MARGINS OR VERGES

Areas where without lawful authority driving, parking or leaving motor vehicles on road margins or verges is prohibited

Johnny Watterson's Lane
Watterson Lane
Peveril Road
Rearyt-y-Sheear
Tromode Road
High View Road
Port-e-Chee Avenue
Queens Promenade
Spring Valley Road
Springfield Avenue
Alder Road
Anagh Coar Road
Cushag Road
Lheannag Park
Stevenson Way





EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate various activities and are aimed at preventing and suppressing nuisances within the local authority district of the Borough of Douglas and maintaining the quality of life for residents and visitors.