

**Comhairle Chontae na hIarmhí**

MUNICIPAL DISTRICT OF

MULLINGAR-KINNEGAD

STREET PERFORMERS

AND

AMPLIFICATON FOR EVENTS

BYE-LAWS 2022

COUNTY WESTMEATH

The Members of the Municipal District of Mullingar Kinnegad in exercise of the powers pursuant to Section 199 of the Local Government Act 2001, hereby make the following bye-laws in relation to the Control of Street Performers and Amplification for Events in the administrative area of Mullingar Kinnegad Municipal District.

**PRELIMINARY**:

Short Title: These bye-laws may be cited as the Street Performers and Amplification for Events Bye-Laws 2022

Area of Application: These bye-laws apply to the town of Mullingar administrative area of Mullingar Kinnegad Municipal District.

Commencement Date: These bye-laws shall come into effect on the **(date as adopted by Elected Members)**

**DEFINITIONS**:

In these bye-laws the following words or phrases shall have the meanings hereby expressly given to them that is to say:

The Act: Means the Local Government Act 2001 as amended.

Street Performer: Means a person who performs in a public place.

Amplification: Means using any electronic device to increase the volume of a musical instrument/s, radio, or human voice.

Public Place: Means any street, road, footpath, open space, beach, public park, green space and amenity areas and such like places in the charge or ownership of Westmeath County Council or to which the public have access as of right.

Authorised Person: Means an “authorised person” within the meaning of Section 204 of the Local Government Act, 2001.

Event: Means public performance which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary, or retractable roof, a tent or similar temporary structure and which is comprised of music, dancing, displays or public entertainment of any activity of a like kind, which has more than 5000 in attendance.

Perform: Means to engage in any type of performance of exhibition with the reasonable expectation or opportunity of receiving donations and without prejudice to the generality such performance or exhibition shall include playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic or acts of a similar nature or doing other acts of a similar nature in a public space and any other type of performance.

Schedule: Schedule 1 - Fixed payment notice.

Applicable Fees and Fines set out in this Schedule may be amended from time to time by The Council by simple Resolution.

**GENERAL:**

**STREET PERFORMERS**

Street Performance Times:

1. A Street Performer shall not perform in a public place after 23:00 hrs or before 09:00 hrs.
2. A Street Performer is only permitted to perform in a specific location for a maximum period of two hours in any day. After this two-hour period they must relocate to a different street not within 50 metres of his/her previous location.
3. A Street Performer shall not “reserve” a location/area i.e. arrive prior to performance and wait.

Instrument /Equipment/Properties:

1. A Street Performer who performs in a public place shall be solely responsible for his/her instruments, equipment and props and shall not leave them unattended in a public place at the end of his/her performance.
2. A Street Performer shall not connect to or maintain an electrical connection by way of a cord or wire to an adjacent building or to any mains power source.
3. A Street Performer/s shall not use amplification for speech or music unless authorised in writing by the Municipal District.

A written request should include:-

* Name, address and telephone no. of applicant
* Address/location for use of amplification
* Proposed date and hours of use
* Statement by which the applicant accepts and assumes responsibility for ensuring compliance with all terms and conditions issued to the applicant.

The Municipal District can refuse consent during an event where amplified music or sound impedes the proper recording of the event or where amplification is inconsistent with the ethos of the event.

Charges:

1. A Street Performer shall not charge members of the public a fee for a performance in a public place. Members of the public may however leave or give money to a Street Performer.
2. A Street Performer shall not use any measures to solicit donations from the public other than a receptacle for receipt of donations.
3. Without prejudice to the generality of this bye-law such measures shall include: blocking or impeding the passage, going behind, ahead or alongside a person with the intent to solicit a donation or to intimidate, coerce or threaten, by word or gesture, a person into making a donation.

Obstructions:

1. A Street Performer shall not obstruct the public’s access to and egress from any premises.
2. A Street Performer shall immediately cease performing if the crowd they have attracted is blocking a street or directed to do so by an authorised person or a member of An Garda Síochána.
3. A Street Performer shall not perform within 50 metres of another performer.
4. A Street Performer shall not perform in a public place within 3 metres of the outer edge of the entrance to any business or premises including, but not limited to: doors, vestibules, driveways, outdoor dining areas, entries and emergency exits, during the hours that the business on the premises is open to the public or to persons having or conducting business in those premises.
5. A Street Performer shall not perform in a public place within 3 metres of the outer edge of any residence at any time.
6. A Street Performer with instruments, equipment or props shall not block, obstruct or interfere with the free and safe movement of pedestrians.

Health and Safety:

1. A Street Performer shall at all times ensure that no aspect of his/her performance endangers the public safety in his/her use of the public place.

Restrictions:

1. The Municipal District may prohibit performances in a specific public place on a temporary basis by Executive Order in order to facilitate the construction, development, maintenance or repair of a public place or part thereof or for other infrastructural work thereon or such work on adjoining private property or for other operational reasons.

**AMPLIFICATION FROM PREMISES**

Amplification at Fixed Business/Other Premises during Events:

1. It shall be unlawful for any person during an Event to play or operate or permit to be played or operated, within the administrative area of the Council any phonograph, any device which amplifies sound, radio or any loud-speaking or noise-making device or attachment on or in any premises under the ownership, management or control of such person, when such premises are being used as a place of business to which the public generally is invited, in such a manner or in such volume as to be reasonably calculated to disturb the peace or to be unreasonably offensive to the public or to the occupants of other premises in such vicinity, which is inconsistent with the ethos of the festival or event.

**VEHICULAR MOUNTED SOUND AMPLIFIED DEVICES**

Limitations on the Volume of Sound Emanating from Vehicular Mounted Sound Amplified Devices:

19. It is unlawful for any person operating or controlling mechanically propelled vehicle in either a public or private place within the administrative area of the Council to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of 50 feet or, when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 50 feet from the source, or which is inconsistent with the ethos of the event.

The provisions of this section do not apply to:

(1) Authorised emergency vehicles;

(2) Motor vehicles used for business or political purposes, properly permitted, which in the normal course of business use sound making devices; or,

(3) Horns or other warning devices.

**EXEMPTIONS, OFFENCES & NOTICES, FIXED PAYMENT NOTICES**

Exemptions:

1. These bye-laws shall not apply to activates taking place in a public place that are organised by the Municipal District or are activities that have received formal consent subject to conditions (if applicable).
2. Amplification of sound by employees of the Council while engaged in their official business.

Offences and Notices:

1. Any person who contravenes any bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fee not exceeding €2,500.
2. A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the function conferred on an authorised person by the Act or a member of An Garda Síochána shall be liable on summary conviction a fee not exceeding €2,500.
3. Where an authorised person or a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence under these bye-laws, the authorised person or member of An Garda Síochána may demand the name and address of such a person and if that demand is refused or the person gives a name and address which is false or misleading, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,500.
4. Pursuant to Section 204(3)(d) of the Act where a member of An Garda Síochána is of the opinion that person is committing or has committed an offence under these bye-laws, that member may arrest the person without warrant.

Fixed Payment Notice:

26. Where a bye-law is contravened an authorised person or a member of An Garda Síochána may serve a Fixed Payment Notice in respect of the contravention.

The Notice shall specify the name and address of the alleged offender and in general terms the nature of the contravention alleged to have been committed and the date and place of the alleged contravention.

The Notice shall state that if the fixed payment of €75 is paid to the Council within a period of 28 days that no legal proceedings will be instituted against the person in respect of the alleged offence. The Notice shall contain a statement to the effect that the alleged offender is entitled to disregard the Notice and defend a prosecution of the alleged contravention in Court.

**COMMON SEAL OF WESTMEATH COUNTY COUNIL WAS AFFIXED HERETO**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the presence of the Mayor of the

Municipal District of Mullingar Kinnegad

Dated this\_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2022

**Schedule 1**

**FIXED PAYMENT NOTICE**

**(Section 206 Local Government Act 2001)**

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|  |
|  |  | WESTMEATH COUNTY COUNCIL  Mount Street,  Mullingar,  Co. Westmeath. |
|  | |  | |  |  |  | | --- | --- | --- | |  | Name | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |  | Address | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |  |  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |  |  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  |  | It is alleged that you have contravened the provisions of a bye-law made under Part 19 of the [Local Government Act 2001](https://www.irishstatutebook.ie/2001/en/act/pub/0037/index.html) entitled .......................................................................... by .............................................................. (in general terms specify nature of contravention) at ................................. on ................................... |
|  |  | During the period of 21 days beginning on the date of this notice, you may pay the sum of ........ euro, producing/attaching this notice, at the offices of Westmeath County Council, Mullingar Kinnegad Municipal District located at Mount Street, Mullingar, Co. Westmeath. |
|  |  | A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of ....... euro is paid during that period, no prosecution will be instituted at any time. |
|  |  | |  |  | | --- | --- | | Signed ...................................... | Date ...................... | | (Authorised Person) |  | |
|  |  | |  | | --- | | **Important** Payment will be accepted at the offices of Mullingar Kinnegad Municipal District and  must be accompanied by this notice. Payment may be made by cash, cheque, debit/credit card.  A receipt will be issued. | |  |  | You are entitled to disregard this notice and defend a prosecution of the alleged contravention in court. | |