

**Clare County Council**

**BURIAL GROUND BYE-LAWS 2015 – County Clare**



**November 2015**

## **CLARE COUNTY COUNCIL BURIAL GROUND BYE-LAWS 2015 – County Clare**

The Council of the County of Clare in pursuance of the powers conferred on it pursuant to Section 199(1) the Local Government Act 2001 and the Local Government Act 2001 (Bye-Laws) Regulations 2006, makes the following bye-laws in relation to the regulation of burial grounds provided by or under the control or management of Clare County Council.

### **1. Title**

These bye-laws shall be cited as the Clare County Council Burial Ground Bye-Laws 2015 – County Clare

### **2. Commencement**

These bye-laws shall come into operation on the 4<sup>th</sup> January, 2016.

### **3. Duration of Bye-Laws**

These bye-laws shall apply at all times.

### **4. Application of Bye-Laws**

These bye-laws shall apply to burial grounds provided by or under the control or management of Clare County Council.

### **5. Definitions**

Throughout these bye-laws the use of the following terms shall have the following meaning:-

**“Authorised Officer”** shall mean a person who is authorised in writing by Clare County Council for the purpose of Section 204 of the Local Government Act 2001 or a member of An Garda Síochána.

**“Burial Ground”** shall mean any burial ground, cemetery or graveyard in the functional area of Clare County Council.

**“Burial Plot”** shall mean an area of a burial ground consisting of one or two grave spaces otherwise described as a single plot or a family/double plot.

**“Burial rights owner”** shall mean a person who has acquired a right of burial in a burial plot whether under these bye-laws or otherwise.

**“Caretaker”** shall mean the Caretaker at the time being of any burial ground under the control or in the ownership of the Council and who when carrying out his/her duties do so on behalf of the Council. The Caretaker shall be responsible for the general care and maintenance of the burial ground.

**“Columbarium”** shall mean a wall for the storage of urns holding cremated remains.

**“Council”** shall mean the County Council of the County of Clare.

**“Council Cemetery”** shall mean any burial ground under the operational control or in the ownership of the Council.

**“Lawn Cemetery”** shall mean a burial ground or part of a burial ground wherein kerbs or other such items shall not be permitted to be placed and where all parts of the cemetery comprising burial plots shall be maintained as grassed areas.

**“Member of the same Family”** shall mean the father, mother, husband, wife, civil partner, son, daughter, sister or brother of the person last interred in a specific grave, or some person who was permanently residing with the person last interred therein, at the time of that person’s death.

**“Memorial”** shall mean any tomb, monument, vault, headstone, tablet or permanent structure of any description or material.

**“Plinth”** means the continuous concrete base or beam which acts as a foundation support for headstones and monuments.

**“Private Cemetery”** shall mean any cemetery other than a Council cemetery.

**“Register”** shall mean the Register of Burials as maintained by the Council and or the Registrar.

**“Registrar”** shall mean the Registrar at the time being of any burial ground under the control or in the ownership of the Council and who when carrying out his/her duties do so on behalf of the Council. The Registrar shall keep records of all burials, allocate burial plots and collect fees in respect of burial plots.

**“Remains”** means a human body after death.

**“Right of burial”** shall mean the right to be interred in a particular burial plot under these bye-laws or otherwise.

## **6. Allocation of Burial Plots for right of burial in Burial Grounds**

The exact position of each burial plot shall be agreed with the Registrar of a burial ground. Advance purchase of right of burial is not permitted with the exception of community and privately operated burial grounds where advance purchasing may be allowed.

## **7. Size of Burial Plots**

Double plots measure 2.75 metres (9 feet) in length and 2.5 metres (8 feet) in width. Single plots measure 2.75 meters (9 feet) in length and 1.25 metres (4 feet) in width.

## **8. Purchase of Right of Burial in Burial Plot**

- (a) Application to purchase a right of burial in a burial plot in any burial ground under the control of the Council shall be made to the Council. The application shall include the name and address of the deceased together with sufficient detail to ensure future identification against the Register. The application shall also include the burial fee. The charge for purchase of right of burial in a burial plot shall be as determined by the Council and may be varied from time to time. All burial plots shall be allocated in sequential order. The purchase of right of burial in a burial plot shall only be allowed at the time of burial.
- (b) The purchase of right of burial in burial plots will be agreed with the burial ground Registrar or an authorised officer on behalf of the Council.
- (c) The receipt issued in response to the application constitutes the owner's right of burial. As the details depend on the accuracy of the information supplied, the Council shall not be liable for any errors on the receipt.
- (d) Ownership of right of burial in a burial plot does not allow for the erection of a memorial without a separate application to the Council and written approval from the Council to this application.
- (e) The selling or transferring of a right of burial in a burial plot to a third party is not permitted under any circumstances. However, the Council, at its discretion, may consider facilitating those wishing to return ownership of a right of burial in a particular plot to the Council.

## **9. Mode of Burial**

- (a) Subject to (b), no interment shall be permitted in any burial ground, nor shall any dead body be admitted into any place of reception of bodies previous to interment, unless the body is enclosed in a coffin of wood or some other sufficiently strong material.
- (b) Un-coffined burials may be permitted, unless a direction has been issued not to do so by the relevant Sanitary Authority or the Health Service Executive, in an area of a burial ground designated exclusively for that purpose. Where an un-coffined burial is permitted, any reference in these provisions to a coffin includes a reference to the wrappings of the un-coffined body.
- (c) The Council must be notified in advance of any proposed un-coffined burials.

- (d) A Columbarium may be incorporated into the design of new burial grounds to accommodate the interment of ashes. Each niche in the Columbarium is sufficient for two standard receptacles. Ashes must be contained in receptacles as approved by Clare County Council. Only Clare County Council personnel will be authorised to open the Columbarium. No inscription shall be permitted on the Columbarium unless and until the inscription has been approved of, in writing, by the Council.
- (e) The interment of ashes will be facilitated subject to the requirements of the Health Service Executive and the Council. The Registrar or the Council must be informed of the precise location of the urn within the burial plot.
- (f) Cremated remains may be interred in coffins or caskets or other approved containers in conventional burial plots or burial plots for cremated remains.

#### **10. Opening and Closing of Graves**

- (a) No un-walled grave shall be re-opened within fourteen years after the burial of a person above twelve years of age, or within eight years after the burial of a child under twelve years of age unless to bury another member of the same family; in which case a layer of earth not less than 300mm (1foot) in depth shall be left undisturbed above the previously buried coffin; but if on re-opening any grave, the soil is found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave.
- (b) No burial plot shall be opened without prior notification to the Registrar/Caretaker or to the Council. Details of the person to be interred must be provided to the Registrar/Caretaker or Council.

#### **11. Excavation of plots**

Excavation of burial plots shall be carried out manually by hand or by mini-digger. Under no circumstances shall heavy machinery be used for opening graves. All necessary precautions to protect footpaths, kerbs, monuments and surrounding graves from damage shall be taken by the operative or undertaker carrying out the works. This includes the laying of protective covering on the footpaths.

#### **12. Depth of Burials**

No coffin shall be buried in any un-walled grave unless the lid or upper surface thereof shall be sunk to a depth of at least 1.25metres (4 feet) below the ordinary level of the ground.

### **13. Monuments to which the National Monuments Acts 1930 to 2004 apply and Protected Structures**

- (a) Where a burial ground is located within, beside or adjacent to
- (i) a national monument within the meaning of the National Monuments Acts 1930 to 2004 of which the Minister for Arts, Heritage and the Gaeltacht (or any Minister succeeding the said Minister in regard to responsibility for functions under the National Monuments Acts 1930 to 2004) or a local authority is owner or guardian, or
  - (ii) a national monument subject to a preservation order or temporary preservation order under the National Monuments Acts 1930 to 2004, or
  - (iii) a historic monument or archaeological area which stands registered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987, or
  - (iv) a monument or place recorded under section 12 (1) of the National Monuments (Amendment) Act 1994, or
  - (v) a protected structure within the meaning of the Planning and Development Act, 2000 as amended
- (b) the following shall apply:
- (i) Any monument erected in such a burial ground shall be in-keeping with the character of the relevant national monument, historic monument, area, monument, place or structure.
  - (ii) No work shall be carried out to any upstanding masonry ruins or masonry walls of the burial ground or other structures other than with the prior authorisation of the Council and in compliance with all applicable statutory procedures and requirements. The Council may provide guidance on appropriate materials and appropriate styles of construction and may prohibit other materials or forms of styles of construction.
  - (iii) No new burials shall take place in burial grounds deemed "full" by the Council. Persons with existing burial rights may continue to exercise those rights providing there is sufficient space within an existing burial plot and providing the burial will not adversely impact on any adjoining structures.

#### **14. Register of Burials**

- (a) A proper Register (hereinafter referred to as the Register) shall be constantly kept in some convenient place at or near the burial ground, or at the place of residence of the Registrar and shall be open for inspection at all reasonable times.
  
- (b) No person, except the person having the care and management of the burial ground, and in these bye-laws called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned. A printed copy of these bye-laws shall be kept constantly affixed to the Register.

#### **15. Entries in Register**

- (a) Before the interment of any person in a burial ground or before admission into such place of reception, the Registrar shall, after due enquiry as to the facts from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register. In plain and legible characters, under its proper headings, and in order, the following details will be recorded:- first name and surname, date of death, sex, age, religious persuasion, and occupation or rank in life of the deceased, together with his or her last place of residence, and condition, as whether "married", "single", "divorced", "separated", "widower" or "widow" or "the child of A.B." or such other information as would adequately identify the remains. The side of the grave (facing the memorial) should also be noted i.e. left or right.
  
- (b) After the interment, due entry shall be made under its proper heading of the distinctive mark/reference number of the grave. The signature of the person having the management of the interment shall be affixed in the last column but one, in token of the accuracy of the foregoing statements and such signature shall be attested by the signature of the Registrar, in the last column. Any such person wilfully refusing to give to the Registrar information as to the matters aforesaid, or to affix his signature as aforesaid, shall be in breach of these bye-laws.

#### **16. Erection of Headstones or Monuments**

- (a) The right of burial must be paid for in advance of approval being given to the erection of any headstone or monument structure of any kind.
  
- (b) No headstone or monument may be erected, renovated or removed except with the authority, in writing, from the Council and the purchaser/owner of the right of burial.

- (c) No tomb, monument, vault, headstone, tablet or permanent structure of any description or material shall be erected or constructed in the burial ground, unless and until the structure has been approved of, in writing, by the Council on submission of a formal written application. The erection of a headstone or monument is permitted under the express condition that they are kept in good repair by their owners or representatives.
- (i) A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1 is to 20 shall accompany all such requests for approval.
- (ii) No furniture, such as seats or benches, whether of a permanent or a moveable nature shall be allowed to be placed on paths and avenues near or at a burial plot. The Council may, on occasion, give permission for such furniture in appropriate and designated areas, as long as such placement of furniture will not constitute a hazard to users of the burial ground nor will act as an obstacle to the proper maintenance of the burial ground or to accessing burial plots.
- (iii) The maximum height of a headstone should not exceed 1.5 metres (4 foot 11 inches) above ground level. The Registrar/Caretaker is required to report any instances where this maximum height is exceeded. The Council reserves the right to direct the removal of any monument, headstone or coping if in the opinion of the Council such monument, headstone or coping is in its general appearance offensive or contradictory to good practice principles or where there has been failure to comply with the approval issued by Clare County Council.
- (iv) No work is to be carried out on the erection of a memorial during funeral times.
- (v) The person authorised to erect a memorial will be responsible for any damage caused while the work is in progress. This person is required to ensure that any surplus soil or rubble is removed from the area, or deposited in the designated area, if provided, in order to leave the area in a tidy and neat condition. Building debris shall be disposed of in a proper manner and shall not be dumped in or near a burial ground.
- (vi) Memorials must be erected on a concrete plinth if provided in a burial ground. In the absence of a plinth, memorials must be aligned with existing memorials.
- (vii) The height restriction for memorials shall allow, as an exception, the erection of Celtic Crosses which shall not exceed 2.29 metres (7 feet, 6 inches) in height. The maximum height allowed is from ground level and includes any beam. All Celtic Crosses shall have a re-enforced concrete base with dowels.



- (viii) The written permission issued by the Council for the erection of memorials must be available for inspection on request by an Authorised Officer of the Council.
- (ix) The number of the burial plot shall be clearly identified on the right hand side of a memorial base.
- (x) A burial ground shall not be used as a temporary or long-term storage area for any material, shuttering or tools by operatives carrying out works in the burial ground.
- (xi) All work on a memorial must be completed within a reasonable time, not in excess of four weeks.

### **17. Continuous Concrete Bases (Plinths/Beams)**

In any burial ground where plinths have been or will be provided, a memorial being proposed shall be erected using the memorial plinth provided as the foundation. Any material such as concrete, mortar or the like used in the erection of a memorial shall not be allowed to extend outside the top of a plinth, and all surplus material shall be removed from a burial ground by the person in charge of the erection of a monument on the same day as completion of the works. No kerbs or footstones shall be permitted in this case.

### **18. Foundations where Continuous Concrete Bases are not available**

Full details of construction of a concrete base shall be agreed with the Council before commencement of works.

### **19. Supervision of Works**

- (a) All works carried out in a burial ground on the erection of memorials is subject to supervision and control of the Council and its representative; the Registrar or Caretaker. Any memorial erected shall be in-keeping with the character and standard of the existing burial ground
- (b) The dumping and mixing of sand, gravel and cement for making concrete shall not be permitted on paths or un-protected ground, and must be carried out on portable platforms.
- (c) All surplus materials left over when work has been completed must be removed from within the confines of a burial ground by the contractor or the purchaser/owner of the burial rights at the time of completion of the works.

## **20. Exhumation**

- (a) No body, nor the remains of any body, shall be removed or exhumed from one place of burial to another without the prior written consent of the Council, and with such precautions as the Health Service Executive may prescribe as the conditions of such a Licence granted for the exhumation. Any licence granted by the Council in this regard will be granted in accordance with section 46 of the Local Government (Sanitary Services) Act, 1948 and Local Government Act, 1994. Any person who shall remove or assist in removing any such body or remains, contrary to this bye-law, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these bye-laws.
  
- (b) No exhumation shall take place prior to a formal Exhumation Licence being granted by the Council. A copy of this Licence shall be given to the Registrar prior to the exhumation.

## **21. Persons Visiting Burial Grounds**

- (a) All visitors to burial grounds in the County are required to behave in a respectful and appropriate manner.
  
- (b) Visitors to burial grounds shall enter or leave a burial ground only by means of the official entrance(s).
  
- (c) Visitors shall not walk on or damage any graves, shrubberies or enclosures, but shall confine themselves to the paths or avenues within a burial ground.
  
- (d) Visitors shall not interfere with any tombs, monuments, headstones or with any flowers, shrubs or wreaths within a burial ground.
  
- (e) Dogs or other animals shall not be allowed into a burial ground and visitors shall close the gate after entering and leaving the grounds to prevent trespass or damage by stray animals. Guide dogs accompanying persons with visual impairment are permitted to enter a burial ground.
  
- (f) No vehicles shall be allowed enter a burial ground with the exception of funeral cars and vehicles carrying mobility impaired persons or with prior approval of the Council/ Registrar as agent of the Council.
  
- (g) The Council disclaims any liability to persons who suffer injury or damage in any way while acting contrary to these bye-laws.

## **22. Interruption of Interment**

Any person unlawfully preventing or attempting to prevent the interment of any person in a burial ground, or unlawfully preventing or disturbing the celebration of funeral rites over any person, shall be in breach of these bye-laws.

### **23. Misconduct**

- (a) All persons shall conduct themselves in a respectful manner while in a burial ground and no person shall:
- (i) Wilfully create any disturbance in a burial ground
  - (ii) Commit any nuisance including noise pollution in a burial ground
  - (iii) Wilfully interfere with any burial taking place in a burial ground
  - (iv) Wilfully interfere with any burial plot or vault, any tombstone or any other memorial or any plants on any such burial plot
  - (v) Play at any game or sport in a burial ground
  - (vi) Ride a bicycle, skateboard or other similar machine in a burial ground
  - (vii) Knowingly permit trespass by animals
  - (viii) Play music other than when permitted at funerals
  - (ix) Make noise levels so loud to be considered a nuisance
  - (x) Engage in any anti-social behaviour
  - (xi) Deposit any litter or dumping of any materials
  - (xii) Put up any bill or notice on any wall or within the burial ground
- (b) The Registrar, an Authorised Officer of the Council or any agent of the Council or member of the Garda Síochána shall at all times be entitled and at liberty to remove from the burial ground any person who may be guilty of misconduct therein, and to prevent any person from entering a burial ground at prohibited times.

### **24. Damage to Property**

- (a) No person shall wilfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, notice board, sign or any other article or pull up any trees, shrubs or flowers therein, or put up any bills or notices on any wall, or play any game or sport therein or unlawfully disturb any persons assembled in a burial ground for a burial, nor shall commit any nuisance within a burial ground.
- (b) Non burial ground workers causing any damage to lawns, graves, walls, drives, trees, shrubs or other property will be held responsible for the repair of the damage.

### **25. Perishable and Unsuitable Materials**

- (a) The use of materials of a perishable nature such as timber or the like, as part of any monument or structure in any burial ground, will not be permitted except in cases of the erection of a temporary monument.
- (b) Plastic or manmade (synthetic) materials may only be used as part of a monument or structure, following special permission issued by the Council.

## **26. Dumping and Littering**

- (a) Dumping and littering is strictly prohibited in all burial grounds
- (b) When carrying out improvements to a burial plot, all decayed flowers, wreaths, plastic wrapping and such items must be removed from the burial ground. A high standard of maintenance must be ensured at all times.

## **27. Removal of Broken or Other Memorials**

- (a) The removal of broken or other monuments is the responsibility of the purchaser/owner of the burial rights. The Council shall give two weeks' notice of its intention to take down and remove any memorial, headstone, kerb, tablet or any other object which may have been placed at any time within the burial ground, either with or without authority, which may have fallen into decay, or which in the opinion of the Council is not being maintained or has become a nuisance or a danger to ordinary users of the burial ground or exceeds size restrictions.
- (b) The purchaser/owner of the right of burial shall be liable for the Council's cost of removal and storage. Consent of the Council is required for the replacement or re-instatement of any memorial, headstone, kerb, tablet or any other object.
- (c) In the event that the purchaser/owner of the burial right fails to respond to the notice given, the Council may recover the cost of any such removal from the purchaser/owner of the burial right by a simple contract debt.
- (d) Notwithstanding what is stated at bye-law 27 (a) above, same shall not confer any right to move or otherwise interfere with ancient headstones, grave slabs, footstones or other such features within the vicinity of a national monument or other place included in the register of monuments and places.

## **28. Trees, Shrubs, Flowers and Mementos**

- (a) In older burial grounds, the planting of shrubs (to a maximum height of 300mm when fully grown) and flowers on burial plots shall only be done where the plots are enclosed by kerbs. Planting of trees or shrubs in lawn cemeteries is not permitted.
- (b) Flowers and wreaths may be placed on graves (except in lawn cemeteries) and must be properly maintained at all times. Other tributes or symbols less than 300mm in height may also be placed on graves, but should avoid clutter. Larger tributes in excess of 300mm may only be placed with the written agreement of the Council.

- (c) Purchaser/owner of burial rights or their representatives may be requested to remove items from graves in the interest of health and safety, operational reasons, avoidance of clutter or general untidiness. If this is not carried out the Council may remove them.
- (d) Any flowers or wreaths placed on graves after burials have taken place shall be removed by the purchaser of the right of burial or their representatives within two months and taken away from the burial ground for proper disposal. Artificial flowers shall also be removed within this time.
- (e) The Council accepts no responsibility for the loss or damage to mementos or other fragile objects placed on graves.

### **29. Lawn Cemeteries/Kerbs/Footstones**

- (a) Where any burial ground or part of a burial ground has been provided and developed as a "lawn" type burial ground, no kerbstones/footstones of any description will be permitted under any circumstances. No outer perimeter of any kind is to be placed around burial plots, nor are stones, pebbles or any other materials to be used to in-fill the surface of burial plots. In a lawn burial ground, the grave shall be levelled and grassed and any surplus spoil removed within a period of twelve months from the burial.
- (b) In any burial ground, other than a lawn type burial ground, where the layout is such that the Council may grant permission for kerbs to be erected, kerbing must not exceed a height restriction of 200mm (8 inches). The Council may also specify that the top of the kerb shall be kept flush with the adjoining ground level.
- (c) Memorial flowers will only be permitted on the headstone plinths within lawn cemeteries. The planting of shrubs and flowers is not permitted in lawn cemeteries.
- (d) No mementos may be placed on a lawn cemetery other than on a headstone plinth. Wooden crosses will be temporarily allowed until such time as a headstone is erected, subject to Council approval.

### **30. Funeral Undertakers**

- (a) Funeral undertakers must obtain permission from the Council or Registrar before any interments can be carried out in a burial ground.
- (b) All funeral directors engaged in providing funeral services at a burial ground must hold all necessary Public Liability Insurance, Employers Liability Insurance and Product Liability Insurance as required by the Council and provide the relevant indemnity to Clare County Council.

- (c) Where funeral undertakers engage gravediggers, the funeral undertakers must ensure burial plots are properly filled in and neatly finished after interment and gates are closed when leaving a burial ground.

### **31. Memorial Sculptors**

All memorial sculptors engaged in providing services at a burial ground must hold all necessary Public Liability Insurance, Employers Liability Insurance and Product Liability Insurance as required by the Council and provide the relevant indemnity to the Council.

### **32. Gravediggers**

- (a) Gravediggers, in receipt of payment for their services, at a burial ground must hold all necessary Insurances as required by the Council and provide the relevant indemnity to the Council.
- (b) After an interment, the gravediggers must ensure the burial plot is properly filled in and neatly finished and gates are closed when leaving a burial ground.
- (c) All rubble and stones not required for the purpose of a burial or when erecting a memorial must be removed from a burial ground by the funeral undertakers/grave diggers/monument sculptors or their representatives.

### **33. Contracted Workers in Cemeteries**

No persons shall engage in works in any burial ground except where expressly requested by the Council or with the prior permission of the Council. All such persons must hold the necessary Insurances as required by the Council and provide the relevant indemnity to the Council.

### **34. Selling Articles**

No person shall sell or offer or expose for sale any articles, commodity or thing of any kind whatsoever within a burial ground. Any person soliciting orders within a burial ground for the erection or repair of memorials will be required to leave a burial ground and will not be admitted again without the permission of the Council.

### **35. Music, Television and Cameras**

The use of photographic equipment including digital and video cameras or recording equipment of any kind or the playing of musical equipment or instruments within a burial ground is strictly prohibited unless prior consent is received as follows:

- (i) during interment by the next of kin or undertaker acting on their behalf
- (ii) at any other time with the consent of the Council.

### **36. Parking**

Parking outside a burial ground shall be limited to the vehicles used by persons attending burials and visiting graves. No overnight or long term parking shall be permitted.

### **37. Health and Safety**

All persons carrying out work within a burial ground shall have due regard to and shall comply with the provisions of Health and Safety legislation. All persons entering burial grounds shall also comply with Health and Safety requirements.

### **38. Regulations**

- (a) The Council may in respect of any burial ground, issue by order, Regulations in respect of burial grounds or a specific burial ground.
- (b) Regulations issued under these bye-laws may cover any matter of detail in relation to the operation of burial grounds or a specific burial ground.
- (c) Persons using the burial grounds in respect of which Regulations have been issued by the Council shall abide by those Regulations.

### **39. Penalties for Contravention of Bye-laws**

- (a) An Authorised Officer may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to refrain from such contravention.
- (b) If any person contravenes any provision of these Bye-Laws, the Council may, pursuant to Section 206(1) of the Local Government Act, 2001, serve on such person a fixed payment notice (see Schedule 1), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment is €75 or such other payment as may be applicable and the said fixed payment amount must be paid within twenty-one (21) days of the date of service of such fixed payment notice if such person is to avoid a prosecution.
- (c) Any person served with a fixed payment notice is entitled to disregard such notice and defend a prosecution of the alleged contravention in Court
- (d) A person who contravenes any provision of these Bye-Laws shall be guilty of an offence under section 205 of the Local Government Act, 2001 and shall be liable on summary conviction to a fine not exceeding €1,905 or such other fine as may be applicable.
- (e) A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised person by Part 19 of the Local Government Act, 2001, shall be guilty of an offence under section 204(3)(a) of the said Act.

- (f) Where an authorised person is of the opinion that a person is committing or has committed an offence under these Bye-Laws, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence under section 204(3) (b) of the said Act.
- (g) A person who is convicted of an offence under section 204(3) of the said Act shall be liable on summary conviction to a fine not exceeding €1,905 or such other fine as may be applicable.
- (h) Where a contravention of a provision of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €127 per day , or such other fine as may be applicable under section 205(2) of the Local Government Act, 2001.

**Made and adopted under the Common Seal of the County Council of the County of Clare this 9th day of November, 2015**

**Present when the Common Seal of the County Council of the County of Clare was affixed hereto:**

---

**Cathaoirleach of Clare**

---

**Director of Service**



