



ONCHAN GENERAL BYELAWS 2017

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Statutory Document No. 2017/0184

*Local Government Act 1985*

ONCHAN GENERAL BYELAWS 2017

*Approved by Tynwald: 18 July 2017**Coming into Operation: 1 August 2017*

Onchan District Commissioners makes the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

1 Title

These Byelaws are the Onchan General Byelaws 2017.

2 Commencement

If approved by Tynwald, these Byelaws come into operation on 1 August 2017¹ and cease to have effect on the 1 August 2037².

3 Interpretation

In these Byelaws —

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

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

“**carriageway**” has the same meaning as in section 119 of the Highways Act 1986;

“**controlled waste**” has the same meaning as in section 77 of the Public Health Act 1990;

“**footway**” has the same meaning as in section 119 of the Highways Act 1986;

“**highway**” has the same meaning as in section 119 of the Highways Act 1986;

“**invalid carriage**” has the same meaning as in section 65 of the Road Traffic Act 1985;

“**the local authority**” means Onchan District Commissioners;

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

² In accordance with section 28(3) of the Act the byelaws cease to have effect on the expiration of 20 years after the date on which they come into operation

“**motor cycle**” means a motor cycle as defined in section 65 of the Road Traffic Act 1985 whether or not made, adapted or permitted to be used on a road;

“**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; and

“**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.

4 Penalties and enforcement

- (1) A person contravening any of these Byelaws commits an offence and 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 a person must not, 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.
- (2) Paragraph (1) does not apply to a loudspeaker used in circumstances where section 14 of the Public Health Act 1990 (noise in streets) applies.
- (3) To avoid doubt, paragraph (1) does not apply to anything done in compliance with a written authorisation or consent from a Department, Statutory Board or the local authority.

6 Touting

- (1) A person must not in any public place, without the prior written consent of the local authority —
 - (a) 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 persons to retrieve any discarded leaflets so as to prevent littering; and
 - (b) requiring those persons to remain in specified areas.

7 Dangerous games near streets

A person must not 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.

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

- (1) A person must not –
 - (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 public place or 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.

9 Repairing vehicles

- (1) A person must not repair any motor vehicle on the footway or carriageway of any street.
- (2) If a person commits an offence under paragraph (1), and the local authority decides that it is necessary to cleanse the street or any surface water drain as a consequence of such repair, the local authority may

undertake the cleansing and recover the cost of so doing from that person.

- (3) A person must not, to the annoyance of residents, service, repair or work upon a motor vehicle or motorcycle in any street.
- (4) In proceedings for an offence under 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.

10 Interference with life-saving equipment

A person must not, 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.

11 Cycling and skating

A person must not cycle, skate on roller skates, a skateboard, rollers or wheels or any similar device on any footway in such a manner as to cause danger or annoyance to any person.

12 Moveable dwelling

- (1) A person must not maintain or reside in a moveable dwelling in any public place 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.

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

A person or business must not wash, sluice or brush, or cause to be washed, sluiced or brushed, into any street or public place, any dirt, debris or other waste from any yard, garden or other part of the curtilage of the premises.

14 Feeding of animals and birds

A person must not 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.

15 Removal of notices and signs

A person, other than an authorised person, must not 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.

16 Shopping trolleys

- (1) A person must not leave or abandon a shopping trolley in any public place away from the shop from which it was obtained.
- (2) On being notified by the local authority 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 from the owner.
- (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.

17 Drying or airing clothes, etc.

A person must not hang, drape or otherwise leave any clothing, bedding, towels or other items to be dried or aired on any string, line, rail or other apparatus at the front of any premises or at the side of any such premises where that side abuts a street.

18 Failure to remove refuse bins from highway after collection

- (1) The occupier of any premises from which controlled waste is collected must 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 to which that consent is subject.

19 Artificial Light

- (1) A person must not install security lights or exterior lights to a building or structure so as to cause a nuisance or give reasonable grounds for annoyance to a person in his or her home as referred to in paragraph (2).
- (2) The light causing the alleged nuisance or grounds for annoyance must affect a habitable room such as a bedroom or living room.

20 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 SEAL³ of Onchan District Commissioners was affixed on
22 May 2017 in the presence of –**

(L.S.)

MADE 22 MAY 2017

ANTHONY ALLEN

Chairman, Onchan District Commissioners

MICHAEL MORRISON

Clerk to Onchan District Commissioners

³ As required by section 30(2) of the Local Government Act 1985.



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 Onchan and maintaining the quality of life for residents and visitors.