ARRANGEMENT OF BYE-LAWS

I. Citation

II. Commencement

III. Duration of Bye-Laws

IV. Interpretation

V. Prohibited Acts
   • Damage
   • Nuisance
   • Vehicles/Tents/Overnight Parking
   • Trading/Hiring/Advertising/Events
   • Surfboards/Sailboards/Kiteboards/Canoes/Kayaks
   • Filming
   • Consumption of Alcohol
   • Control of Horses
   • Control of Dogs
   • Personal Watercraft
   • Exceptions

VI. Authorised Persons/Offences

VII. General

First Schedule:
   Schedule of Beaches to which the Bye-Laws apply

Second Schedule:
   Fixed Payment Notice for the purposes of Section 206 of the Local Government Act, 2001 (as amended)
Waterford City & County Council Beach Bye-Laws 2015


I. Citation

These bye-laws shall be cited as the Waterford City & County Council Beach Bye-Laws 2015. These bye-laws replace the Waterford County Council Beach Bye-Laws 2012.

II. Commencement

These bye-laws shall come into operation on the 12th day of July, 2015.

III. Duration of Bye-Laws

Unless otherwise stated these bye-laws shall apply year round.

IV. Interpretation

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:-

a. "The Council" means Waterford City & County Council
b. "The consent of the Council" means the permission in writing of an authorised person
c. "The Act" means the Local Government Act 2001 (as amended)
d. "Authorised Person" means any employee of the Council, any member of the Garda Síochána or any person designated in writing by the Council for the purposes of these bye-laws.
e. "Beach" refers to the area of the seashore and the foreshore. The words "seashore & foreshore" are defined in the Foreshore Act, 1933 (as amended). For the purposes of these Bye-Laws a “beach” shall included: any strand and/or area immediately adjacent to the foreshore consisting of a natural accumulation of sand/sand dunes and/or stones and/or shingle, which can be in either public or private ownership, together with the foreshore waters for a distance of 300
meters seaward from the shore and as listed on the First Schedule attached hereto. Also included are any walls, railings, barrier, fence, roadway, seats, footpath, walk, steps, drain, gully, post, sign notice, sign board, life saving apparatus, lamp, lamp-post, appliance for illumination, electric cable, wireless appliance, pipes, shelter, ornament, building or other structure forming part thereof or erected thereon belonging to the Council or erected thereon by the authority of the Council; Any tree, shrub, bush, hedge, flower, flowerbed, turf, grass or other plant growing thereon or placed thereon by the authority of the Council; Any implement, barrow, article or thing thereon belonging to the Council or placed thereon by the authority of the Council.

f. "Surf board" means a board used to surf using wave energy as a means of propulsion.
g. "Sail board" means a board with a sail attached allowing the operator to sail along waves as well as down them.
h. "Kite board" means a board used for surfing with the assistance of a kite, allowing the operator to sail along waves as well as down them.
i. "Swimming" includes floating, paddling, fishing or otherwise being in the sea for leisure purposes.
j. "Summer season" covers the period 1st June to 15th September, both dates inclusive.
k. “nuisance” means unreasonable interference with or disturbance or annoyance to any person in the exercise of his or her rights.
l. “danger” means a person or thing that may cause injury, loss, or pain to any person.
m. “waste” shall have the meaning attributed to it by Section 4 of the Waste Management Act, 1996, as amended.
n. “horse” includes donkey, mule and hinny.
o. “Personal Watercraft” shall mean any craft (other than a recreational craft) of less than 4 metres in length which uses an internal combustion engine as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing, or kneeling on, rather than within the confines of a hull, e.g. Jet skis, as described in the Maritime Safety Act 2005.
p. “slipway” means a slope built leading down into water, used for launching and landing boats; slipway also includes a fixed boat ramp or launch.
q. “Encamp” means the use as a temporary residence, which includes but is not limited to the use of tables and chairs and/or the extension of an awning, associated with a tent caravan or temporary dwelling.

V. Prohibited Acts

No person shall do or cause any of the following acts on the beach, namely:-

Damage

1. Light an open fire (other than in a contained unit, such as a barbecue) or do anything which may cause damage by fire.
2. Damage any grass, sand dunes, plants, shrubs or any plant on or along the beach.
3. Paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or structure.
4. Deposit any waste, rubbish or any item of litter as defined in the Litter Pollution Act, 1997, as amended.
5. Remove any sand, stones, seaweed or soil from the beach, except in accordance with legislation and except with the consent of the Council.
6. Interfere with or damage any life buoy, lifesaving equipment, rope marker, hut, cabin, litter receptacle, sign or flagpole, flag or information board, wall, railing or fence or any other thing placed on the beach by the Council or by the authority of the Council.
7. Ignite or set off Fireworks, slap-bangs or other such contrivances.
Nuisance

8. Cause a nuisance or do any act likely to cause a nuisance thereon.
9. Cause annoyance, obstruction, danger or injury to any person frequenting or using the Beach, or do any act likely to cause annoyance, obstruction, danger or injury to any person frequenting the Beach.
10. Create or cause any unreasonable levels of noise including playing music from radios, stereos or other musical instruments at such level as to cause annoyance to other Beach users.
11. Obstruct, impede, annoy, or needlessly interrupt an Authorised Person or employee of the Council in the performance of his/her duties, or disobey the lawful directions of an Authorised Person or employee of the Council.

Vehicles/Tents/Overnight Parking

12. Encamp or place or erect or cause to be placed or erected on the beach, or dune system appurtenant to the beach, any tent, caravan, or other temporary dwelling.

Trading/Hiring/Advertising/Events

13. Save with the consent of the Council, exhibit any advertising board, placard, wares, merchandise or play any amplified music on the beach or, organise, stage or hold any public, sporting or commercial event on the beach.
14. Save in accordance with a license issued by the Council under the Casual Trading Act 1995, as amended, sell any article, commodity, goods or services, sell or hire or offer tuition or lessons or offer for sale or hire or place any object on the beach for the purpose of sale or hire including any:
   1. booth, stand, stall, chair, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sailboard, lilo, sails, equipment, personal watercraft or other water craft or any commodity or thing whatsoever.
15. Save in accordance with a license issued by the Council under the Casual Trading Act 1995, as amended, sell or hire or offer for sale or hire or place any children’s or any play equipment onto the beach for the purpose of sale or hire.

Surfboards/Sailboards/Kiteboards/Canoes/Kayaks

16. No person shall wind surf on sailboards or kite surf on kiteboards or surf on a surfboard or use a canoe or kayak in close proximity to swimmers.
17. The Council may designate areas of the beach that will be clearly defined and to which the use of surf/kite/sail boards, canoes and kayaks is restricted.
18. No person shall offer tuition in surfing or any other water sport/activity from the beach or in the sea unless done in accordance with the standards issued from time to time by the Irish Water Safety and/or other body recognised to issue such and unless done in accordance with the conditions of a license.

Filming

19. No person shall make any movie or film on a commercial basis on a beach except with the consent of the Council and subject to the terms and conditions of such consent.
Consumption of Alcohol

20. No person shall consume alcohol on a beach, or organise an event which involves consumption of alcohol on a beach except with the consent of the Council and subject to the terms and conditions of such consent.

Control of Horses

21. No person shall bring horses on to the Beach outside of the hours of 5.00 a.m. to 11.00 a.m. during the summer season. (No prohibited times outside of summer season).
22. No person shall bring horses onto the Beach except by means of recognised public vehicular accesses or dedicated horse access ways, save on foot of a written consent from the Council.
23. No person shall bring or allow horses to enter upon any part of the sand dunes save for access and egress to the Beach and then only across recognised public vehicular accesses or dedicated horse access ways.
24. Persons in charge of a horse on any beach shall ensure the following:
   (i) That the horse is at all times under control.
   (ii) That the horse is not causing annoyance, danger or nuisance to any person on the beach.

Control of Dogs

25. Persons in charge of dogs shall have regard to the Council’s current Control of Dogs Bye-Laws, which may prohibit dogs on beaches during specific times during the summer season. A copy of the Council’s current Control of Dog Bye-Laws is available on the Council’s website www.waterfordcouncil.ie or a copy can be obtained from the Environment Department, Waterford City & County Council, Civic Offices, Dungarvan, Co. Waterford.

Personal Watercraft

26. Personal watercraft may only be launched from, and landed to, an existing slipway.
27. The launching or landing of personal watercraft is strictly prohibited from beaches.
28. Operators of personal watercraft shall observe a speed restriction not exceeding 5 knots when launching from slipways for a distance of 300 meters seawards and should not operate in the proximity of swimmers, except in the event of an emergency.
29. The use of a personal watercraft within 300 meters of the low water mark is prohibited, except for the purpose of rescue or while obtaining access to or egress from the water at a slipway.
30. Every person in charge of a personal watercraft shall act in such a manner as not to cause annoyance to any person using a beach or swimming in the water or to disturb naturally occurring flora and fauna.
31. A person in charge of or using in any way a personal watercraft shall wear a suitable personal flotation device or lifejacket.

Fishing

32. Fishing shall not be allowed in the bathing areas of the Guillameen and Newtown Cove, in the townland of Newtown, Tramore.
Exceptions

This Bye-Law shall not apply to vehicles or watercrafts operated by the Council or its agents, The Commissioners of Public Works, An Garda Síochána, Defence Forces, Civil Defence, Coast Guard, RNLI, Community Inshore Rescue Service or recognised rescue services, Customs & Excise, the Receiver of Wrecks, or those under license from the Department of Agriculture, Food and the Marine.

This Bye-Law shall not apply to horses kept by An Garda Síochána and wholly used by an employee or member of An Garda Síochána while on duty.

VI. Authorised Persons/Offences

It shall be lawful for a member of the Garda Síochána or an Authorised Person to enforce these bye-laws and to exclude or remove from any part of the beach any person committing any breach of the above bye-laws and to take such other steps as authorised by law.

A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.60.

If 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 €126.97 per day.

A person who obstructs or impedes or refuses to comply with a request of a member of the Garda Síochána or of an Authorised Person, acting in the exercise of the functions conferred on an Authorised Person by these bye-laws, shall be guilty of an offence.

Where an Authorised Person or a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the Garda or the Authorised Person as the case may be, may demand the name and address of such person, including photographic identification, and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.

Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.

An offence under these bye-laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána.

The Council may issue a person that contravenes any provision of these bye-laws with a Fixed Penalty Notice specifying that if an amount of €75 is paid within 21 days of the date on which the Notice was issued, the Council shall not proceed with a prosecution. Notice of the fixed payment shall be in the general form of the notice in the Second Schedule to these Bye-Laws. Prosecution may lead to a fine not exceeding euro €1,904.60 on summary conviction.

If the 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 €126.97 per day.
VII. General

Nothing contained in or done under any of the provisions of the foregoing bye-laws shall in any respect prejudice or injuriously affect the rights and interests of the state in the foreshore, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over or in respect of the foreshore.

These provisions shall not restrict the exercise by owners or occupiers of properties abutting the beach of long established rights of access thereon and shall not restrict the exercise by any Agency of the State of its statutory powers.

These provisions shall not prohibit fishermen or boatmen from carrying out their lawful trade.

Made and adopted under the Common Seal of Waterford City and County Council

this 11th day of June 2015.

Present when the Common Seal of Waterford City and County Council for affixed hereto:

[Signature]

Mayor of Waterford City & County Council

[Signature]

Nominated Official
FIRST SCHEDULE

Beaches/Strands, within the administrative area of Waterford City & County Council, to which these Bye-Laws apply:-

- An Coinigéar in the townland of Maoil an Choirnigh
- Annestown in the townlands of Annestown and Woodstown
- Ardmore Boat Cove in the townland of Dysert
- Ardmore in the townland of Duffcarrick
- Badgers Cove in the townland of Dunmore East
- Baile na ngAll in the townlands of Baile na ngAll Beag & Baile na ngAll Mór
- Ballinacourty in the townland of Ballymacaw
- Ballydwane (Stradbally) in the townlands of Ballydowane East & Ballydowane West
- Ballymacaw Cove in the townland of Ballymacaw
- Ballyquin in the townland of Ballyquin
- Ballyvooney (Stradbally) in the townland of Ballyvooney
- Benvoy Cove in the townland of Benvoy
- Boatstrand in the townland of Dunabrattin
- Bunnahowan in the townland of Templevrick
- Calis Bay in the townland of Monasterry East and Monastrey Middle
- Clonea in townlands of Kilgrovan and Tallacoolmore and Clonea Lower
- Counsellors Strand Dunmore East in the townland of Nymphall
- Garrarus in the townland of Coher
- Goat Island in the townland of Ardogina
- Guillameen in the townland of Newtown
- Heilbheic in the townland of Heilbheic
- Kilfarrissay in the townland of Islandkeane
- Killmurren in the townland of Killmurren
- Ladies Cove in the townland of Dunmore East
- Lady Elizabeth Cove (Tramore Pier) in the townland of Newtown
- Main Strand Dunmore East in the townland of Nymphall
- Monatrae in the townland of Ballysallagh
- Newtown Cove in the townland of Newtown
- Passage Strand in the townland of Crooke
- Portally Cove in the townland of Portally
- Rathmoylan Cove in the townland of Rathmoylan
- Saleens in the townland of Summerville, Corballymore and Liseelty
- Stony Cove in the townland of Dunmore East
- Stradbally Cove in the townland of Stradballymore
- Strand Beach Tramore in the townlands of Tramore Borough & Tramore West
- The Slip Cove in the townland of Kockmahon
- Whiting Bay in the townlands of Ballysallagh, Clashanahy, Cappagh and Ardogina
- Woodstown in the townlands of Ballyglan, Woodstown Lower, and Dromina
SECOND SCHEDULE

WATERFORD CITY & COUNTY COUNCIL

BEACH BYE-LAWS 2015

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT, 2001 (as amended)

NAME OF LOCAL AUTHORITY: WATERFORD CITY & COUNTY COUNCIL

TO:

Name: 

Address: 

It is alleged that you have contravened the provisions of bye-laws made under Part 19 of the Local Government Act, 2001 (as amended) entitled Waterford City & County Council Beach Bye-Laws 2015

by .................................................................(in general terms specify nature of contravention)

at .................................................................

on ..............................................................

During this period of 21 days beginning on the date of this notice you may pay the sum of €75, producing/attaching this notice, at any of the offices of Waterford City & County Council which are located at (1) Baileys New Street, Waterford, or (2) Civic Offices, Dungarvan, Co Waterford

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time in respect of the said alleged offence.

Signed: ___________________________ Date: ___________________

(Authorised Officer)

IMPORTANT: Payment will be accepted at any of the offices of Waterford City & County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc., should be made payable to Waterford City & County Council.

A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.