



DRAFT – NOVEMBER 2011

COMHAIRLE CHONTAE CHILL MHANTAIN

WICKLOW COUNTY COUNCIL

BEACH BYE-LAWS FOR THE COUNTY OF WICKLOW

The Council of the County of Wicklow in pursuance of the powers conferred on it under Part 19 of the Local Government Act, 2001 and in the interests of the common good hereby makes the following bye-laws for the beaches set out in the schedule hereto in the County of Wicklow

1. These Bye-Laws shall be cited as the Wicklow County Council Beach Bye-Laws 2012. They replace the Beach Bye-Laws 2001.
2. This Bye-Law shall come into operation the xxxxxxxxxxxx 2012...
3. In these Bye-Laws the following definitions shall apply:

“**The Local Authority**” means the Council of the County of Wicklow.

“**The Acts**” mean the Local Government Act, 1991 and Local Government Act 2001 and Local Government Act, 2001 (Bye-laws) Regulations 2006.

“**Beach**” means and includes the foreshore and any coastal water, bank, cliff, footpath, road, car-park, sands, sand dunes and rocks contiguous to the foreshore. This includes any sea for a distance from the strand to 200 metres (seawards) from the low water mark. The words seashore and foreshore have the same meaning as defined in Section 1 of the Foreshore Act, 1933.

“**Authorised Person**” means a person authorised in writing by the Council for the purposes of Section 204 of the Local Government Act 2001...

“**Surf board**” means a board used to surf using wave energy as a means of propulsion

"**Sail board**" means a board with a sail attached allowing the operator to sail along waves as well as down them

"**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

"**Swimming**" includes floating, paddling, or otherwise being in the sea for leisure purposes

"**Jet Ski**" means a power operated pleasure craft propelled by water jet capable of travelling at high speeds.

"**Fast power craft**" means a power operated craft other than a jet ski capable of travelling at high speeds whether engaged in towing other appliances or not.

"**Summer Season**" means the months of June, July, and August and to 15th September inclusive.

"**Quad**" means a four-wheeled mechanically propelled vehicle capable of travelling at high speeds.

4. DESIGNATIONS

Designations will not take place without the prior consent of the Council.

5. PROHIBITED ACTS

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

NUISANCE

Nuisance Cause a nuisance or danger to people on the beach or cause a nuisance or do any act likely to cause a nuisance thereon

Disorder: Act in a disorderly, menacing threatening, or offensive manner.

Obscene/Behaviour/Language: Behave indecently or use obscene or profane language

Noise: Play musical instruments, radio, stereos, etc., at such noise level as to cause annoyance to others.

Beg/Gamble: Beg, gamble, importune or otherwise cause annoyance.

Obstruction No person shall wilfully cause danger, obstruction or annoyance to persons using the beach or wilfully obstruct any officer or employee of the Council in the execution of his duty or in the proper execution of any work in connection with the enforcement of these bye-laws.

Alcoholic Beverages _No person shall drink, consume or partake of alcoholic beverages on the beach between the hours 8 p.m. to 10 a.m.

DAMAGE

Light an open fire or do anything which may cause damage by fire

Damage any grass, sand dunes, shrubs or any plant on or along the beach

Paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or structure. Injure, disfigure, write graffiti on or mark any structure, seat, chair, sculpture, notice or notice board.

Litter - Bring, deposit or discharge any soil, filth, refuse, rubbish, stones, earth or throw, deposit or leave any item of litter as defined in the Litter Pollution Act, 1997 or any amendment or re-enactment thereof.

Remove any sand, stones, seaweed or soil from the beach, except in accordance with legislation and except with the consent of the Council

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 or within the car parks by Wicklow County Council

VEHICLES / TENTS / OVERNIGHT PARKING

Motor Vehicles: Drive, propel or park any motor car, or other mechanically propelled vehicle including a beach buggy or motor cycle on the beach (other than in an area designated for such purposes) save with the permission in writing of the Council and subject to the terms and conditions of such permission.

This restriction does not apply to Garda patrol cars or Garda motorcycles when being used by a member of An Garda Siochana while on duty or emergency service vehicles (such as ambulance, fire brigade etc.) in the course of carrying out their functions.

There will be no overnight parking of any motor car, or other mechanically propelled vehicle including a beach buggy or motor cycle or camper van within the car park area adjoining the designated beaches.

Camping No person shall place or keep any caravan, tent or dormobile on any part of the beach save with the permission in writing of the Council and subject to the terms and conditions of such permission.

TRADING/HIRING/ADVERTISING/SPECIAL EVENTS

No person shall sell, hire, expose or offer for sale any vehicle, boat conveyance, chair, article, animal, commodity or thing whatsoever, save with the consent of the Council and in accordance with the Casual Trading Act 1995 and any Bye-Laws made there under or,

Exhibit any advertising board, placard, wares, and merchandise or play any musical instrument or sing for gain on the beach, save with the consent of the Council and in accordance with the Casual Trading Act 1995 and any Bye-Laws made there under.

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, charity, sporting or commercial event on the beach.

Save in accordance with a license issued by Wicklow County Council, 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: booth, stand, stall, chair, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail-board, lilo, sails, equipment, personal watercraft or other water craft or any commodity or thing whatsoever.

Save in accordance with a license issued by Wicklow County

Council, 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, including any: bouncing castles, pony rides, inflatable toys or articles for use on water, trampolines, quad bikes, go-karts or any play item whatsoever.

SPORTS

Games: Play football, handball, golf, hurling, cricket, tennis or any other game which for the prevention of damage, danger, obstruction, or discomfort to any other person may necessitate at any time during the continuance of the game, the exclusive use by the player or players of any part of the seashores save with the consent of the Council.

Golf: Play the game of golf or practise any aspect of the game on any part of the beach.

Training No person as a member of a group or team shall engage in sports training (including football training) on any part of the beach, and in particular shall refrain from using for such training any portion of the beach which comprises sand dunes, save with the consent of the Council

FISHING

The Council may designate areas of the beach and period of time with respect to the beach where and during which fishing will be prohibited. No person shall fish in an area, or during a period, so designated.

No person shall spread, fix or leave any nets, bait, lines, boxes, fishing gear, fish or shells in any such area.

Greystones South Beach – Map Ref 2011/3 – No fishing shall be permitted on any part of designated bathing area.

DOGS

The Council may designate areas of the beach where dogs are prohibited. No person shall bring a dog into, or allow a dog under his or her control to remain in, an area so designated.

On Blue flag designated beaches, dogs and pets are permitted in the parking areas, on walkways and promenades in the back beach area only.

Persons in charge of a dog on a beach shall ensure the following:-

- It is on a leash or under adequate control:
- It is not causing annoyance to any person using the beach or worrying, chasing, injuring or disturbing any animals, birds or other creatures on the beach:
- Removal of its faeces and depositing it in a litterbin or other receptacle which may be designated for this purpose.

Only dogs for the blind are exempt from this Bye-Law as also are dogs kept by An Garda Siochana and wholly used by a member of An Garda Siochana in the execution of his/her duties.

HORSES

No person shall be permitted to bring onto or ride, wash, drive or lead any horse, pony, donkey, ass, mule or other animal of the equine species on the beach, other than in the circumstances described in Schedule 2 to these Bye-Laws.

Persons in charge of such animals on a beach shall ensure the following: -

- Access and egress is only obtained at the points designated by the Council, shown on the attached map:
- It is at all times under control.
- It is not causing annoyance, danger or nuisance to any person using the beach:

- Removal of its faeces and depositing it in a litter bin or a receptacle which may be designated for this purpose:
- It is not allowed on any part of the beach which comprises of sand dunes:
- Horse riding takes place below mean high water mark, except for the purposes of obtaining access to or egress from the beach, provided always that such access to or egress from the beach does not involve a horse being in an area of the beach that comprises sand dunes.

(This bye-law does not apply to horses kept by An Garda Siochana and wholly used by an employee or member of An Garda Siochana while on duty.)

SURFING, SAILING, ETC.

No person shall wind surf on sailboards or kite surf on kite boards or surf on a surfboard or use a canoe or kayak in close proximity to swimmers.

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.

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 standards by Wicklow County Council and unless done in accordance with the conditions of a license.

Designated area for the above is included in Map Ref 2011/1 and Map Ref 2011/2 attached to these bye-laws.

JET SKIS AND FAST POWER BOATS

The Council may designate areas of the beach which will be clearly defined where access to or egress from the sea may be obtained by persons using jet skis or powerboats. Access and launch area will not be at/from the beach itself but from an area designated.

Every person in charge of a jet ski or powerboat shall act in such a manner as not to cause injury, annoyance or danger to any person using a beach or windsurfing or swimming in the sea or to disturb naturally occurring flora and fauna. Electrical suppression shall be included for all motors of such jet skis and fast powerboats.

Any person bringing a jet ski or power boat onto the beach area who contravenes these Bye-Laws must remove it from the beach if so directed by an authorised person.

The use of jet-skis or power boats within 300 metres of the waters edge of a beach is prohibited except while obtaining access to or egress from the sea at a designated area as referred to above.

Operators of jet-skis or power boats shall travel at such reduced speed as necessary in the vicinity of bathers and/or water users so as not to cause them fear or anxiety.

This bye-law shall not apply to vessels kept by An Garda Siochana in the execution of his/her duty.

MISCELLANEOUS

- Firearms** Bring onto the beach any firearm, airgun, catapult or any other weapon.
- Barbecue** Bring onto the beach equipment used to barbecue food and the deposit of hot coals on the beach. The Council may designate areas of the beach where barbecues may be permitted.
- Filming** 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.
- Charity Events** No person shall host or organise any charity event on a beach except with the consent of the Council and subject to the terms and conditions of such consent.

6. REFUSAL OF PERMISSION

The Council may refuse permission for any of the purposes mentioned in these bye-laws if, having regard to the character of the applicant, the number of persons already holding permits of the class applied for, and the general comfort and convenience of visitors to the beach, they consider that a permit should not be granted.

7. PERMITS

One Off Permits - Any permission granted to any person, club or organisation for the exclusive and/or specific occupation by such person, club or organisation of any portion of the beach shall be in accordance with such conditions as the Council consider appropriate having regard to the circumstances in any particular case. Permits will be granted on a once off basis only and for specific events applied for to the Council, in writing prior to the event taking place.

8. AUTHORISED PERSONS / OFFENCES

It shall be lawful for any Authorised Person or member of the Garda Siochana 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.

Any person who contravenes a provision of these bye-laws or of any permit or condition or conditions of any permit granted under these bye-laws shall be guilty of an offence and shall be liable to an on-the-spot fine of ~~€60~~ for a simple breach of the bye-laws, or to a fine not exceeding ~~€1900~~ 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~~ per day.

A person who obstructs or impedes or refuses to comply with a request of a member of An 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 authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person give 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

9. 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.

SCHEDULE - BEACH BYE-LAWS 2012

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Schedule 1 – Designated Beaches

LOCATION	MAP NO.
Brittas Bay North Beach	2011/1
Brittas Bay South Beach	2011/2
Greystones South Beach	2011/3

Schedule 2 - Horses

Description of circumstances for keeping, riding or driving a horse on a beach.

The horse must be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person.

Horses are permitted on a beach only during the months, days and times (periods of the day) stipulated below: -

January, February; March, April, October, November, December.

Saturday, Sundays and Public Holidays – 9 p.m. To 10 a.m.

All other days – any time of the day

May, June, July, August and September -9.00p.m. to 10.a.m.

(i.e. after 9 p.m. in the evening and before 10 a.m. in the morning)