

**COMHAIRLE CHONTAE CHILL MHANTAIN**  
**WICKLOW COUNTY COUNCIL**



**BYE-LAWS 2014**

**For the regulation of**

**Greystones Harbour and Marina**

# GREYSTONES HARBOUR AND MARINA BYE-LAWS 2014

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**SECTION I:  
GREYSTONES HARBOUR and MARINA BYE-LAWS**

Wicklow County Council hereby makes the following Bye-Laws with respect to the use of, and the safety of navigation within, its Harbour and Marina and generally with respect to the regulation of its Harbour and Marina and surrounding property.

**PRELIMINARY**

1. Title and Commencement  
These Bye-Laws may be cited as the Greystones Harbour and Marina Bye-Laws and shall come into operation on the 10<sup>th</sup> day of October 2014
  
2. Division into Parts  
These Bye-Laws are divided into the following parts:
  1. Part I Interpretation
  2. Part II Navigation, Signals, Pollution and Wrecks.
  3. Part III Berths, Moorings
  4. Part IV Cargo/Goods, Boats for hire, Boat Yard.
  5. Part V Vehicular Traffic
  6. Part VI Public Areas, Piers, Various Regulations,
  7. Part VII Penalties
  
3. Application  
These Bye-Laws shall apply to all areas of the Greystones Harbour and Marina as designated on the map shown in Appendix I.

## **BYE-LAWS SECTION 2**

### **GREYSTONES HARBOUR AND MARINA BYE-LAWS 2014**

*These bye-laws have been adopted to ensure compliance by the harbour users and visitors with the proper and safe operation of the harbour and marina.*

The by-laws were adopted by Wicklow County Council on 8<sup>th</sup> September 2014

The following, inter alia, are prohibited and made offences by the bye-laws and persons so offending are liable on conviction to the penalties provided for by the said bye-laws and on summary conviction to a fine not exceeding €1,904.00 or imprisonment for a term not exceeding 12 months or both.

1. Evading or attempting to evade harbour/marina charges.
2. Failure of the master of a vessel to comply with certain directions of the Harbour Master.
3. Obstructing or impeding the Harbour Master in the exercise of his duty.
4. Breach of prohibition on bringing certain vessels, vehicles and articles within the Greystones Harbour and Marina area. This includes any vessel, fast craft, motor or self propelled vehicle that the Harbour Master deems a danger to navigation or to the general public. The area of this prohibition is to include the water area of the harbour and the marina and all the land area bordering the marina and harbour complex.
5. Interfering with anything placed in the Greystones Harbour and Marina for the purpose of safety.
6. Obstructing or impeding the Harbour Master or an Authorised Officer under these bye laws, while entering onto a vessel pursuant to the safe operation of Greystones Harbour and Marina.
7. The use of the Greystones Harbour and Marina for the loading and transport of commercial cargoes without prior written permission.
8. The refusal or failure to produce when requested evidence of certification of competency, insurance or any licences that maybe required by a particular vessel to operate.
9. Failure or refusal to provide accurate details of the vessel to be moored or berthed.

## **Authorisation and Commencement**

### **Administrative Area Local Government Act, 2001 (No.37 of 2001)**

*Local Government Act, 2001 (Bye-Laws) Regulations, 2006*

*Maritime Safety Act, 2005 (No.11 of 2005)*

*Harbours Act, 1996 (No.11 of 1996)*

*Litter Pollution Act, 1997*

*Road Traffic Act, 1961*

*Local Government (Water Pollution Act. 1977) as amended by the Local Government Water Pollution (Amendment Act 1990).*

*European Communities (Port Reception Facilities for Ship Generated Waste and Cargo Residues) Regulations 2002 - SI No. 117 of 2003*

*Control of Dogs (Restriction of Certain Dogs) Regulations, 1991*

*Wicklow County Council, being the Local Authority whose administrative area includes Greystones in the County of Wicklow and has under its control Greystones Harbour at the Coastline, in exercise of the powers conferred on it by Part 19 (Bye-Laws) of the Local Government Act, 2001 as amended, and Part 2 of the Maritime Safety Act, 2005, and Sections 13, 89 and the sixth schedule to the Harbours Act 1996 as amended, hereby make the following Bye-Laws.*

Wicklow County Council will appoint Authorised Officers to act on behalf of Wicklow County Council to implement these bye laws.

*“Authorised Officer” means a person for the time being authorised in writing by Wicklow County Council to act on behalf of the Local Authority pursuant to Section 204(1) of the Local Government Act, in respect of Greystones Harbour and Marina.*

## PART I: INTERPRETATION

### Interpretation:

In these Bye-Laws, unless the context otherwise requires:

- A). **"The Council"** Is Wicklow County Council.
- B). **"Male/Female genders"** Words denoting the masculine gender only shall include the feminine gender also, and the word **"person"** shall include a body corporate.
- C). **"The Company"** is the Concession Company appointed by Wicklow County Council. Reference to "The Company" in these bye-laws shall be deemed to include such agents as may be appointed to carry out duties under the auspices of the bye-laws.
- D). **"The Harbour Master, Marina Operator (HMMO)"** the person appointed by the Company as Harbour Master, including members of the staff of the Company to whom the Harbour Master and Marina Manager delegates any of his functions under statute or under these Bye-Laws.
- E). **"Authorised Officer"** *a person authorised in writing by Wicklow County Council to act on behalf of the Local Authority pursuant to Section 204(1) of the Local Government Act, in respect of Greystones Harbour and Marina.*
- F). **The Harbour"** the harbour and marina of Greystones, including the harbour approaches which extend 100 metres from the entrance of the harbour into the Irish Sea, and all quays, piers, landings, docks, roadways and all other works, and lands or buildings for the time being vested in or occupied or administered by the Company and as outlined in red on the map attached to these bye-laws.
- G). **"Berth"** any dock, pier, jetty, quay, mooring or other place at which a vessel might lie within the harbour
- H). **"Vessel"** any ship, boat or other waterborne vessel or craft of any description.
- I). **"The Master"** when used in relation to a vessel, means any person having the command, or control of the vessel for the time being.

- J). **"The Owner"** when used with reference to a vessel, includes the owner, agent, master, the person chartering or other person in charge of that vessel and his respective servants or agents.
- K). **"Boat"** open boat, skiff, dinghy, punt, windsurfing board, personal water craft, racing hull or canoe, whether propelled by mechanical power, sails, oars or other means.
- L). **"Fairways"** shall be the free passage of water way left to provide safe access to the marina berths or quays.
- M). **"Vehicle"** any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans and mobile homes, and includes items which are towed, such as a boat trailer.
- N). **"Bicycles/Skate boards/Scooters"** any wheeled vehicle capable of the carriage of a person propelled manually.
- O). **"Car park"** any area of the Harbour designated for the parking of vehicles.
- P). **"Wreck"** any jetsam, flotsam, lagan and derelict matter found in or on the shores of the sea or tidal water in the Harbour, or elsewhere within the Harbour.
- Q). **"Goods"** all articles and merchandise of every description, including fish, livestock and animals.
- R). **"Fishing Vessel"** a vessel used for sea-fishing or for angling in the sea, on a commercial basis.
- S). **"Skipper"** in relation to a fishing vessel, means the person having for the time being command or charge of that vessel.
- T). **"Passenger Boat"** a vessel carrying not more than 12 persons for reward;
- U). **"Passenger Ship"** a vessel carrying more than 12 persons for reward, but which is not a fishing vessel.
- V). **"Collision Regulations"** The International Regulations for Preventing Collisions at Sea, 1972, which is incorporated into Irish law by the Collision Regulations (Ships and Watercraft on the Water), Statutory Instrument No.29 of 1984, as amended.
- W). **"Moorings"** Grounded fore and aft moorings laid down in accordance with these bye-laws and subject to the charge approved and collected by Wicklow County Council.

## **PART II: NAVIGATION, SIGNALS, POLLUTION AND WRECKS**

### **Navigation:**

- 2.1 The Collision Regulations shall apply in the Harbour, provided that pursuant to Rule 1(b) thereof, in the event of conflict between the said Regulations and these Bye-Laws, the latter shall prevail.
- 2.2
- A) No person shall navigate or attempt to navigate a Vessel when unfit by reason of drink or drugs to do so.
  - B) No Master or Owner of a Vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Bye-Law.
- 2.3 The Fairways shall be kept free and open. Unless otherwise directed by the HMMO, no Vessel entering the harbour shall anchor or moor in, or act in such a manner as to obstruct the Fairways.
- 2.4 Lobster and/or crab pots, fish traps are prohibited within the confines of Greystones Harbour and Marina as detailed on the map in Appendix 1. Fishing lines are at all times to be laid clear of navigational waters, slipways and landing steps in the harbour. At North Beach fishing lines are to be cast in such position as not to become an obstruction or danger to any property, including in particular, but without prejudice to the generality of the foregoing, any Vessel or mooring.
- 2.5 The Master of a Vessel which is not confined to the Fairways, and small pleasure craft, shall not make use of the Fairways so as to cause obstruction to other vessels which can navigate only within the Fairways.
- 2.6 Sailing dinghies and kayaks must not obstruct the fairways and in the interest of safety must clear the harbour entrance as quickly as possible. Unnecessary tacking across the harbour entrance is not permitted.

- 2.7 . All Vessels, except locally based pleasure craft, shall inform Greystones Harbour/Marina office by VHF radio of the following:
- A) Estimated time of arrival (ETA) at the harbour entrance. The VHF radio call must be made at least 30 minutes in advance prior to the arrival of the vessel.
  - B) Estimated time of departure (ETD) from berth at least one hour in advance of departure, which must also be confirmed five minutes before departure, which must notify ETD and confirm same five minutes prior to departure.
- 2.8 No power-driven Vessel shall exceed the speed of 5 knots or shall race or take part in any race, within the harbour.
- 2.8.1 The limit in paragraph (1) of this Bye-Law is not applicable to large power- driven vessels at the harbour entrance in strong spring tide flows, or to the Coast Guard, RNLI or other craft whilst engaged on emergency service.
- 2.9 All power driven vessels should have electrical suppression fitted.
- 2.10 No person or persons shall engage or take part in water-skiing, windsurfing, aquaplaning, paragliding or similar airborne or water activities within the harbour. Speed boats and Personal Water Craft are restricted to the speed limit of 5 knots whilst within the harbour.
- 2.11 In the interests of safety swimming and diving is prohibited in within the area of Greystones Harbour and Marina within the breakwaters. This is to ensure that swimmers do not impede the navigational fairways and do not come in contact with moving vessels. The exception is the holding of special swimming regattas or training which must be organised and co-ordinated with the HMMO. Notice of 3 calendar months must be given in writing prior to the event.
- 2.12 The Master of a Vessel shall, except where the HMMO has granted an exemption, ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available to:-
- a) attend to his vessel's mooring;

- b) comply with any directions given by the HMMO for the unmooring, mooring and moving of his vessel;
- c) deal, in so far as reasonably practicable, with any emergency that may arise.

2.13 Where a Vessel is at any time not capable of being safely moved by means of its own propulsion machinery, the Master or Owner shall inform the HMMO forthwith and shall give to him any further information which the HMMO may require.

2.14 While a Vessel is alongside a berth in the harbour, all boats and anchors shall be lifted inboard. Sails shall not be left loose at night or in stormy weather. Jib-booms of all vessels shall be rigged in if so directed by the HMMO.

2.15 No Vessel of any description shall remain afloat in any part of the harbour without being fully fitted out and seaworthy, except such craft that has suffered weather damage and is using the harbour for shelter and immediate repair works. Owners of such vessels must make provision of the immediate lift out of such vessels

2.16 Except at specific times or occasions that may be permitted by the HMMO, in writing, from time to time, at no other time or occasion are racing or any other markers, floats or buoys permitted in the Fairways.

### **Regatta & Special Events:**

2.17 The organiser of any regatta, championship race or any other occasion when a number of Vessels is expected to assemble on the waters of the Harbour, shall give not less than 30 days notice thereof in writing to the HMMO, and shall seek the consent of the HMMO to the holding of the event.

2.18 Any alteration or cancellation required by the HMMO shall, if practicable, be notified to the organiser at least seven clear days before the proposed date of the event, but may, in exceptional circumstances, be notified by the HMMO to the organiser at any time prior to the commencement of the event.

- 2.19 The Master of a Vessel, or a rod fisherman from the shore, on the occasion of any boat race, regatta, championship race, public procession or any other occasion when a number of vessels are assembled in the harbour shall not permit his vessel, or the rod fisherman his line or casting thereof, to pass therein so as to obstruct, or impede or interfere with the boat race, regatta, championship race or procession, or to endanger the safety of persons assembling in the Harbour, or to prevent the maintenance of order therein, and the Master of a vessel or a rod fisherman from the shore shall obey the directions of the HMMO or other persons authorised by him to superintend the execution of this Bye-Law, including members of the Harbour/Marina staff.

### **Signals:**

- 2.19 Large power-driven vessels referred to in Bye-Law 1.21 "Passenger Ship" shall sound:
- A) One prolonged blast when approaching the harbour entrance in accordance with Rule 34(e) of the Collision Regulations.
  - B) A prolonged blast when departing head first from a berth.
  - C) Signals as per the Collision Regulations, when manoeuvring off harbour berths.

### **Pollution Control:**

An approved harbour/marina waste management plan, under the European Union Disposal of Ship Generated Waste Directive operates within Greystones Harbour and Marina. All visiting vessels must inform the harbour and marina office of any waste and the type of waste that they wish to dispose of on arrival. Separated waste containers are available for the disposal of general waste, paper, glass, waste oil and batteries. A waste management charge is levied on all berthed and moored boats.

- 2.20 No person shall store, deliver or distribute fuel within Greystones Harbour and Marina without the written permission of the HMMO.
- 2.21 No person shall discharge effluent or waste matter of any kind into the waters of Greystones Harbour and Marina.
- 2.22 No person shall, except with the prior consent of the HMMO, pour, pump, or knowingly allow escape within the Harbour, any dangerous, oily or offensive matter, unless such action is necessary for the purpose of securing a Vessel or of saving life and it is not reasonably practicable to obtain such consent.
- 2.23 The Master of a Vessel or any person in charge of a premises or vehicle from which any dangerous, oily or offensive matter has been poured,

leaked, drained, pumped or allowed to escape within Greystones Harbour Marina or who is responsible for the commission of any of the acts referred to in bye-law 2.21 and 2.22 above shall immediately inform the HMMO of the occurrence of same.

- 2.24 The Master of a Vessel which has sustained damage outside the harbour approach area which affects or is likely to affect her seaworthiness, or from which oil or some dangerous or flammable substance is escaping or is likely to escape, shall give notice thereof to the HMMO, and the vessel shall not enter Greystones Harbour and Marina, except with the permission of the HMMO and in accordance with his directions.
- 2.25 The Master of a Vessel in the harbour which has been in collision with or has occasioned damage to other vessels or property shall give immediate notice of the incident to the HMMO, and where the damage to a vessel is such that it affects or is likely to affect her seaworthiness, the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the HMMO and in accordance with his directions.
- 2.26 The Master of a Vessel in the harbour/marina which has sustained damage or is on fire or from which oil or some dangerous or flammable substance is escaping or is likely to escape shall give immediate notice thereof to the HMMO, and the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the HMMO and in accordance with his directions.

**Wrecks:**

- 2.27 The Master of a Vessel which has sunk or is grounded in the harbour shall immediately give to the HMMO notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation in the harbour.
- 2.28 No person shall abandon a Vessel within Greystones Harbour and Marina.
- A) For the purpose of Bye-Law 2.27, above, a person who leaves a Vessel within the Harbour in such circumstances or for such period that he may reasonably be assumed to have abandoned it, shall be deemed to have abandoned it unless proof to the contrary is promptly produced when demanded by the HMMO.
- B) The owner of any abandoned vessel as per paragraph (b) above and the owner of any wreck at the time of its sinking, stranding, grounding or abandonment shall be liable to the Company for its subsequent disposal, per Section 51 of the Merchant Shipping (Salvage and Wreck) Act, 1993.

- 2.29 Subject to the provisions of the Merchant Shipping (Salvage and Wreck) Act, 1993 no owner, Master or other person shall break up or attempt to break up or cause to be broken up any Vessel or wreck of a vessel in any part of the Greystones Harbour and Marina, without the prior written permission of the HMMO having been obtained.
- 2.30 No Master or Owner of a Vessel shall permit such vessel to emit noise or fumes or smoke in breach of current environmental regulations.
- 2.31 Failure to pay berth or mooring fees, outstanding for more than three calendar months, may result in the vessel being removed and subsequently disposed of to recover the costs of outstanding marina/harbour charges.

### **PART III: Berths, Moorings**

#### **Berths**

- 3.1 No houseboat, or boat used for habitation, shall lie or remain in the harbour.
- 3.2 No Vessel of any description shall come or lie alongside the quay or harbour wall without the prior permission of the HMMO.
- 3.3 The Master of a Vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay, mooring in Greystones Harbour and Marina
- 3.4 The Master of a Vessel which is at a quay or attached to any mooring device shall not permit the engine of his vessel to be worked in such a manner as to cause injury or damage to any other vessel or property, in particular the undermining of Harbour piers.
- 3.5 Every Vessel lying at a quay or pier within the Harbour shall be so berthed as to lie broadside to the quay or pier.
- 3.6 Fenders/Fender off.
- 3.6.1 The Master and/or the Owner of a Vessel shall ensure that it is provided with sufficient fenders adequate for the size of the vessel.
- 3.6.2 The Master of a Vessel, when the vessel is berthing or leaving a berth or is lying at a quay against other vessels, shall cause his vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels and/or other property.

- 3.6.3 The Master of a Vessel shall not make same fast to any post, ring, fender or any other thing or to any quay or other place which is not designed for that purpose.
- 3.7 The Master of a Vessel shall so far as may be required by the HMMO in the exercise of his duties, afford the HMMO access to any part of the vessel and provide all reasonable facilities for its inspection and examination.
- 3.8 The Master of a Vessel alongside a quay or alongside any vessel which is already berthed shall, if required so to do by the HMMO, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.
- 3.9 No person except the HMMO shall for any purpose whatsoever unmoor or cast off or loose any mooring of any Vessel moored within Greystones Harbour/Marina without the previous permission of the Owner or Master of such vessel having been obtained. No other person shall for any purpose whatsoever unmoor or cast off or loose any mooring of any vessel in the harbour without the previous consent of the Owner or the Master of such vessel and of the HMMO, provided that it shall be a defence to proceedings under this Bye-Law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the Owner or Master of the vessel would in the circumstances have given his consent if he had been asked therefore.
- 3.10 The Master of a Vessel shall not place or allow it to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended.
- 3.11 A Vessel within the Harbour shall have sufficient access or gangways.
- 3.12 The Master of any vessel must at all times ensure that the consumption of alcohol on the vessel is kept within the legal limits as applied under the Marine Safety Act 2005.
- 3.13 The Master of the vessel must ensure that the noise levels aboard the vessel whilst in Greystones Harbour Marina must be kept to a minimum. On instructions from the HMMO the Master will ensure that noise levels will be kept down to ensure that neighbouring vessels are not disturbed.

## **Moorings**

- 3.14 The laying of moorings is subject to the following bye-laws.
- 3.14.1 Seasonal moorings provided by Wicklow County Council in the harbour shall only be occupied on foot of a valid agreement between the owner of a vessel and the Council. The HMMO may request and the owner shall produce a copy of such agreement on demand.

- 3.14.2 It shall be an offence under these byelaws for the owner of any vessel to tie up to any mooring provided by the Council in the absence of an agreement referred to in paragraph 3.14.1.
- 3.14.3 No person shall lay down any mooring, buoy, or associated tackle in Greystones Harbour and Marina without a licence agreement from Wicklow County Council. Moorings can only be laid in accordance with such conditions as the Council may impose. Such items to be laid in designated areas only and on the instructions or direction of the Council.
- 3.14.4 A mooring, buoy or associated tackle that is unauthorised, out of position or unmarked, shall forthwith be removed by its owner or any other person claiming possession of it, if the HMMO so directs.
- 3.14.5 If a person fails to immediately comply with a direction made under paragraph 3.14.4 above, the HMMO may cause the mooring, buoy or similar tackle to be removed or sunk and he may recover the expense of so doing from that person.
- 3.14.6 In the event that the owner of a mooring, buoy or associated tackle that is unauthorised, out of position or unmarked cannot be located by the HMMO, after reasonable enquiry, then the HMMO may cause the mooring, buoy or associated tackle to be removed or sunk and shall recover the expense of so doing from the owner if he is subsequently identified.
- 3.14.7 Any Vessel made fast to a mooring, buoy or associated tackle referred to in paragraph 3.14.2 above may be removed and made fast to a quay or pier by the HMMO and the costs incurred in so doing may be recovered from the Owner of the vessel or in the alternative, the owner of the mooring buoy or associated tackle.
- 3.15 So that vessels within the marina will not be placed in danger nor damage caused to any vessel or mooring, a person shall not secure a Vessel to a mooring or to a moored vessel, except in the practice of good seamanship.

## **PART IV: CARGO/GOODS, BOATS FOR HIRE, BOAT YARD.**

### **Cargo/Goods:**

- 4.1 The Master, Owner or the agent of every Vessel about to load or unload cargo or goods at the Harbour shall furnish to the HMMO a copy of the manifest and such particulars as to cargo, goods or passengers as the HMMO may require.

- 4.2 The owner of any cargo or goods loaded or discharged at the marina shall ensure that the same are removed from the Harbour as soon as practicable, unless the HMMO otherwise agrees.
- 4.3 It is not intended that Greystones Harbour and Marina shall operate as a commercial port, however, on the occasion that landing of commercial cargos take place due to unforeseen circumstances the following by-laws will apply.
- 4.3.1 The owner of any cargo or goods loaded or discharged at the marina shall comply with such directions as the HMMO may give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Greystones Harbour and Marina.
- 4.3.2 The HMMO may enter at any time any Vessel within the Harbour to inspect same, the goods on board the ship and the documents kept in relation to the vessel and its occupants.
- 4.4 The owner of a vehicle within the marina area shall not permit any substance to leak, spill or drop from the vehicle.

#### **Boats for Hire:**

- 4.5 Charter Boats
- 4.5.1 No Vessel shall be let out, held out or offered for hire within Greystones Harbour and Marina unless it has been licensed by the Wicklow County Council, and the vessel complies with statutory regulations and adheres to the conditions of the licence issued by the Council before commencing to convey, and at all times while conveying, passengers.
- 4.5.2 Wicklow County Council reserves the right to introduce a Passenger Vessel Permit, the category of vessels to be described on the Passenger Vessel Permit that wish to operate within the jurisdiction of Greystones Harbour and Marina.
- 4.5.3 When conveying passengers, Vessels (other than fishing vessels governed by paragraph 4.6 (below) must possess either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act 1992, and any amendments thereto.

- 4.6 A fishing vessel shall be subject to paragraph 4.5.2 above of this Bye-law if it takes passengers from or lands passengers at the Harbour.
- 4.7 If a fishing vessel is engaged in taking parties of rod fishermen on angling trips from, or landing them, at the Harbour, by private charter or otherwise, it shall possess a valid Load Line Certificate or Load Line Exemption Certificate, as appropriate, issued by the Department of Transport, Tourism and Sport.
- 4.8 The Master or Skipper of any Vessel licensed to operate passenger or fishing trips from Greystones Harbour and Marina or to land same in the Harbour or Marina shall not allow any drunken or disorderly persons to enter their vessel and be taken on such trips, or to be landed in Greystones Harbour or Marina, and in the case of the latter, save by prior arrangement with the HMMO.
- 4.9 No licensed vessel shall at any time ply or be allowed or be used for hire when, by reason of the weather or other circumstances, or non-compliance with or contravention of any of the conditions of the licence issued by the Company or the conditions attaching to any applicable Certificate from the Department of Transport Tourism and Sport, the navigation and management of the vessel, or when the embarkation or disembarkation from same, is dangerous, and in no case if forbidden for any reason by the HMMO.
- 4.10 The Council may at any time suspend or revoke the licence of a Vessel not kept in compliance with any of the conditions of the licence issued by the Council or where there has been contravention of any of the Bye-Laws in respect of that vessel, and in either case, the licence must be returned forthwith on demand to Wicklow County Council by the Owner, Master or Skipper of the vessel.
- 4.11 Upon transfer of ownership of a Vessel licensed by Greystones Harbour and Marina, the transferor shall give to Wicklow County Council notice in writing of such transfer and shall surrender to it the vessel's permit to ply for hire.
- 4.12 Boarding of a licensed P6/P12 passenger boat can only take place at the marina and only if the vessel is in compliance with the above bye-laws.

## **Boat Yard:**

### 4.12 Boat Yard Operations.

4.12.1 Greystones Harbour and Marina Boat Yard (hereafter referred to as the "the boatyard ") is for repairing and servicing and sale of vessels, vessels' gear and fittings only with the permission of the Harbour Master/Marina Operator, and for large vessels (subject to paragraph 4.12.2 below) on the written undertaking of the Owner, in the form prescribed by the Company, to pay the charges fixed therefore, and to make no claim against the Council or the Company its servants or agents for any damage, accident, or loss occasioned thereto. Neither the Council nor the Company accept liability for property stored in the Boat Yard. All such property is stored at the owner's own risk, and is the owner's exclusive responsibility, and the Council nor Company shall have no liability whatsoever for any loss and/or damage occasioned there to or thereby.

4.12.2 Larger vessels for sale that are not accommodated in the Boat Yard but occupy a marina berth can only be offered for sale in agreement with the Company and in accord with the brokerage terms and conditions that apply.

## **Slipways:**

4.13. The slipways at Greystones Harbour and Marina shall at all time be kept clear, other than at the times of launching or recovering vessels. No trailers maybe left on the slipways at any time. No vehicles of any kind may park on the slipway. No equipment of any kind maybe left on the slipway for any duration. No boats/vessels are allowed to dry out on the slipways without the permission of the HMMO. No anti foul or other chemical or paints can be applied to boats whilst on the slipways.

4.14. Fires shall not be lit or unprotected lights, unprotected power cables, unprotected power tools or machinery used in the Boat Yard.

## **PART V: VEHICULAR TRAFFIC**

5.1 No person shall drive or otherwise operate a vehicle within Greystones Harbour and Marina without exercising due care and attention or without reasonable consideration for other persons within Greystones Harbour and Marina, and their property.

- 5.2 The owner of a vehicle within Greystones Harbour and Marina shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory restrictions which apply to public roads, if applicable, as to the weight of goods to be carried.
- 5.3 A person having charge of a vehicle within Greystones Harbour and Marina shall at all times comply with any directions of the HMMO with respect to the loading and/or discharging of goods, and the manoeuvring and removal of the said vehicle, and shall not, without the permission of the HMMO.
- A) leave the vehicle unattended anywhere within Greystones Harbour and Marina, except when lawfully left at a car park;  
or
  - B) take it into any or working area.
- 5.4 No person shall:
- A) Walk, run along or otherwise occupy a Harbour Marina roadway or vehicular area in such a manner as to either endanger his own safety or cause a hindrance to vehicular traffic.
  - B) save with the prior permission of the company, deposit or place on any part of Greystones Harbour Marina any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;
  - C) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within Greystones Harbour Marina.
- 5.5 Any person driving or otherwise operating a vehicle which is involved in an accident within Greystones Harbour and Marina whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the vehicle and report the accident to the HMMO as soon as is reasonably practicable thereafter and shall give his name and address to the company.

- 5.6 Drivers of vehicles within Greystones Harbour and Marina shall comply with the provisions of these Bye-Laws, and shall comply without delay with such directions for the regulation of traffic within Greystones Harbour and Marina as may be given by any employee of the Company or An Garda Síochána or which are set out in any notice displayed by the Company within Greystones Harbour and Marina.
- 5.7 No vehicle shall remain or be left stationary on any roadway within the Harbour which is indicated as a clearway, nor shall any person park on a slipway, or contrary to any other traffic parking regulations which are indicated by notice displayed by the Company within Greystones Harbour Marina.
- 5.8 Vehicles shall not mount, traverse or drive along any pedestrian pathway or pedestrian area within Greystones Harbour and Marina.
- 5.9 Road Ways:
- A) Certain areas are closed to vehicular traffic save for vehicles authorised by the Council.
  - B) The manner of cycling such bicycles is to neither cause danger nor annoyance to pier users, and such bicycles are restricted to a maximum speed of 10 miles per hour.
- 5.10 The following vehicles are exempt from the application of these Bye-Laws:- an official vehicle being used by Wicklow County Council, the Company, or other employees/servants of the Company; vehicles of An Garda Síochána; an ambulance; a fire fighting appliance; designated vehicles owned by members of the RNLI or the Irish Coast Guard when attending an emergency call-out.
- 5.11 With the exception of bicycles using a Harbour roadway which is open to public traffic, no person shall cycle or use any skateboard, roller skates, rollerblades or similar item within Greystones Harbour Marina, except in such places and at such times and conditions as may be designated by the Council from time to time, indicated by notices exhibited at such places.
- 5.12 Bicycles

- A) No person shall leave any bicycle unattended within Greystones Harbour Marina, except in such places as may be set aside by the Company for the parking of bicycles, at which locations parking of bicycles shall be at the owner's own risk.
- B) Bicycles which are found chained to lamp posts, railings and the like within Greystones Harbour and Marina may be removed by an employee of the Company and impounded. The owner of such a bicycle shall be liable for the costs incurred in the removal and storage of that bicycle, in addition to any penalty incurred for breach of these Bye-Laws, and such bicycle shall not be released to the owner until all monies due by him to the Council under these Bye-Laws have been paid in full.

5.13 No caravan, mobile home, motor home, motor caravan or similar vehicle, which is used or is capable of being used for habitation, shall park or remain within Greystones Harbour and Marina without the approval of the Company or the HMMO.

5.14 Commercial vehicles which are not engaged in business within Greystones Harbour and Marina are prohibited from entering the Harbour/Marina. This prohibition shall not apply to commercial vehicles which are transiting Greystones Harbour and Marina to gain access to lands adjoining same, or commercial vehicles which are transiting Greystones Harbour and Marina under a licensing agreement with the Council.

5.15 Commercial vehicles within Greystones Harbour and Marina, especially those engaged in the fishing industry, shall be kept in a clean and fresh-smelling condition.

5.16 Only vehicles displaying a Greystones Harbour and Marina Authorisation Permit are permitted to park in the internal allocated parking areas, provided that the Permit remains valid and its conditions of use are complied with.

5.17 When electronic swipe cards for operating access gates and/or doors are issued to named individuals, such swipe cards must be retained for the exclusive use of the named person. Contravention of the foregoing will result in the immediate withdrawal of a swipe card to such person.

**5.18 Parking.**

5.19 It will be an offence under these bye-laws to park a vehicle within the permanently designated parking areas of Greystones Harbour and marina without paying the parking charges. Failure to pay the charges will result in a fixed penalty notice as detailed in the First Schedule.

- A) An employee of Wicklow County Council or the Concession Company may remove any vehicle, boat or trailer, including caravans, motor homes and motor caravans which are not parked in accordance with the regulations made by the Company or cause it to be removed to some convenient place, and there detained at the cost of the owner.

**PART VI: HARBOUR SECURITY, PUBLIC AREAS. PIERS, QUAYS, BREAKWATERS, VARIOUS REGULATIONS**

Wicklow County Council has appointed the Concession Company, The Company and the HMMO, as Authorised Officers to police Greystones Harbour and Marina and to enforce and implement Bye-Laws within Greystones Harbour and Marina and all regulations made by the Company in relation to the Harbour.

6.0 While within the Greystones Harbour and Marina, a person shall not obstruct or impede or refuse to comply with a request or direction of a member of the Company personnel, or any other Company employee acting in the exercise of his duties.

6.1 Where a Company or HMMO employee acting in the exercise of his duties as an Authorised Officer, is of the opinion that a person is or may be in breach of these Bye-Laws, he may demand the name and address of such person and the correct name and address shall be supplied to him.

- 1. The Company or the HMMO, acting in the exercise of their duties, has reasonable cause to suspect that any vehicle or vessel in the general harbour area, may give rise to a security incident, he may request the person in charge of such vehicle or vessel to be searched by Company personnel either immediately or within a reasonable period of time after making such

request. If such permission is refused then Company personnel shall be entitled to contact An Garda Síochána and request that a search be conducted thereby within a reasonable period of time after such request is made.

6.2 No person shall, while within Greystones Harbour and Marina.

6.2.1 Injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, notice board, road traffic signs, walls or any other property within Greystones Harbour and Marina.

6.2.2 Walk upon any flower bed or through any shrubbery.

6.2.3 Climb any building, wall, pier, fence, barrier or post.

6.2.4 Make any bonfire, fire or barbecue or light any fireworks, save with the prior written permission of the Council and strictly in accordance with the terms and conditions of such permission.

6.2.5 Consume alcohol in the public areas of Greystones Harbour and Marina or have in his possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within the Greystones Harbour and Marina.

6.2.6 Throw stones or other missiles or discharge any catapult within or in the vicinity of the Greystones Harbour and Marina.

6.2.7 Consume, inject, inhale or otherwise absorb controlled drugs or solvents, and a person under the influence of drugs shall not be allowed to enter or remain within Greystones Harbour and Marina.

6.2.8 Erect any tent or camp in any part of Greystones Harbour and Marina, save the erection of marquees by Water sports clubs upon the water sport club property, for regatta events or by prior permission of the Company or the HMMO.

6.2.9 Leave baggage, goods or property unattended.

- 6.2.10 Give false, fictitious or misleading information in any form to any employee of the company or refuse to give information under Bye-Law 6.1 herein.
- 6.2.11 Jump from the breakwaters, piers or pontoons within the Greystones Harbour and Marina
- 6.2.12 Leave fish entrails or unused fishing bait on the breakwaters, piers or pontoons of Greystones Harbour and Marina. This will be deemed to be litter.
- 6.3 No person shall smoke, light or burn tobacco or any other substance or otherwise bring any naked flame or light any naked flame at on or near any Vessel which is taking bunkers when moored alongside, and where prohibited by notice in all other places within Greystones Harbour and Marina.
- 6.4 Save and excepting the proper use of any lawful distress signal or race starting gun loaded with blank cartridges, no person shall have or fire any loaded gun or other explosive within Greystones Harbour and Marina.
- 6.5 No person shall collect money, solicit alms, beg, or busk within Greystones Harbour and Marina, save for collections which have been authorised by written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.
- 6.6 No person shall conduct or take part in any musical or artistic performance or event within Greystones Harbour and Marina, save with the written permission of the Company and at such place or places and in accordance with such conditions as are set by the Company.
- 6.7 No person shall play ball games within Greystones Harbour and Marina.

- 6.8 No person shall bathe in the harbour except at organised swims which may be authorised and appointed, at specific locations and times, by the Council and every such person bathing on such occasions shall be suitably and decently clothed.
- 6.9 Fishing from the breakwaters of Greystones Harbour and Marina is prohibited. This is in the interests of public safety and the safe navigation of vessels entering or exiting the harbour.
- 6.10 Boat owners shall behave in a responsible manner at all times so as not to endanger life and property.
- 6.11 Diving within the delineated area of Greystones Harbour and Marina is prohibited unless written permission is obtained prior to the commencement of diving from the Company or the HMMO.
- 6.12 The Company and the HMMO reserve the right to close public access to the piers in the interests of public safety.

### **6.13 Commercial Fishing Boats (Inshore).**

- 6.13.1 No commercial fisherman shall open, cut or clean fish within the Harbour.
- 6.13.2 Commercially loaded fish is to be removed from the Harbour within six hours.
- 6.13.3 The skippers of fishing vessels may berth at the marina, however, they shall not store their fishing gear, pots, and equipment on the marina berths, quays, car parks of Greystones Harbour and Marina and shall not store the foregoing in any other part of Greystones Harbour and Marina other than in facilities specifically provided by Wicklow County Council for these purposes.
- 6.13.4 Fishing gear, pots, and equipment stored on boats shall be kept free of rotten seaweed, fish, bait and the like, so as not to create offensive

odours on the quay and all fishing pot bait shall be removed from the Harbour immediately.

6.13.5 The sale of fish directly to the public, from fishing vessels within Greystones Harbour and Marina, is prohibited.

### **General Conduct:**

Offering for sale, posting of bills, distributing leaflets and filming/photography.

6.14 All persons within Greystones Harbour and Marina, ashore or afloat, shall conduct themselves in a manner consistent with public decency.

6.15 No person shall sell, or offer for sale, ice-cream or any other food or article whatsoever, or operate any commercial or business venture whatsoever within Greystones Harbour and Marina, save with the prior written permission of the Company and at such place or places and in accordance with such conditions as may be set by the Company.

6.16 No person or organisation shall post bills, distribute leaflets, display or erect signs, posters, notices, hoardings or the like within Greystones Harbour and Marina, save with the prior written consent of the Company.

6.17 No person or organisation shall film, photograph or otherwise record for commercial use, within Greystones Harbour and Marina, save with the prior written consent of the Company and at such place or places and in accordance with such conditions as may be set by the Company.

### **6.18 Dogs**

6.18.1 No person shall bring into or allow to remain within Greystones Harbour and Marina any dog unless it is on a leash and no person shall, anywhere within Greystones Harbour Marina where a notice prohibiting the admission of dogs is exhibited or displayed, cause or allow any dog in their charge to enter or remain there.

6.18.2 Every person in charge of a dog within Greystones Harbour and Marina shall prevent it from causing any injury or annoyance to any person within the Greystones Harbour and Marina and from worrying, chasing, injuring or disturbing any person, animal, bird or other creature within Greystones Harbour and Marina.

6.18.3 Every person bringing a dog to Greystones Harbour and Marina shall be responsible for its conduct and shall be solely and exclusively liable for any damage or injury which may be caused by it while within Greystones Harbour and Marina. Any person in charge of a dog within Greystones Harbour and Marina shall immediately remove same from Greystones Harbour and Marina if so directed by an employee of the Company.

6.18.4 If a dog defecates within Greystones Harbour and Marina, the person in charge of the dog shall immediately remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose. Blind persons with their guide dogs are exempt from this paragraph of these Bye-Laws.

6.18.5 A person shall not cause or allow any dangerous dog, as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 and any amendment thereto, in their charge to enter or remain within Greystones Harbour and Marina unless such dog is at all times kept muzzled while within Greystones Harbour and Marina.

6.19 No person shall turn out to graze within Greystones Harbour and Marina, a horse or other beast of burden.

6.20 No person shall lead, walk or ride a horse or other beast of burden, except when the animal is hauling a vehicle on a roadway open to public traffic. All such vehicles and their beasts of burden shall remain accompanied by and be kept in charge by their drivers for the duration of their presence within the Greystones Harbour and Marina.

## **PART VII: PENALTIES**

7 Any person who breaches or contravenes or otherwise fails to comply with any of these Bye-Laws (including, without prejudice to the generality of the foregoing, any condition, requirement or prohibition imposed by the Harbour Master/Marina Manager or Authorised Officer in the exercise of the powers conferred upon him by these Bye-Laws or under Statute), shall be, guilty of an offence and shall be, at the discretion of the Council or the Company:

- a. Served with a notice by Wicklow County Council or its Authorised Officers, The Company, specifying a fixed payment, as per the Scale Table contained in the **First Schedule** hereto, in respect of the said breach or contravention.

- b. Notice of the fixed payment shall be in the general form of the notice in the **Second Schedule** hereto; and/or prosecuted by Wicklow County Council or an Authorised Officer for breach of these Bye-Laws.

# **FIRST SCHEDULE**

## **Summary conviction**

### **Fines**

In accordance with Section 205 sub-section (1) of the Local Government Act 2001 a person who is in contravention of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,904.61 in respect of such contravention. In accordance with Section 208 all fines in respect of a breach of these Bye-Laws shall be paid to Wicklow County Council.

### **Continuous contravention**

In accordance with Section 205 sub-section (2) of the Local Government Act 2001 if the contravention of a provision of these Bye-Laws is continued after conviction the person causing the contravention shall be guilty of an offence on each day on which the contravention continues and be liable on a summary conviction for each such offence to a fine not exceeding €126.97.

### **Offence committed by body corporate**

In accordance with Section 234 sub-section (1) of the Local Government Act 2001 where an offence under these Bye-Laws has been committed by a body corporate and is proved to have been committed with the consent or connivance of or be attributable to any neglect on the part of the person being a director, manager, secretary, or any other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and such be liable to be proceeded against and pursued as if he or she was guilty of the offence.

### **Payment of costs and expenses**

Where a person is convicted of an offence under these Bye-Laws in proceedings brought by a Local Authority or the An Garda Síochána the prosecutor shall seek, (unless it is satisfied that there are special and substantial reasons for not doing so) an order that the person pay to the Local Authority or An Garda Síochána, or such other person as the case may be, the costs and expenses incurred by the Local Authority, The Garda Síochána or other person in relation to the investigation, detection and prosecution of the offence.

### **Summary Prosecutions by An Garda Síochána or the Local Authority**

In accordance with Section 207 of the Local Government Act summary prosecutions pursuant to these Bye-Laws may be taken by An Garda Síochána or the Local Authority.

An Garda Síochána is empowered to arrest a person without a warrant for contravention of these Bye-Laws under Section 204 of the Local Government Act.

## **Fixed Payment Notice**

### **Serving notice**

Where a Harbour Master or member of An Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under these Bye-Laws, the Harbour Master/Garda Síochána may serve the person with a notice in the prescribed form as an alternative to a prosecution for contravention of these Bye-Laws, stating that:

- a) the person is alleged to have committed the offence, and
- b) the person may during the period of 21 days beginning on the date of the notice make to the authority concerned, at the address specified in the notice a payment of €75, or such other amount that, for the time being, stands prescribed, in lieu of those amounts and accompanied by the notice.

### **Payment**

Where a notice is given under section 7.a):

a person to whom the notice applies may, during the period specified in the notice, make to the authority concerned at the address specified in the notice the payment specified in the notice accompanied by the notice,

the authority specified in the notice may receive the payment, issue a receipt for it and retain the money paid, and any payment received shall not be recoverable in any circumstances by the person who made it.

A prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

### **Proving payment**

In a prosecution for an offence under these Bye-Laws the onus of proving that a payment pursuant to a notice under this section has been made lies on the defendant.

## **Right to Refuse Entry**

The Harbour Master reserves the right to refuse entry to any Vessel or Vehicle that is in breach of these bye-laws.

## Second Schedule

### 7. b). Fixed Payment Notice:

Fixed Payment Notice for the purposes of Section 206 of the Local Government Act, 2001

Name of Local Authority: Wicklow County Council

TO:

**NAME:**

**ADDRESS:**

It is alleged that you have contravened the provisions of these Bye-Laws made under Part 19 of the Local Government Act, 2001, entitled Bye-Laws for the Regulation of Greystones Harbour and Marina.

by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

at: \_\_\_\_\_

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

*During the period of twenty one days beginning on the date of this notice you may pay the sum of €75.00 producing/attaching this notice at the offices of the Local Authority named in this notice located at: Wicklow County Council, County Buildings, Whitegates, Wicklow.*

*A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75.00 is paid during that period no prosecution will be instituted at any time.*

Signed:

Harbour Master/Authorised Officer

Date

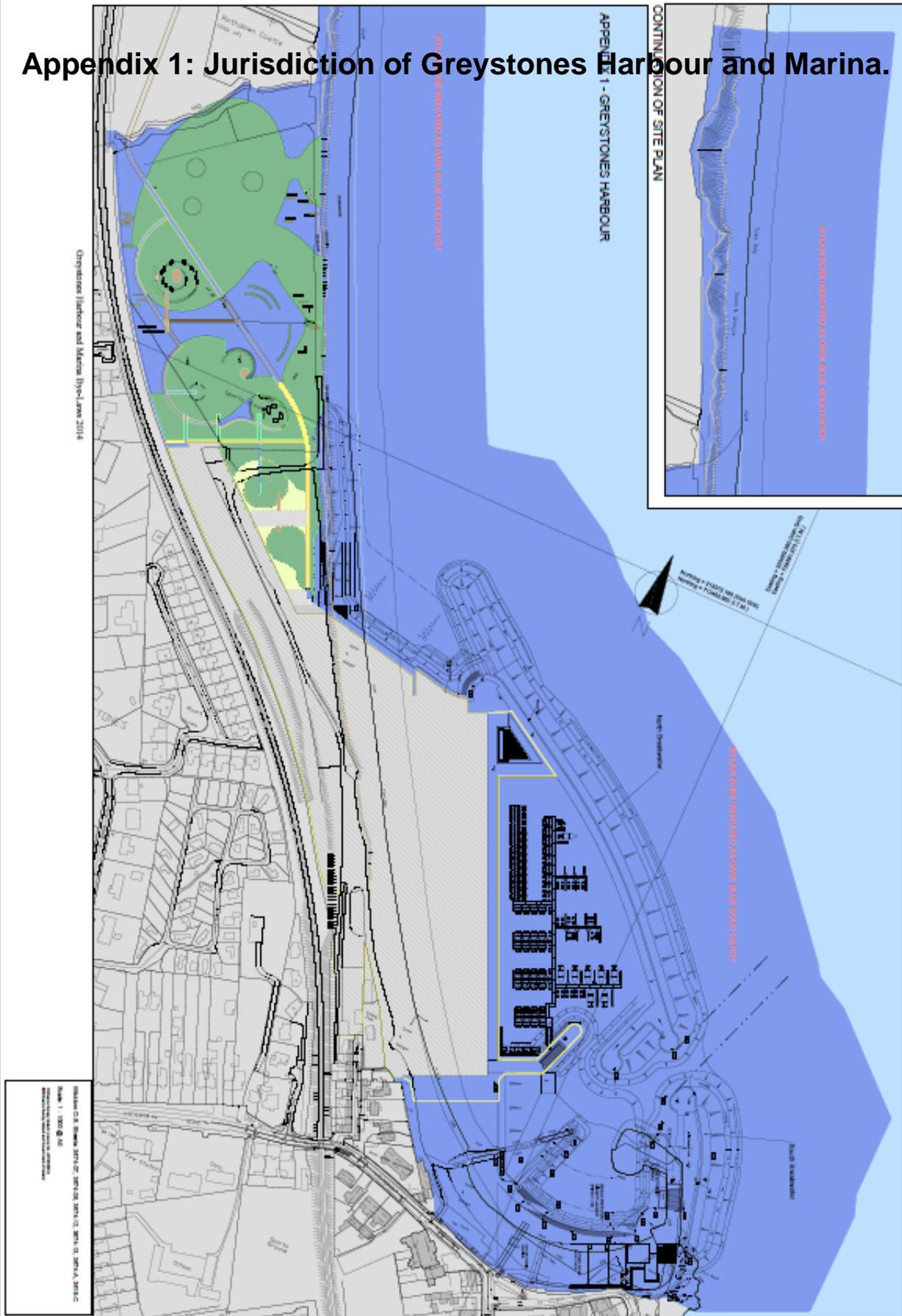
**IMPORTANT:** *Payment will be accepted at the offices of Wicklow County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to Wicklow County Council. A receipt will be issued. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.*

## **Third Schedule: Harbour Charges**

All charges to be levied on Master or Owner of Vessel.

Charges will be levied for the use of a number of facilities and services within Greystones Harbour and Marina which comes under the responsibility of the Company and the HMMO.

# Appendix 1: Jurisdiction of Greystones Harbour and Marina.



Made and adopted under the Common Seal of the County Council of the County of Wicklow this 8th day of September, 2014

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Cathaoirleach/Nominated Member

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Chief Executive Wicklow County Council

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Nominated Employee