

# **BEACH BYE-LAWS 2005.**



**COMHAIRLE CHONTAE LOCH GARMAN**

**WEXFORD COUNTY COUNCIL**

## **BEACH BYE-LAWS 2005.**

BYE-LAWS GOVERNING BEACHES AT:

BALLINESKER, BALLINOULART, BALLYCONNIGER,  
BALLYDUBOY, BALLYHEALY, BALLYMONEY, BALLYNACLASH,  
BALLYNAMONA, BALLYTEIGUE, BALLYVALDON,  
BALLYVALOO, CAHORE, CARNE, CARNSORE POINT,  
CLONE/CASTLETOWN, COURTOWN, CULLENSTOWN,  
CULLETON'S GAP, CURRACLOE (WHITE GAP), DUNCANNON,  
FETHARD, LADY'S ISLAND, KILPATRICK, KNOCKNASILLOGUE,  
MORRISCATTLE, OLD BAWN/NEWTOWN, POLLSHONE,  
ROSSLARE STRAND, TACUMSHIN AND TINNABERNA.

THESE BYE-LAWS WERE MADE BY WEXFORD COUNTY COUNCIL AT ITS  
COUNTY COUNCIL MEETING HELD ON THE 10<sup>th</sup> JANUARY, 2005

AND

CAME INTO FORCE ON THE 10<sup>th</sup> FEBRUARY, 2005.

**COMHAIRLE CHONTAE LOCH GARMAN**

**(WEXFORD COUNTY COUNCIL)**

**BEACH BYE-LAWS FOR THE COUNTY HEALTH DISTRICT OF WEXFORD.**

The Council of County Wexford in pursuance of the powers conferred on it under Part VII of the Local Government Act, 1994 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 Health District of Wexford:-

- 1. Bye-Laws Title:** These Bye-Laws shall be cited as the Wexford County Council Beach Bye-Laws 2005 and supercede and replace all previous Beach Bye-Laws made by Wexford County Council.
- 2. Operative Date:** These Bye-Laws shall come into operation on 10<sup>th</sup> February, 2005.
- 3. Definitions:** In these Bye-Laws the following definitions shall apply:-

“The Local Authority” means the County Council of County Wexford.

“The Act” means the Local Government Act, 1994.

“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 200metres (seawards) from the low water mark. The words seashore and foreshore have the same meanings as defined in the Foreshore Act 1933. Beach in these Bye-Laws refers to that area of seashore and foreshore as outlined in yellow on the attached maps for each of the beaches listed in the schedule thereto.

“Authorised Person” means a person authorised in writing by the Council for the purposes of Section 40 of the Act.

“Jet-ski” means a power operated pleasure craft propelled by water jet capable of travelling at high speeds.

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

“Quad” means a four wheeled mechanically propelled vehicle capable of travelling at high speeds.

“Summer Season” means the months of June, July and August.

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- 4. Prohibitions:** Save with the written prior permission of the Local Authority no person shall do or cause any of the following acts on any of the Beaches listed in the schedule to these Beach Bye-Laws; namely
- a) Enter onto, leave, use or ride a bicycle or similar vehicle, motorcycle, quad, motorcar or any other mechanically propelled vehicle.
  - b) Launch, recover or use a jet ski or fast power boat on or at the Beaches listed in the schedule, except for the designated area at Courtown Harbour.  
Jet skis or fast power boats being used for rescue or other emergency purposes or for law enforcement purposes are exempt from this prohibition.
  - c) Bring onto or ride, wash, drive or lead any horse, pony, ass, mule or any similar animal. This applies to all beaches listed in the Schedule for the Summer Season from 09.30 to 20.00 hours. This exclusion will apply to Bank Holiday weekends throughout the year (This includes Saturday, Sunday and Monday).
  - d) Drive or bring to or place or leave any motorcar, motorcycle, van, trailer, carriage, truck, wagon, lorry, barrow or other vehicle on the beaches listed in the schedule.
  - e) Encamp or place or erect or cause to be placed or erected any tent, caravan or other temporary dwelling.
  - f) The prohibition of mechanically propelled vehicles from the listed beaches excludes the parking of a motorcar or motorcycle in a safe manner in Duncannon and Cullenstown beaches, in accordance with local restrictions. The parking of motorcars and motorcycles on these beaches is entirely at the owner's risk.
  - g) Save in accordance with licence issued by Wexford County Council, place any object on the listed beaches for the purpose of sale or hire including any booth, stand, stall, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail board, lilo, sail equipment, jet ski, kite surf equipment or other water craft.
  - h) Deposit any soil, stones or similar material.
  - i) Spread, fix or leave any nets, baits, lines, boxes, fishing gear, fish or shells.

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5. **Intertidal Restriction:** The activities of horses are restricted to the intertidal area along the waterline during the permitted times and should refrain from using the sand dunes at all times.

6 **Licencing of Activities:**

(a) The Local Authority may at its sole discretion grant a licence for the use of a part or parts of a Beach for the purpose of placing thereon for sale or hire any object including any booth, stand, stall, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail board, lilo, sail equipment, kite-surf equipment or other water craft.

(b) A person who applies to the Local Authority for a licence shall furnish to the Local Authority the information requested in the application form together with such other information as the Council may request for the purpose of the exercise of its powers and functions under these Bye-Laws.

(c) On the granting of a licence the applicant shall pay a licence fee of €40 per square metre of beach per Summer Season or part thereof on respect of which the licence is granted, subject to a minimum payment of €200.

(d) The Local Authority reserves the right to refuse any application.

7. **Rights and Interests of the State:** Nothing contained in or done under any of the provisions of the foregoing Bye-Laws shall in any respect prejudice or injuriously effect the rights and interests of the State in the foreshore.

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## **OFFENCES AND PENALTIES**

1. Any person who contravenes a provision of these Bye-Laws or of any licence or conditions on any licence granted under these Bye-Laws shall be guilty of an offence and shall be liable
  - (i) to an On-The-Spot fine of €125 for a simple breach of the Bye-laws  
or
  - (ii) to a fine of not less than €1,270 on summary conviction
2. 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 and shall be liable on summary conviction to a fine of €100 per day thereafter.

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3. 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.
4. Where an Authorised Person is of the opinion that a person is committing or has committed an offence to which these Bye-Laws relate, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading that person shall be guilty of an offence
5. If requested to do so, an Authorised Person under these Bye-Laws shall produce evidence of his/her appointment as an Authorised Person for the purpose of the Bye-Laws.
6. An Authorised Person may issue On-the-Spot Fines for breach of the Bye-Laws or for breach of any licence or condition or conditions of any licence granted under these Bye-Laws
7. All fines in respect of offences under these Bye-Laws shall be paid to the Local Authority within the specified period of 21 days from the date of issue of the fine in order to avoid prosecution.

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**SCHEDULE:**

**Beaches to which these Bye-Laws apply:-**

|                       |                  |
|-----------------------|------------------|
| Ballinesker           | Ballinoulart     |
| Ballyconniger         | Ballyduboy       |
| Ballyhealy            | Ballymoney       |
| Ballynaclash          | Ballynamona      |
| Ballyteigue           | Ballyvaldon      |
| Ballyvaloo            | Cahore           |
| Carne                 | Carnsore Point   |
| Clone/Castletown      | Courtown         |
| Cullenstown           | Culleton's Gap   |
| Curracloe (White Gap) | Duncannon        |
| Fethard               | Lady's Island    |
| Kilpatrick            | Knocknasillogue  |
| Morriscastle          | Old Bawn/Newtown |
| Pollshone             | Rosslare Strand  |
| Tacumshin             | Tinnaberna       |

Adopted by the County Council of the County of Wexford at its meeting held in the County Hall, Wexford on Monday, 10<sup>th</sup> January, 2005 and sealed with the common seal of Wexford County Council on:

This 14<sup>th</sup> day of March, 2005

  
Chairman

  
County Manager

  
County Secretary

