



COMHAIRLE CHONTAE LOCH GARMAN

WEXFORD COUNTY COUNCIL

HARBOURS ACT, 1996

LOCAL GOVERNMENT ACT, 2001

HARBOURS & PIERS BYE-LAWS 2014

WEXFORD COUNTY COUNCIL HARBOURS AND PIERS BYE-LAWS 2014

Harbour Bye-Laws made by the County Council of the County of Wexford to regulate the use of the Piers, Harbours, Marina and Car Parking Areas under its control custody and management at:

- Ballyhack Harbour
- Courtown Harbour
- Duncannon Harbour
- Fethard Harbour
- Kilmore Quay Harbour
- Slade Harbour
- Wexford Harbour (including all slipways therein)
- Cahore Pier
- Carne Pier
- St Helens Pier

being within its administrative area in the County of Wexford (areas covered by the bye-laws are outlined in red (blue outline in the case of the map for Wexford Harbour) on the maps attached in Appendix 1).

The County Council of the County of Wexford in exercise of the powers conferred on it by Part 19 of the Local Government Act 2001 and Section 89 of the Harbours Act 1996, hereby makes the following Harbour Bye-Laws in respect of its harbours, marinas and related lands under its control management and custody within the administrative area of the County Council of County Wexford.

These bye-laws shall be known as ***The Wexford County Council Harbours and Piers Bye-Laws 2014.***

These bye-laws shall come into force on 7th April, 2014.

Part 1 – Definitions:

“Authorised Person” means any official of the Council or person, either agents of, or officers or servants of the Council duly authorised by the Council to work in the harbour area.

“Barrier” means a mechanically operated arm situated at the entrance and exit to the car park.

“Car” means a mechanically propelled vehicle having seating accommodation for not more than eight passengers.

Car Park means off street parking areas specifically delineated for particular sizes of vehicles including motor cars, motor bikes, commercial vehicles such as vans, tractors and lorries for parking within designated lines (where provided) during normal daytime hours of 8.00 a.m. to 10 p.m. (Monday to Sunday). This excludes unlicensed trading by commercial or domestic vehicles.

“Deputy Harbour Constable” means any person employed by the Council to assist a Harbour Constable in the execution of his/her duties and shall in the absence of the Harbour Constable have all the powers, functions and duties of the Harbour Constable.

“Deputy Harbour Master” means any person employed by the Council to assist a Harbour Master in the execution of his/her duties and shall in the absence of the Harbour Master have all the powers, functions and duties of the Harbour Master;

“Goods” includes cargo, fish, livestock, minerals, wares, chattels and merchandise of all descriptions;

"Harbour" and "Harbour area" shall, in addition to the meaning given under the Harbour Acts, mean the harbours, piers and slipways of Wexford County Council and shall include such marinas, piers, pontoons, slipways, car parks, lands and other property adjacent to such harbours and piers and used in connection with same as delineated in red on the map of the relevant area as attached to the original sealed bye-laws, a copy of such map to be displayed in the principle offices of the County Council and in the offices of the Kilmore Quay Harbour Authority and the offices of Wexford Harbour Authority (Wexford County Council).

"Harbour Acts" means the Harbour Acts of 1946-1996 and any amendment to it.

"Harbour Authority" means a harbour authority as defined in the Harbours Acts of 1946 and 1996.

"Harbour Charges" shall mean the moneys chargeable by the Council in respect of the usage of the harbours or piers or associated marina or other facilities and may include fees such as berthage fees, permit fees, marina fees, fresh water fees, slipway fees, landing fees, etc. It shall also mean any costs and expenses incurred by the Harbour Master in carrying out his duties under these bye-laws where the owner or master refuses to do so. Such fees to be decided upon by the Council from time to time and be charged to such users as applicable, pursuant to Section 2 of the Local Government (Financial Provisions) No. 2 Act 1983 and pursuant to Section 89 (3)(a) (i) and (ii) of the Harbours Act 1996.

"Harbour Constable" means any person employed by the Council to assist a Harbour Master in the execution of his/her duties and shall in the absence of the Harbour Master have all the powers, functions and duties of the Harbour Master;

"Harbour Master" has the same meaning as defined in Section 38 of the Harbours Act 1946 and Section 37(1) of the Harbours Act 1996 and shall be an authorised officer duly appointed by the Council for purposes of these bye-laws and as defined in Section 6 of the Dumping at Sea Act 1996;

“Licence” shall mean the permission or consent granted (generally in writing) to the master or owner of a vessel from the Harbour Master on payment of the appropriate fee for the berthing of his/her vessel at a berth or landing area allocated by the Harbour Master to the said master or owner for the duration that such fee permits.

“Licensee/Licence Holder” shall mean the person to whom a licence has been issued.

“Marina” shall include a yacht harbour, marina moorings or any other facility for berthing a vessel.

“Master” in relation to a vessel means the person, whether the owner or not, having command or charge of the vessel, but does not include a pilot;

“Motorcycle” means a mechanically propelled bicycle with or without a sidecar.

“Owner” shall include a charter operator, Master or agent or other person for the time being lawfully in charge (other than a company) of a vessel or vehicle.

“Parking Bay” means a space in the car park intended for the parking of one vehicle or where the space is intended for the parking of motorcycles of more than one such vehicle and so indicated by surface or other signs or markings.

“Pay machine” means a machine capable of accepting money or cards to operate a barrier or similar mechanism if one is provided.

“Permit” shall be construed as that for “licence”.

“The Council” and “Local Authority” mean Wexford County Council.

“Vessel” includes a ship, boat, yacht, punt, launch, barge or other vessel of any description used or being capable of being used (as a means of transport on the water) in navigation, including an aircraft which is capable of landing on or taking off from water.

In these bye-laws a reference to the Harbour Master shall also mean the Harbour Constable or other person delegated the duties of Harbour Master for the time being that such Harbour Master and/or Harbour Constable is absent from the harbour, pier or marina. All of the aforementioned persons are deemed to be "authorised persons" under these bye-laws.

PART II – Provisions In Relation To The Safety of Navigation and Security Of Harbours/Piers/Marinas

Arrival, Berths & Mooring

1. The master or owner of a vessel shall report, on initial arrival at Kilmore Quay and Wexford Harbour, to the Harbour Master. The Harbour Master may assign a berth or landing area to such a vessel. The master or owner shall not use any other berth or landing area except that as assigned to him, without the permission of the Harbour Master.
2. A person shall not move a vessel from one berth to another without the prior consent of the Harbour Master.
3. A vessel shall not be anchored or moored within the harbour except at a place designated by the Harbour Master.
4. Unless directed by the Harbour Master any designated passenger landings, catch landings, boat berthings, ice loading berths (if applicable) etc. shall be used only for the specified purpose and these landings or berths shall be vacated on completion of the relevant operation.
5. The Harbour Master may direct the master or owner of a vessel to moor, unmoor or move a vessel.

6. If the master or owner of a vessel refuses or fails to comply with such a direction of a Harbour Master or if a Harbour Master cannot find the master or owner of a vessel in relation to which he or she wishes to give such a direction then:
 - (a) The Harbour Master may arrange such mooring, unmooring or moving of the vessel at the owner's risk and
 - (b) The master or owner shall be charged the reasonable costs incurred by the Harbour Master and in default of payment shall be recoverable as a simple Contract debt in any court of competent jurisdiction by Wexford County Council.
 - (c) The Harbour Master may impose penalties/charges, for failure to obey such instructions as indicated in these bye-laws.
 - (d) The master or owner of a vessel must provide, upon request, the Harbour Master with all particulars of the vessel, her crew, gear and contents as might affect the use of the berth or harbour.
7. Quayside vessels may be made fast in the harbour only to the bollards or mooring rings provided for that purpose. The vessel shall be berthed or moored by the master or owner in such a manner and position as the Harbour Master may require and the necessary warps and fender shall be suitably arranged on the vessel. No fixtures or fittings may be attached to Council property without the Harbour Master's prior consent in writing.
8. All mooring lines shall be of adequate strength for the size and weight of the moored vessel to moor it securely in the harbour.
9. No person shall untie or loosen a mooring rope of any vessel not in his charge or ownership which may be made fast or moored in the harbour without the consent of the Harbour Master. A vessel departing from inside

another vessel or vessels shall ensure that this/these vessel(s) is/are properly re-secured upon its departure.

10. The masters, owners or crews of vessels moored or berthed in the harbour shall give free access to persons and goods from other vessels if such vessels are moored or berthed alongside their vessels.
11. The master or owner of a vessel shall cause gangways and stages used for access to the vessel to be placed and kept in a safe position and manner.
12. All dinghies, tenders and rafts shall be stowed aboard a vessel unless a berth is separately provided by the Council for these items.
13. A person shall not lay moorings in the harbour except with the prior consent of the Harbour Master. The Harbour Master reserves the right to remove any such moorings without notice.
14. No vessel shall be anchored other than to the harbour quay without the prior consent of the Harbour Master and if the Harbour Master has consented, the master or owner of a vessel shall cause a buoy to be fastened to the anchor.
 - (a) The owner of a raft, anchor, buoy or other thing lying in a harbour shall immediately remove same upon the request of the Harbour Master to do so.
 - (b) No vessel at a berth shall be used as a permanent place of residence. The decision of the Harbour Master as to whether a vessel is being used as a permanent place of residence shall be final and binding.

Navigation & movement

15. All vessels afloat must be in the charge of a person qualified or capable of safely and properly navigating or controlling it. The harbour master may request evidence of such qualifications.
16. All vessels in the harbour shall be navigated in a proper and safe manner and shall at all times proceed at a safe speed having due regard to the international regulations for the prevention of collisions at sea (rule 6) and in the case of Kilmore Quay Harbour at no greater speed than 3 knots.
17. The master or owner of a vessel shall not willfully, negligently or without due care and attention permit a vessel to run foul of any quay, slip, buoys, works, plant, fixtures or other property in the harbour.
18. All vessels within the harbour shall be subject to the directions and requirements of the Harbour Master whose directions and requirements shall be obeyed. Notwithstanding such directions or requirements of the Harbour Master or owner of any vessel shall have full responsibility for his/her vessel.
19. No person other than the Harbour Master or an authorised person shall regulate or control or alter the movement of a vessel within the harbour.
20. Suitable lights shall be exhibited and illuminated on a vessel when required to do so by law, regulation or by the Harbour Master.

Wrecks and dangerous or laid up boats

21. Masters or owners of vessels shall at all times maintain their vessels in a seaworthy, sound and water-tight condition.
22. The Harbour Master may direct that an unseaworthy vessel be removed from the Harbour within a period determined by the Harbour Master.

In the event that the vessel is not removed, the Council may carry out such works as it deems necessary to remove the vessel. Any costs incurred by the Council in removing and or storing a vessel shall be recoverable from the master by the Council as a simple contract debt in any court of competent jurisdiction.

23. The master or owner of a vessel which has sunk or is stranded in the harbour shall give immediate notice of it to the Harbour Master and shall carry out the Harbour Master's directions in relation to the removal of the sunk or stranded vessel. If the master or owner fails to carry out such directions, the Harbour Master may arrange such works as are necessary to remove the sunk or stranded vessel and any costs incurred by the Council in removing and or storing a vessel shall be recoverable from the master by the Council as a simple contract debt in any court of competent jurisdiction.

24. The Harbour Master may remove any vessel which is sunk/stranded/abandoned in the harbour. A seven day notice may be placed on the vessel.

However if there is immediate danger of pollution or danger to the safety of navigation no such notice is required. The owner of such vessel shall be liable for costs incurred. Any costs incurred by the Council in removing and or storing a vessel shall be recoverable from the master by Council as a simple contract debt in any court of competent jurisdiction.

25. The master or owner of a vessel to be laid-up in the harbour shall report same to the Harbour Master immediately on arrival of the vessel and such vessel may thereupon be laid-up, but only with the express consent of the Harbour Master in the harbour and will be laid up at the sole risk of the master or owner of the vessel.

26. Save and except vessels engaged in loading or unloading of passengers and or livestock or tradeable goods, any vessel may be deemed to be "laid-up" by the Harbour Master.
27. The master or owner of a vessel which by virtue of articles 25 and/or 26 of these bye-laws is deemed to be laid-up in the harbour shall be liable for laid-up harbours fees as follows:-

At a daily rate per meter length of the vessel from the end of the relevant period as set out in Article 26. The daily rate is set out in Wexford County Council Schedule of Charges which may be changed by the Council from time to time.

28. (a) Any vessel which is deemed to be laid-up shall be required to vacate the Harbour when directed by the Harbour Master.
- (b) The Harbour Master's decision as to whether a vessel is laid-up and the duration of it being laid-up shall be final.
- (c) Vessels laid up ashore, in car parks, roadways or any other areas of the harbour shall be deemed to be laid up as in sections 22 -28.

Inspection

29. The Harbour Master may at any time board and inspect a vessel with or without the owner/skipper present, within the harbour.

Cargo & offloading

30. The master or owner of a vessel shall give details of its cargo and/or persons on board to the Harbour Master upon request.
31. The master or owner of a vessel shall load or unload cargo in a manner and at times directed by the Harbour Master.

32. Goods or containers (including fish boxes) shall not remain on the quay for more than six hours unless permitted by the Harbour Master. Such items may be removed by the Harbour Master without notice. Any costs incurred by the Council in removing same shall be recoverable from the master by Council as a simple contract debt in any court of competent jurisdiction.
33. Fishing gear, pots or other equipment shall be removed from the harbour on direction of the Harbour Master of same and if not removed in accordance with the direction of the Harbour Master, he may remove or dispose of same as he sees fit and any costs of removal/disposal will be charged to the owner and will be pursued by means of a simple contract debt by the Council through any court of competent jurisdiction.
34. Items for boats or other vessels such as landing gear, nets, fittings, equipment, supplies, stores and other items shall not be left upon the pontoons, jetties, slipways or other locations in the harbour unless with the express permission of the Harbour Master and owners and masters of vessels shall remove such items when requested to do so by the Harbour Master.
35. Notwithstanding the entitlement of the Harbour Master to remove items detailed in articles 32 - 34 above, each master shall remain liable in the event of injury, loss or damage of whatever kind or nature or howsoever caused to any third party. Lay-down areas in the harbour provided for the use and convenience of boat owners shall only be used under the general supervision of the Harbour Master. Owners of gear laying-up on such areas shall remove such equipment when so instructed by the Harbour Master.
36. Equipment and other boat items remaining on the laying up area or in the harbour for a period of more than 1 month may be removed by the Council.

If the owner of the equipment is not known a notice shall be placed in the harbour notice board and/or on the equipment describing the equipment and stating that such equipment will be removed and disposed of within 7 days of the date of the Notice and any costs incurred by the Harbour Master in disposing of the equipment shall be charged to the owner and will be pursued by means of a simple contract debt by the Council through any court of competent jurisdiction.

Traffic

37. The Harbour Master may direct the movement of road traffic in the harbour.
38. Owners and users of vessels and their crews are required to park their motor vehicles in such a position and such manner as shall from time to time be directed by the Harbour Master.
39. Vehicles may only park on the quays for the time required to load/unload goods unless by prior agreement with the Harbour Master.
40. Goods must be transported in suitable vehicles and must be so handled as to avoid damage to quays, the harbour and in particular the road surfaces and harbour installations.
41. The Harbour Master may decide on what vehicles are suitable and how and where they may be parked in the harbour.
42. Vehicles not specifically being used for harbour activities shall not be driven or parked on the quays except with the prior agreement of the Harbour Master.

Liability

43. Masters or owners shall be responsible for any damage howsoever caused by their vessels and where damage has been caused to the harbour shall also be responsible for the costs incurred in the repair of any such damage to the Harbour Master's satisfaction.

44. Neither the Council, Harbour Master, Harbour Constable or any authorised person shall be liable for any loss, theft of or damage to any vessel, vehicle, equipment or goods or chattels whilst in the harbour. Neither the Council, Harbour Master, Harbour Constable or any authorised person shall be liable for any loss, damage or injury suffered by any owner of, master of, crew or passenger of any vessel in the harbour nor to any person, master, owner or crew of any vessel in the harbour or while in the harbour when such damage loss or theft occurred, howsoever such damage loss or theft has occurred.

45. Damage caused to Wexford County Council property in the harbour area or losses suffered will be charged to persons(s) responsible for such damage.

In the event of non-payment of charges for damaged caused to Wexford County property, the Council will pursue the charges due by way of a simple contract debt through the various courts as appropriate.

46. All persons using any part of Council's harbour, premises or facilities for whatever purpose and whether by invitation or otherwise do so at their own risk and the Council will not be responsible any loss or damages they may suffer or incur.

Maintenance

47. No work shall be carried out to a vessel whilst in the harbour, marina or laying-up area (except with the written consent of the Council Harbour Master, which may be withheld at the Harbour Master's sole discretion)

(a) Other than minor running repairs or minor maintenance of a routine nature by the master or the owner, his regular crew or members of his family.

(b) Any minor work so permitted shall not cause any nuisance or annoyance to any other users of the harbour, car park or any person residing in the vicinity.

48 (a) Cleaning, painting and repairing of vessels, goods or containers shall only be carried out at places and at times as directed by the Harbour Master and shall only be done in such a manner so as not to cause any danger, inconvenience or nuisance to other harbour users.

(c) Persons carrying out such cleaning, painting or repairing shall not mark or soil or damage any surface or wall face or area of the harbour and shall clear and dispose of all resulting debris in accordance with these Bye-Laws and with statute.

Waste

49. Waste from vessels shall only be disposed of in the receptacles provided or as otherwise advised by the Council. Masters or owners of vessels shall only dispose of waste oil, paint, chemical and other suchlike materials in any other manner with the prior agreement of the Harbour Master. No waste or polluting matter of any kind shall be discharged to waters in the harbour.

50. In addition, no refuse, noxious substances, paints, oils, fuels or sewage shall be thrown overboard or left on the pontoons, jetties or car park, or disposed of in any way other than in the receptacles provided by the Council or as otherwise advised by the Council and in the event of any of the above being thrown overboard or otherwise discarded the person so doing shall be in breach of this article and other such legislation as are applicable.

Other Uses

51. Bathing, where it is in the opinion of the Harbour Master unsafe, is not permitted in the harbour area.

52. Fishing (sea angling) where it is in the opinion of the Harbour Master unsafe or interferes with motor vessels using the harbour area, is not permitted.

53. No person shall carry out any activity in the harbour except in accordance with these Bye-Laws.

54. The Harbour Master may restrict ban or otherwise control the use of jet skis and other motorised vessels in the Harbour as he sees fit.

Security

55. No person shall remain in the harbour if requested to leave by the Harbour Master or any person duly appointed by the Council.

56. No person shall obstruct the Harbour Master, the Harbour Constable or any authorised person in the execution of their duties.

57. A person using a harbour shall give their name and address to the Harbour Master or any authorised person when requested by the Harbour Master or any authorised person to do so.

Nuisance

58. Masters or owners shall not use their vessels for any purpose which may cause a nuisance, damage, danger, annoyance or inconvenience to other persons. The Harbour Master may at his discretion ban vessels from the harbour if such occurrences arise.
59. Masters or owners of vessels shall be responsible for the behaviour of passengers/crew and others aboard their vessels and shall ensure that they shall not cause a nuisance, damage, danger or annoyance to themselves or other persons or to the harbour or Harbour Master.
60. No noisy, noxious or objectionable engines, radio or other apparatus or machinery shall be operated within the harbour so as to cause any inconvenience, nuisance or annoyance to the Council, to any other users of the harbour, or to any person residing in the vicinity of the harbour and the master or owner of a vessel undertakes for himself, his guests and all using the vessel that they shall not behave in such a way as to offend as aforesaid.

Harbour Safety

61. All harbour users must obey the safety signs and instructions applying to the harbour.
62. The Council shall not be responsible or liable for the safety of vessels, masters or owners, visitors, guests or other users of the harbour.
63. The Harbour and all lands adjacent to it and being used for purposes related to the harbour are considered to be working areas of the harbour. Members of the public thus enter at their own risk.

64. Masters or owners who have visitors to their vessels shall be responsible for their visitors safety and ensure that such visitors wear proper footwear, appropriate buoyancy aids and keep control of and in particular care for the safety of any children with them.
65. Children must wear adequate life-jackets and must be accompanied by a responsible adult at all times.
66. The master or owner of a vessel shall take all necessary precautions against the outbreak of fire in or upon a vessel and shall observe all statutory and local regulations relative to fire prevention. A master or owner of a vessel shall not refuel a vessel in the harbour other than in a berth specially provided for refueling.
67. In the event that there is no refueling berth available (see article 66 above) a vessel shall not be refuelled in the harbour, except with the prior permission of the Harbour Master.

This article shall not apply to closed fuel containers being placed aboard by the master or owner of a vessel or to the replenishment of fixed out-board motor tanks not exceeding 5 litres capacity.

68. Public events, including events on the water, within the harbour area are required to submit details of such events to the Harbour Office in advance of the event. The Harbour Master may approve, request alterations or refuse permission to hold such events at his discretion. Further information detailing requirements can be obtained from the Harbour Office.

Commercial insurances etc

69. Vessels engaged in commercial activities must also carry a current licence/permit from the relevant authorities responsible for the issue of such licence/permit. Licence in this article does not relate to that issued by the Harbour Master.
70. All vessels engaged in the commercial carriage of passengers, anglers or divers must be in possession of current and adequate public liability, employer's liability and marine insurances. Copies of such insurances must be provided to the Harbour Master if requested.
71. All vessels and persons engaged in commercial activities shall have their employer's liability, public liability and marine insurance policies endorsed to indemnify the Council and its staff and waive and hold the Council not responsible in relation to any losses or damage howsoever caused arising out of the use of the harbour and its facilities.
72. All vessels engaged in commercial carriage of passengers must be in possession of a current relevant passenger licence as required by the Department of Transport, a copy of such licence to be provided to the Harbour Master on demand.
73. Owners of all other vessels not included in section 72, are required to insure their vessels and the contents thereof adequately against loss or damage including third party claims and salvage including public liability, employer's liability and marine liability and to indemnify the Council against any claim occurring as aforesaid or howsoever arising in connection with the vessel. The Council may require evidence of insurances to be produced.

Failure to produce evidence of insurances or insurances produced which are considered inadequate by the Council shall be good reason for the

forfeiture of any licence or permit issued and any such vessel must be removed from the Harbour forthwith.

74. Except with the written consent of the Council, which may be withheld at the Council's sole discretion, no part of what is the harbour area, or a vessel in the harbour, shall be used by the master or owner of a vessel for any commercial purposes including hire, embarking or charter parties, sale or demonstration for sale or hire of the vessel.

The occasional use of the vessel by a personal friend of the owner on payment to the owner of a contribution towards the actual running cost of the said vessel shall not be deemed a commercial purpose for this article. The decision of the Harbour Master as to whether a vessel is being used for commercial purpose shall be final and binding.

- 75 The master or owner of a vessel shall upon request by the Council supply to the Council full details in writing of all such uses under the Provision of article 70-74 above.

Sales

76. The master or owner of a vessel shall be permitted to arrange a private sale of not more than one vessel, during any one or more periods of twelve consecutive months of the licence granted to the said master or owner. In the event of such a private sale the master or owner shall be present at all times during which the vessel is to be viewed and he shall not be permitted to display a "For Sale" notice on his vessel whilst at the harbour.

Licences

77. The Harbour Master shall have the right to terminate or not renew a licence granted to the master or owner of a vessel in the event of the master or owner failing to observe any article or articles of these Bye-Laws.

A notice specifying the breached article(s) and stating that such licence is being terminated may be sent by ordinary pre-paid post to the master or owners last address as notified to the Harbour Master and/or posted in a conspicuous position on the vessel. A notice requiring the master or owner to remove his/her vessel within 14 days may also be sent to the aforesaid address under the provisions of this article.

If the master or owner of the vessel fails to remove the vessel at the expiration of the said period of 14 days, the Harbour Master shall have the right to remove the vessel from the harbour and thereupon shall secure it elsewhere and may charge the master or owner with all the costs arising out of such removal including alternative berthing fees and/or proceed with legal actions to remove the vessel. All costs incurred by the Harbour Master and the Council shall be charged to the owner and will be pursued by means of a simple contract debt by the Council through any court of competent jurisdiction.

Copies of notices served under this article shall be placed in a conspicuous position on the vessel in question.

78. Any licence issued under these bye-laws are personal to the licensee and the owner/licensee shall not lend or transfer the berth or his/her licence (this licence being personal to the owner in relation to a particular vessel and non-assignable) nor shall he use it for any other vessel without the prior consent of the Harbour Master.

79. All licensees shall berth where directed by the Harbour Master and no licensee shall have the exclusive use of a particular berth.
80. The Harbour Master may withdraw a licence granted under these bye-laws for a vessel for breach of any of these bye-laws. In such an event any monies paid in advance by the owner of the vessel shall be forfeit to the Council.

Facilities

81. All keys, cards and other access devices to the harbour remain the property of the Council. A refundable deposit will apply to each such device. The amount of the deposit is detailed in Wexford County Council's Schedule of Charges. The deposit will be forfeited should the device be used by unauthorised persons (i.e. persons other than the master or owner or family or crew or person servicing the said vessel), or if the device is not returned to the Harbour Master.
82. Electricity and other utility outlets shall be used in a safe and proper manner and users shall be charged the set fees for such services and pay for it on demand. Non-payment of such charges will result in action as set out in these bye-laws.
83. Showers and other facilities where available for the use of harbour and marina users shall be charged for as appropriate and shall be used in a proper, sanitary and reasonable manner.

Imported Animals

84. Harbour users may not bring dogs or other animal pets into the harbour, except with prior permission and otherwise only as permitted by statute. In view of the proximity of rabies on the Continent of Europe, the Council and/or Harbour Master may at any time and without prior notice require that all dogs and other animals be removed from the harbour.

No animal taken aboard (other than in Great Britain) may be brought into the Harbour and any master or owner suspected of so doing will be reported to the appropriate authorities.

Offences

85. The master, owner, or user of a vessel shall comply with these bye-laws and also with any other rules of the harbour which may be made at any time to ensure the safe and orderly regulation of the harbour, such rules to be displayed in the Harbour Master's office.
86. Any person who contravenes these bye-laws shall be guilty of an offence.

The penalties for contravention and continuing contravention of the bye-laws are as set out in Part 19 of the Local Government Act 2001 or such act in the future which replaces, modifies or amends that section. Fines up to €1,905 may be imposed for breaches of the bye-laws.

The recovery of costs due to Wexford County Council in the exercise of any of its functions as the Harbour Authority will be charged to the owner and will be pursued by means of a simple contract debt by the Council through any court of competent jurisdiction.

PART III – Harbour Charges:

87. (1) The Council may impose charges, referred to in these bye-laws as "Harbour Charges", at such rates as are from time to time determined by it on:

- (a) The owner or master of a boat, ship or vessel which:-
 - (i) enters within its harbour,
 - (ii) uses any quay, anchorage or mooring in its harbour, or
 - (iii) piles within its harbour, or
 - (iv) temporarily lays up in the harbour
 - (v) uses storage or laydown facilities within its harbour
- (b) The owner, consignor, consignee or carrier of goods shipped, trans-shipped, unshipped or stored within the harbour,
- (c) The owner or master of a boat, ship or vessel which carries passengers to or from a place within the harbour.
- (d) A person for whom any service or facility is provided or to whom any equipment is hired.

(2) In relation to anything referred to in paragraph (a), (b), (c) or (d) of sub-article 87(1), Harbour Charges may be imposed by the Council on two or more of the appropriate persons referred to in the said paragraph (a), (b), (c) or (d) as the case may be and where Harbour Charges are so imposed the liability of the persons concerned for the harbour charges shall be joint and several.

(3) Harbour Charges shall be recoverable (in the event of non-payment) by the Council from the person or persons on whom they have been imposed as a simple contract debt in any court of competent jurisdiction, in the event of a non-payment.

(4) (1) Where default is made in the payment of harbour charges imposed by the Council, the Council may, subject to the provisions of this article :-

- (a) if the charges were imposed under paragraph (a), (b) or (c) of article 87 (1), detain the boat, vessel, ship or goods concerned or, if any of the above have been removed outside the harbour, any other goods within the harbour belonging to the person in default, or
- (b) if the charges were imposed under paragraph (d) of article 87(1), detain any boat, ship, vessel or goods in relation to which the service or facility concerned was performed or provided or the equipment concerned was hired or, if any of the above have been removed to outside the harbour, any other such goods within the harbour belonging to the person in default,
- (c) And if the charges are not paid within 56 days of the date when the detention commences, the Council may sell the boat, vessel, ship or goods in order to satisfy the harbour charges.

- (2) Notwithstanding sub-article 87(4)(1), if the goods detained by the Council under that sub-article are of a perishable nature the Council may, subject to the provisions of this article sell or dispose of the goods at any time before the expiration of the period referred to in that sub-article (without prejudice to its right to sell them after such expiration) in order to satisfy the harbour charges concerned.
- (3) No goods forfeitable under the Customs Acts shall be detained under sub-article 87 (4)(1).
- (4) The Council shall not detain, or continue to detain a ship or goods under sub-article 87 (4)(1) if :-
 - (a) the owner or master of the boat, vessel or ship, the owner of the goods or any other person referred to in paragraphs (a) to (d) or article 84 (1), as may be appropriate, or give to the Council sufficient security for the payment of the charges due.
 - (b) any person claiming an interest in the boat, vessel, ship or goods, alleges that the harbour charges concerned, or any of them, are not due and gives the Council, pending the determination of the question as to whether the charges are due, give to the Council sufficient security for the payment of the charges due.
- (5) For the purpose of effecting the detention of a boat, ship, vessel or goods under sub-article 87(4)(1), the Harbour Master may enter the vessel or any place (including any boat, ship or vehicle) within the harbour where the goods are located and do all things in relation to the vessel or goods necessary for or incidental to the said purpose and without

prejudice to the foregoing may remove the goods from the said place and store them elsewhere.

PART IV – Car Park Facilities

88. 1. (a) A person shall not use a car park for any purpose other than for the parking of a car, bicycle, motorcycle or tour bus where delineated and specified.
- (b) A car park may not be used for the parking of trucks, boats, articulated vehicles, trailers, caravans, vans, tractors, pick-up trucks, drawn vehicles, mobile food vans, camper vans or dormobile caravans except in areas specifically designated for such use and with prior permission of the Harbour Master.
- (c) For the purposes of these bye-laws, roads and other grounds within the harbour area shall be classed as car park areas.
2. The hours of operation of car parks shall be as determined by the Council. An appropriate fee shall be paid as directed, such fee to be decided upon by the Council from time to time.
3. (a) A person shall not insert into the pay machine any object other than that required to pay the fee.
- (b) A person shall not interfere with or damage any barrier or pay machine.
4. (i) A person shall not park a vehicle in a disabled person parking bay without having displayed thereon a disabled person parking permit.

- (ii) In this article a “disabled person parking bay” means a space intended for the parking of a mechanically propelled vehicle on which is displayed a disabled person parking permit, granted in respect of such vehicle.
 - (iii) A person shall not park a vehicle other than an electric vehicle in a parking bay designated for electric vehicles.
- 5. A person shall not park or cause to be parked in the car park a vehicle in such a position or in such condition or in such circumstances that it would cause, or be likely to cause, danger to other persons using the car park or to obstruct the entrance to or exit from the car park or to obstruct the free flow of traffic within the car park.
 - 6. A person shall not park or cause to be parked in the car park, a vehicle in such a position that it or any portion of it extends from one parking bay to another.
 - 7. A person shall not overhaul or execute repairs to a vehicle while it is parked in the car park save where it is necessary to carry out repairs to the vehicle in order to enable it to be removed from the car park.
 - 8. A vehicle while parked in the car park shall not be used for the sale of food, tickets or goods of any description or for the provision of any service in or from the vehicle or as an office nor shall any such vehicle be offered or displayed for sale or for hire or as a prize.

9. A person shall not make any unnecessary noise by means of or in relation to a vehicle while it is parked in the car park or by means of any equipment, fitting or instruments fitted to or carried on or to the vehicle or any loudspeaker or radio in or on or in any way connected with the vehicle.
10. A person shall not throw, place or leave any bottle, or any broken glass, nail, litter, or other substance on or in the car park. The provisions of the Litter Pollution Act of 1997-2009 shall apply in the car park and the harbour. No person shall at any time play ball or any game in the car-park.
11.
 - (i) Every person using the car park shall comply with any lawful direction given by the Harbour Master or any authorised person or by a member of the Garda Siochana in relation to the parking of a vehicle in, or its removal, from the car park or in relation to any of these bye-laws.
 - (ii) Where a person who is considered to be in breach of any of these bye-laws is requested by the Harbour Master, authorised person or a member of the Garda Siochana to leave the car park, he shall comply with such request forthwith.
12. A person shall not in the car park willfully obstruct, disturb or interrupt the Harbour Master or authorised person in the execution of his or her duty, including the execution of any work in connection with the laying out or maintenance of any part of the car park.

13. A person shall give on demand, to the Harbour Master or authorised person, his or her name and address and a person shall not in the car park resist, obstruct or aid or incite any person to resist or obstruct any persons referred to in article 88, (12) or (13) in the execution of his or her duty or lawful exercise of his or her authority.
14. The Harbour Master and authorised person shall produce, if requested to do so, evidence of his or her identity and employment by the Council to any person alleged to be in breach of these bye-laws.
15. Notwithstanding anything contained in these bye-laws, the Harbour Master may, at his discretion, close the car park, if tidal, weather, safety or operational maritime matters demand it. He may also close the car park to secure the safety and security of the harbour area. All vehicles parked in the car park must be removed on the direction of the Harbour Master or other duly authorised person.
16. Articles 43-46 of these bye-laws in respect of the liability of the Council, the Harbour Master and other duly authorised persons shall apply in respect of harbour car parking facilities also.

PART V – Offences, Penalties and Proceedings.

89. 1. A person who contravenes any provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine as set out in Part 19 of the Local Government Act 2001 or such act in the future which replaces, modifies or amends that section. Fines of up to €1,905 may be imposed for breaches of the bye-laws.
2. If the contravention of a provision of any Bye-Law 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 daily fine as set out in Part 19 of the Local Government Act 2001 or such act in the future which replaces, modifies or amends that section.
3. An authorised person may request any person who appears to be contravening or to have contravened a provision of a bye-law relating to any land, service or any other thing provided by or under the control or management of the Local Authority to leave such land or to refrain from any activity and may remove any person failing to comply with such request.
4. (a) A person who obstructs or impedes or refuses to comply with a request 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.

- (b) Where an authorised person is of the opinion that a person is committing or has committed an offence under these bye-laws, 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.
 - (c) A person who is convicted of an offence under this sub-article shall be liable on summary conviction to a fine as set out in Part 19 of the Local Government Act 2001 or such act in the future which replaces, modifies or amends that section.
 - (d) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which this section relates, that member may arrest the person without warrant.
5. A person shall not be bound to comply with a request of an authorised person under this article unless the authorised person produces, if requested by the person, evidence of appointment as an authorised person for the purpose of these Bye-Laws.
6. Where an offence is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body or any person who was purporting to act in any such capacity, that officer or person, as well as the body, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

7. An offence under these bye-laws may be prosecuted by the Council or by a member of the Garda Síochána.
8. All fines in respect of offences imposed shall be paid to Wexford County Council.
9. It shall be the duty of the Council whenever required to do so by any Court of Justice, to produce to the court, a true copy of these bye-laws and to verify the copy to such court by having endorsed thereon a certificate signed by an officer of the Local Authority, whose official position it shall not be necessary to prove, by which the bye-laws were made and the court shall receive the copy in evidence and thereupon, the copy shall, unless the contrary is shown, be sufficient evidence of the bye-laws.
10. In this section "authorised person" means a person authorised in writing by a Local Authority for the purpose of this section.

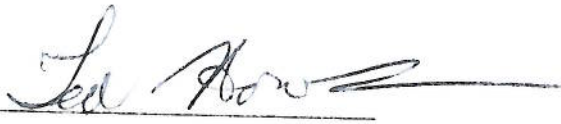
PART VI – Notices:

90. 1. Where a notice, direction or other document is authorised or required by these bye-laws or an instrument made there under to be served on or given to a person, it shall unless otherwise specified herein, be addressed to him and shall be served on or given to him or her in one of the following ways:-
 - (a) by addressing it to the person by name and delivering it to him or her;
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or

- (c) by sending it by ordinary prepaid post addressed to the person at the address at which he or she ordinarily resides, or in a case in which an address for services has been furnished, at that address.
 - (d) by leaving it at a conspicuous position on a vessel.
2. For the purposes of this section, a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.
 3. Notices in respect of these bye-laws may be exhibited on the harbour notice board in the Harbour Master's office.
 4. The harbour notice board shall be located in the Harbour Master's office.

Made and adopted under the Common Seal of the County Council of the County of Wexford at its meeting held in the County Hall, Carricklawn, Wexford on Monday, 13th January, 2014. The Wexford County Council Harbours and Piers Bye-Laws 2014 shall come into force on 7th April, 2014.

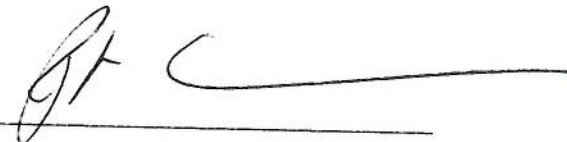
Present when the Common Seal of the Council was affixed hereto:



County Councillor



County Manager



County Secretary

APPENDIX 1 - MAPS