



COMHAIRLE CHONTAE LOCH GARMAN  
WEXFORD COUNTY COUNCIL  
DRAFT BEACH BYE-LAWS 2021

BYE-LAWS GOVERNING BEACHES AT:

BAGINBUN, BALLINESKER, BALLINOULART, BALLYCONNIGAR,  
BALLYDUBOY, BALLYHEALY, BALLYMONEY, BALLYNACLASH,  
BALLYNAMONA, BALLYTEIGUE, BALLYVALDON, BALLYVALOO,  
BOOLEY BAY, CAHORE, CARNE, CARNSORE POINT,  
CLONE/CASTLETOWN, COURTTOWN, CULLENSTOWN, CULLETON'S  
GAP, CURRACLOE (WHITE GAP), DUNCANNON, FETHARD, LADY'S  
ISLAND, KILPATRICK, KNOCKNASILLOGE, MORRISCASTLE, OLD  
BAWN/NEWTOWN, POLLSHONE, ROSSLARE STRAND,  
ROSTOONSTOWN, ST. HELENS, TACUMSHIN, TINNABERNA.

THESE BYE-LAWS WERE MADE BY WEXFORD COUNTY COUNCIL AT THE COUNCIL MEETING ON \_\_\_\_\_. THEY SHALL COME INTO FORCE ON THE 1<sup>st</sup> July, 2021 (provisional date).

## **WEXFORD COUNTY COUNCIL**

### **BEACH BYE-LAWS 2021**

The County Council of Wexford in pursuance of the powers conferred on it under the Local Government Act 2001, the Local Government Act 2001 (Bye-Laws) Regulations 2006, the Maritime Safety Act 2005, the Control of Dogs Act 1986 (as amended), the Casual Trading Act 1995, the Control of Horse Act 1996, the Litter Pollution Act 1997 (as amended) and in the interests of the common good hereby makes the following Bye-Laws for the beaches of County Wexford set out in the schedule hereto in the County of Wexford.

#### **I. Title**

These Bye-Laws shall be cited as the Wexford County Council Beach Bye-Laws 2021. They replace the Wexford County Council Beach Bye-Laws 2005.

#### **II. Commencement**

These Bye-Laws shall come into effect on 1<sup>st</sup> July 2021 (provisional date).

#### **III. Duration**

Unless otherwise stated these Bye-Laws shall apply throughout the year.

#### **IV. Application**

These Bye-Laws shall apply to all Beaches set out in Schedule One to these Bye-Laws.

#### **V. Definitions**

In these Bye-Laws the following definitions shall apply;

- (a) "The Council" means the County Council of the County of Wexford.
- (b) "The consent of the Council" means permission in writing of an Authorised Person.
- (c) "Licence" has the meaning described in Part VI of these Bye-Laws.
- (d) "The Act" means the Local Government Act 2001.
- (e) "Authorised Person" means any person, including any employee of the Council that is authorised in writing by the Council for the purpose of these Bye-Laws.
- (f) "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 300 metres (seawards) from the low water mark. The words seashore and foreshore have the same meaning as defined in the Foreshore Act 1933. A Blue Flag Beach is one flying a Blue Flag awarded by the Foundation for Environmental Education (FEEE) annually, represented by An Taisce in Ireland.

- (g) "Foreshore" has the meaning assigned to it in Sections 1 and 1A of the Foreshore Act 1933 (as amended).
- (h) "Personal Water Craft" means a craft (other than a recreational craft), of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling, rather than within the confines of a hull.
- (i) "Fast Power Craft" means a pleasure craft (other than a personal watercraft) the principal means of which is derived from a mechanical power source which attains or can attain a speed through or over the water equal to or exceeding 17 knots, whether engaged in towing other appliances or not, and includes craft that are capable of being driven on land as well as on water.
- (j) "Power Craft" means a pleasure craft, whose principal means of propulsion is derived from a mechanical power source and which attains or can attain a speed through or over water, not exceeding 17 knots whether engaged in towing other appliances or not.
- (k) "Quad" means a four wheeled mechanically propelled vehicle.
- (l) "Suitable Personal Flotation Device or Lifejacket" means a personal flotation device or lifejacket –
  - Sufficient to give a person using it buoyancy in waters which are likely to be encountered.
  - Which is appropriate to the body weight of the person who is wearing it.
  - Which has on it the CE conformity marking consisting of "CE" taking the form of the specimen set out in Annex IV to the European Union Council directive 89/686/EEC of 21<sup>st</sup> December, 1989 (as amended by Council Directive 93/688/EEC of 22<sup>nd</sup> July 1993 and Council Directive 96/58/EC of the European Parliament and the Council of 3<sup>rd</sup> September 1996).
- (m) "Surf board" means a board used to surf using wave energy as a means of propulsion.
- (n) "Sail board" means a board with a sail attached allowing the operator to sail along waves as well as down them.
- (o) "Kite board" means a board used for surfing with the assistance of a kite, allowing the operator to sail along the waves as well as down them.
- (p) "Swimming" includes floating, paddling, fishing or otherwise being in the sea for leisure purposes.
- (q) "Summer Season" means the period from 1<sup>st</sup> June to 15<sup>th</sup> September each year.

## **VI. Prohibited Acts.**

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

### **Damage**

- 1) Light an open fire (other than in a contained unit, such as a barbecue) or do anything which may cause damage by fire.
- 2) Damage any grass, sand dunes, plants, habitats, shrubs or any plant on or along the Beach.
- 3) Deposit any soil, stones or similar material.
- 4) Spread, fix or leave any nets, baits, lines, boxes, fishing gear, fish or shells
- 5) Paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or structure.
- 6) Deposit any rubbish or any item of litter as defined in the Litter Pollution Act 1997 (as amended).
- 7) Remove any sand, stones, seaweed or soil from the beach, except in accordance with legislation and except with the consent of the Council.
- 8) Interfere with or damage any lifebuoy, lifesaving equipment, rope marker, hut, cabin, litter receptacle, sign or flagpole, flag or information board, wall, railing or fence or any other thing placed on the beach by Wexford County Council.
- 9) Cause a nuisance or danger to people on the beach by playing a game in such a manner as to cause nuisance or danger.
- 10) Cause a nuisance or do any act likely to cause nuisance thereon.

### **Vehicles/Tents/Overnight Parking**

- 11) Drive, bring onto, place on, leave or park any motorcar, motorcycle, quad, van, trailer, camper-van, caravan, mobile home, dormobile, off-road vehicle, carriage, truck, wagon, lorry, all-terrain vehicle, quad or other mechanically propelled vehicle on the Beach or dune system appurtenant to the Beach.
  - (i) This Bye-law shall not apply to a vehicle operated under licence from Department of Environment Climate and Communications, by the Council or its agents, the Commissioners of Public Works, An Garda Síochána, Permanent Defence Forces, Civil Defence, Coast Guard, Community Inshore Rescue Service or recognised rescue services, Customs and Excise, the Receiver of Wrecks or any other emergency service vehicles.
  - (ii) The prohibition of mechanically propelled vehicles from Beaches excludes the parking of a motorcar or motorcycle or other motorised vehicle in a safe manner on Duncannon and Cullenstown Beaches, in accordance with local restrictions and the parking of motorcars, motorcycles and other motorised vehicles in a designated car park at any of the beaches in the Schedule other than Cullenstown and Duncannon. The parking of motorcars, motorcycles and other motorised vehicles on these Beaches is entirely at the owner's risk.
- 12) Encamp or place or erect or cause to be placed or erected on the Beach, or dune system appurtenant to the Beach, any tent, caravan, camper-van, dormobile or other temporary dwelling overnight within the Beach Area covered by these Bye-Laws.

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

### **Trading/Hiring/Advertising**

- 13) Save with the consent of the Council, exhibit any advertising board, placard, wares, merchandise or play any amplified music on the beach, organise, stage or hold any public, sporting or commercial event on the Beach.
- 14) Save in accordance with a licence issued by Wexford County Council, sell or hire or offer tuition or lessons or offer for sale or hire or place any object on the Beach for the purpose of sale or hire including any;
  - Booth, stand, stall, chair, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail-board, lilo, sails, equipment, personal watercraft, or other water craft or any commodity or thing whatsoever.
- 15) Save in accordance with a licence issued by Wexford County Council, sell or hire or offer for sale or hire or place any children's or any play equipment onto the Beach for the purpose of sale or hire, including any:
  - Bouncing castles, pony or donkey rides, inflatable toys or articles for use on water, trampolines, quad bikes, go-karts or any play item whatsoever.
- 16) Wexford County Council may from time to time designate certain areas of beaches for the purpose of the sale or hire of certain commodities determined by the Council. Any such licence granted will include conditions to which the licensee will be required to abide.

### **Horses**

- 17) Between the hours of 10 a.m. and 8 p.m. during the Summer Season and Bank Holiday weekends during the calendar year (includes Saturday, Sunday and Monday), it shall be prohibited to bring onto or ride, wash, drive or lead any horse, pony, donkey, ass, mule or other animal of the equine species on the beach. Before 10 a.m. and after 8 p.m., such an animal may be brought onto the beach on the condition that:
  - It is under control.
  - It is not allowed on any part of the beach which comprises of sand dunes.
  - It is not causing annoyance, danger or nuisance to any person using the beach.
  - Any faeces are removed.

Exempt from this Bye-Law are horses kept by An Garda Síochána and under the control of a member of An Garda Síochána in the execution of his/her duties, ponies or other such animals of the equine species, brought onto the beach for the purpose of hiring the animal for children's pony rides, operated in accordance with a licence granted under Section VI of these Bye-Law provisions.

## Dogs

- 18) Between the hours of 11 a.m. and 6 p.m. during the Summer Season and Bank Holiday weekends, it shall be prohibited to bring any dog onto a Blue Flag Beach. A dog may be brought onto the Blue Flag Beaches outside of the prohibited period and other Beaches covered by these Bye-Laws on condition that:
- The dog is on a leash.
  - It is not causing annoyance, danger or nuisance to any person using the Beach or worrying or chasing, injuring or disturbing any animals or birds or other creatures on the beach; and
  - Any dog faeces are removed and deposited in a suitable receptacle.
  - Additional requirements apply to dogs on the restricted breeds list under the Control of Dogs Regulations 1998 (S.I. 442 of 1998) relating to being on a strong leash or chain not more than 2 metres long, being muzzled and being in the charge of a person more than 16 years old.

Guide dogs for the blind, dogs kept by An Garda Síochána in the execution of his/her duties and dogs kept by Custom and Excise Service and under the control of a member of the Custom and Excise Service in the execution of his/her duties are exempt from this Bye-Law.

## Personal Watercraft, Fast Power Craft, Power Craft.

- 19) The Council may designate sea access and exit routes through beaches for personal watercraft, fast power craft and power craft, as shown on the schedule of maps attached hereto.
- 20) The launching or use of personal watercraft, fast power craft and power craft is prohibited at any of the listed beaches except at areas designated by the Council for this purpose at Courtown Harbour, and shown on the Schedule of maps attached hereto.
- 21) The use of personal watercraft, fast power craft and power craft within 300 metres of the low water mark is prohibited, except for the purpose of rescue or while obtaining access to or egress from the water at a designated area at Courtown Harbour as referred to in Section VI (19) above.
- 22) Operators of personal watercraft, fast power craft and power craft shall observe a speed restriction of 6 knots from the water line to 300 metres seaward from all beaches and should not operate in the proximity of swimmers except in the event of an emergency.
- 23) Every person in charge of a personal watercraft, fast power craft and power craft shall act in such a manner as not to cause annoyance to any person using a beach or swimming in the water or to disturb naturally occurring flora and fauna.
- 24) A person in charge of, or using in any way a personal watercraft, fast power craft or power craft shall wear a suitable personal flotation device or lifejacket.
- 25) Every person bringing a personal watercraft, fast power craft or power craft onto the Beach shall be responsible and liable for any damage or injury to property or persons which may be caused by it.

- 26) Every person bringing a personal watercraft, fast power craft or power craft onto the Beach must remove it from the Beach if directed to do so by an Authorised Person.
- 27) These provisions shall not restrict the exercise by any Agency of the State of its statutory powers. This Bye-Law shall not apply to vessels kept by the Coastguards, the RNLi, the Community Inshore Rescue Service, Permanent Defence Forces, the Naval Service, the Custom and Excise Service, An Garda Síochána, Wexford County Council, Civil Defence and other recognised services wholly used by an employee or member of those organisations or services while on duty.

### **Surf-boards/ Sail-boards/Kite boards/Canoes/Kayaks**

No person shall wind surf on sail boards or kite surf on kite boards or surf on a surf-board or use a canoe or kayak in close proximity to swimmers.

- 28) The Council may designate areas of the Beach that will be clearly defined and to which the use of surf/kite/sail boards, canoes and kayaks is restricted.
- 29) No person shall offer tuition in surfing or any other water sport/activity from the Beach or in the sea unless done in accordance with the standards issued from time to time by Water Safety Ireland and/or other body recognised to issue such standards by Wexford County Council and unless done in accordance with the conditions of a licence.

### **Filming**

- 30) No person shall make any movie or film on a commercial basis on a Beach except with the consent of the Council and subject to the terms and conditions of such consent.

A breach or contravention of the requirements set out in this bye-law VI shall constitute an offence for the purposes bye-law VIII of these bye-laws.

### **VII. Granting of licences**

- 31) The Council may at its sole discretion grant a licence, subject to the conditions as the Council deem appropriate, for the use of part or parts of the Beach for the purpose of placing thereon for sale or hire any object or item including any booth, stand, stall, pony ride, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail-boards, lilo, dinghy or equipment or offering tuition/classes in any sporting or other activity, or for the organising, staging or holding of a public, sporting or commercial event subject to the applicant producing a valid policy of public and employer liability insurance with an indemnity extended to Wexford County Council and any other necessary documentation.
- 32) A person who applies to the Council for a licence shall furnish to the Council the information requested in the application form together with such information as the Council may request for the purpose of the exercise of its powers and functions under these Bye-Laws.

- 33) On the granting of a licence, the applicant shall pay a minimum permit fee of €100 per square metre of beach per summer season or part thereof in respect of which the permit is granted (for the sale or hire of goods/products), or alternatively a tender bid price or other competition may be used for certain services. Applicants shall pay a permit application fee as follows for each location at which the service may be provided. The following fees shall apply for other activities such as exercise classes;
- (a) Water Sports Activities (e.g. tuition) €250 per annum
  - (b) All other Activities (e.g. exercise classes) €150 per annum.
- 34) A licence granted by the Council shall not relieve from personal responsibility or liability any person(s) to whom such permission was granted in respect of any criminal, unlawful, wrongful or negligent act or omission for which such person(s) may at any time be sued or charged.
- 35) A licence granted by the Council shall in no way be deemed to implicate or involve the Council, its officers, employees or agents in any liability or responsibility in respect of any criminal, unlawful, illegal, wrongful or negligent act or omission done by any person(s) to whom such permission was granted or by their servants, agents or employees nor shall any partnership with the Council be deemed to arise as a result of any licence granted by the Council.
- 36) The Council may, by notice in writing revoke, suspend, alter, amend or limit the terms and any conditions of an issued licence.
- 37) A licence granted by the Council shall be valid for a period of 12 months after the date of issue, in the case of a licence for an activity, or for the duration of the event in the case of a licence granted for an event.
- 38) The Council reserves the right to refuse any application. An applicant may appeal a decision of the Council by writing to the Director of Services, Housing Community, Environment, Climate Action, Libraries and Emergency Services., Wexford County Council, Carricklawn, Wexford Town, within one month of the refusal of the application.

#### **VIII Authorised Person and Offences**

- 39) It shall be lawful for any Authorised Person or member of the Garda Síochána to enforce these Bye-Laws and to take any other action as may be deemed necessary in the enforcement of these Bye-Laws.
- 40) An Authorised Person may request any person who appears to be contravening a provision of these Bye-Laws to refrain from such activity.
- 41) Where a member of An Garda Síochána is of the opinion that a person is committing or has committed an offence to which these Bye-Laws apply, that member of An Garda Síochána may arrest the person without warrant.
- 42) A person who obstructs, impedes or refuses to comply with the request of an Authorised Person or member of An Garda Síochána acting in the exercise of his/her powers under these Bye-Laws, shall be guilty of an offence.
- 43) Where an Authorised Person is of the opinion that a person is committing or has committed an offence to which these Bye-Laws apply, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name and address which is false or misleading, that person shall be guilty of an offence. If requested to do so, an authorised person under these Bye-



- Laws shall produce photo identification evidence of his/her appointment as an authorised person for the purpose of these Bye-Laws.
- 44) An Authorised Person may issue a Fixed Penalty Notice of €75.00 for a breach of these Bye-Laws or for any breach of any condition(s) of a licence under these Bye-Laws.
- 45) A person committing an offence under these Bye-Laws may be prosecuted by the Council or by An Garda Síochána. Any person who contravenes a provision of these Bye-Laws, or any permit or condition or conditions of any permit granted under these Bye-Laws, shall be guilty of an offence and shall be liable to a Fixed Penalty Notice of €75 for a breach of the Bye-Laws as an alternative to prosecution for such an offence. The amount of the Fixed Penalty Notice must be paid within twenty-eight days of the date of service of such Fixed Payment Notice if such person is to avoid prosecution.
- 46) Any person served with a Fixed Payment Notice is entitled to disregard such notice and defend a prosecution of the alleged contravention in Court. In such an event, and upon prosecution in Court, if a person is found to have contravened any specific provision of these Bye-Laws, they shall be guilty of an offence under Section 205 of the Local Government Act, 2001 and shall be liable upon summary conviction by the Court to a fine not exceeding €2,500.
- 47) If a contravention of a provision of these Bye-Laws is continued after the conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction in the District Court to a fine not exceeding €126.97 per day.

## **IX General**

- 48) Nothing contained in or carried out under any provision of the forgoing Bye-Laws shall in any respect prejudice or injuriously affect the rights and interest of the State in the foreshore, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over or in respect of the foreshore.

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 \_\_\_\_\_, 2021.

The Wexford County Council Beach Bye-Laws 2021 shall come into force on 1st July, 2021 (provisional date).

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

\_\_\_\_\_

County Councillor

\_\_\_\_\_

Chief Executive Officer

\_\_\_\_\_

County Secretary

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## **Schedule 1**

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

Baginbun	Booley Bay
Ballinesker	Ballinoulart
Ballyconnigar	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	Knocknasilloge
Morriscastle	Old Bawn/Newtown
Pollshone	Rosslare Strand
St. Helens	Rostoonstown
Tacumshin	Tinnaberna

"Beach" refers to that area of seashore and the foreshore as shown shaded in Yellow on the attached maps for each of the beaches listed above.

Appendix 1

FIXED PAYMENT NOTICE-FÓGRA SEASTA ÍOCAÍOCHTA

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APPENDIX 2 MAPS OF BEACHES

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