

BYE-LAWS

GOVERNING THE FORESHORES

IN THE COUNTY OF LOUTH (as amended)

The Council of the County of Louth in pursuance of the powers conferred on it by Section 37 of the Local Government Act 1994, the Control of Dogs Act 1986 and the Maritime Safety Act 2005 and in the interest of the common good of the local community make the following Bye-Laws for the purpose of regulating the use of the Beach and foreshore adjoining the functional area of the County of Louth.

BYE-LAWS

Part I

Preliminary

- 1) These Bye-Laws may be cited as the County Louth Foreshore Bye-Laws, 2003 (as amended)
- 2) The Interpretation Act, 1937 (No. 38 of 1937) applies to the interpretation of these Bye-Laws in like manner as it applies to the interpretation of the Acts of the Oireachtas
- 3) In these Bye-Laws, In these Bye-Laws:-
 - a) “Authorised Person”
 - (1) means an employee of the County Council of the County of Louth duly appointed to perform the duties under these Bye-Laws
 - (2) A member of An Garda Síochána

- b) "Council" means the County Council of the County of Louth
- c) "Electrical suppression" means the reduction and/or elimination of the emission of electromagnetic waves so as not to cause interference to radio and/or television reception.
- d) For the purposes of these by-laws "The Foreshore" is defined as the seabed and shore below the line of high water of ordinary or medium tides of the sea (shown HWM on OS Maps), and extending for a distance of 200 metres seaward from the low water mark or 400 metres seaward of the HWM mark whichever is the lesser, and every tidal river and tidal estuary and every channel, creek and bay of the sea or any such river or estuary and shall include any and all Property of the Council as defined in (n) below.
- e) "Dune System" is the area immediately adjacent to the foreshore consisting of a natural accumulation of sand and a covering of grasses and shrubs which can be in either public or private ownership and shall include any and all Property of the Council as defined in n) below.
- f) "Beach" is defined as the area immediately adjacent to the foreshore consisting of a natural accumulation of sand and or stones and or shingle which can be in either public or private ownership and shall include any and all Property of the Council as defined in n) below.
- g) "Licence" means licence obtained from the Council as provided for in Section 7 hereof
- h) "Horse" includes donkey, mule and hinny
- i) "Dog" includes a bitch of any age or a dog of any age
- j) "Personal Watercraft (PWC)" means 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 on, rather than within the confines of, a Hull".
- k) "Recreational Craft" means a craft of not more than 24 metres in length (measured in accordance with the ISO standard EN ISO 8666:2002 – Small craft – Principal data) intended for sports and leisure purposes).

- l) “Reserved Bathing area” means an area of the foreshore as indicated on maps 1,2 and 3 attached dated 26 May 2003 and listed in Schedule 1 where the use of PWCs and Recreational Crafts is at all times prohibited. The reserved bathing area is reserved exclusively for use by bathers and swimmers
- m) “Aquaculture” means the science and business of cultivating aquatic animals and plants in fresh or marine waters
- n) “Property of the Council” shall include the following
 - (1) Any walls, railings, barrier, fence, roadway, seats, footpath, walk, steps, drain or gully thereon belonging to the Council or erected thereon by the authority of the Council
 - (2) Any post, sign, notice, sign board, life saving apparatus, lamp, lamp-post, appliance for illumination, electric cable, wireless appliance, water pipe, gas pipe, shelter, ornament, building or other structure forming part thereof or erected thereon belonging to the Council or erected thereon by the authority of the Council
 - (3) Any tree, shrub, bush, hedge, flower, flower bed, turf, grass or other plant growing thereon or placed thereon by the authority of the Council
 - (4) Any implement, barrow, article or thing thereon belonging to the Council or placed thereon by the authority of the Council

Part II

Prohibitions and Powers of an Authorised Person

- 4) No person shall wilfully, carelessly, or negligently do, or licence any of the following acts to be done in or on the foreshore, beach and adjoining dune system:-
- a) Cause annoyance, obstruction, danger or injury to any person frequenting or using the said foreshore, beach and adjoining dune system , or do any act likely to cause annoyance, obstruction, danger or injury to any person frequenting the said foreshore, beach and adjoining dune system
 - b) Obstruct, impede, annoy, or needlessly interrupt any Authorised Person, or employee of the Council in the performance of his/her duties
 - c) Disobey the lawful directions of any Authorised Person
 - d) Light a fire or do anything likely to cause a fire
 - e) Play golf on the foreshore and/or the adjoining dune system excepting in such locations where the practice has been expressly approved by the Council.
 - f) Bring, lead or entice any dog onto the foreshore or beach unless such dog be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person or from worrying any animal. Bye-Laws made under this section shall not apply to a dog being used in the execution of his duty by a member of the Garda Síochána, or for such other purpose as the Minister may prescribe.
 - g) Bring lead or entice any animal whatsoever onto the dune system excepting a guide dog under the control of an individual with a visual impairment. Bye-Laws made under this section shall not apply to a dog being used in the execution of his duty by a member of the Garda Síochána, or for such other purpose as the Minister may prescribe.
 - h) Cause or incite any dog to bark, fight, follow, or bite. Bye-Laws made under this section shall not apply to a dog being used in the execution of his duty by a member of the Garda Síochána, or for such other purpose as the Minister may prescribe.
 - i) Destroy, damage, remove, displace, alter, cut, soil, deface, defile, paint, draw or write upon any part of the foreshore, beach and adjoining dune system

- j) Drive, push, draw, propel, bring, place, leave, deposit, or park any motor car, van, trailer, caravan, carriage, truck wagon, lorry, motorcycle, off road vehicle, beach buggy or any other kind of vehicle including wind propelled wheeled craft or apparatus onto the foreshore, beach and dune system except in such instances as are outlined in 4 (n) and 4 (v) below.
- k) Bring, lead or entice any animal other than a dog or horse onto the foreshore and beach.
- l) Bring onto or leave on the foreshore, beach and adjoining dune system any aircraft except for rescue purposes.
- m) Destroy, damage, remove, displace or otherwise interfere with any safety device or apparatus provided for emergency use.
- n) Bring mechanically propelled vehicles or other apparatus onto the beach and foreshore for the purpose of launch and recovery of a water craft by any way other than the recognised public vehicular accesses provided always that this provision shall not restrict the exercise by owners or occupiers of properties abutting the foreshore of long established rights of access thereto.
- o) Throw, bring or deposit seaweed, sand, gravel, stones, earth, or other material save as part of any authorised harbour works or authorised coastal erosion protection scheme.
- p) Erect, fix, deposit or leave any timber, stones, iron, metal, lumber or hydrocarbon oils
- q) Excavate, dig, undermine, remove or erect any obstacle or things save as part of any authorised harbour works for the maintenance or improvement of ports and harbours or authorised coastal erosion protection scheme with the exception of digging for the purposes of collecting shellfish.
- r) Ignite or set-off fireworks, slap-bangs or other such contrivances.
- s) Bring into the beach, foreshore and Dune System any vessel and leave wrecked or derelict.
- t) No person shall swim , bathe, dive in, on or under the water in any area of the sea or foreshore at the following locations
 - i) Port Oriel as outlined in map 1 of the attached schedule
 - ii) Greenore as outlined in map 1 of the attached schedule
 - iii) Gyles Quay as outlined in map 1 and 3 of the attached schedule
- u) No PWC or Recreational Craft shall exceed a speed of 3 knots whilst in the foreshore area excepting commercial shipping traffic using recognised shipping lanes to access ports and harbours.

- v) Sandyachting is only permitted in such circumstances where it does not constitute a risk or danger to persons, or property or a serious nuisance to persons, in on or adjacent to the water, beach, foreshore and adjoining dune system.
- 5) No person shall wilfully, carelessly or negligently do any of the following acts on any part of the beach and foreshore and adjoining dune system, in such a manner as to cause or be likely to cause injury, danger, annoyance, or obstruction to any other person using the beach and foreshores and dune system or to create or be likely to create a nuisance thereon or so as to cause or be likely or cause damage to the beach and foreshores and adjoining dune system or any property thereon under the control of the Council or as to be in any other way prejudicial to the preservation of order and good conduct thereon:-
- a) Play games in such a manner as to be a source of nuisance to others using the beach and foreshore and adjoining dune system.
 - b) Shout, brawl, sound any whistle, gong, bell, trumpet, horn or other instrument to make noise, but nothing herein contained shall prohibit the holding of musical recitals by and with the Council's consent in accordance with the terms of such consent.
 - c) Bring upon, or deposit or fasten to the beach and foreshore or adjoining dune system any boat or craft or any object or thing so as to cause obstruction, danger, annoyance to any person using the beach and foreshores or impairment to safe navigation, but nothing herein contained in this Bye-Law shall prohibit the doing of the acts mentioned if such course is rendered necessary or expedient for the safety or rescue of any person or persons, and also providing that the foregoing shall not prohibit fishermen or boatmen or those engaged in aquaculture and or those engaged in authorised servicing or maintenance of harbour or pier from plying their lawful trade.
- 6) No person shall on any part of the beach, foreshores and dune system, do any of the acts or things enumerated in the following provisions of this Bye-Law (whether or not in alleged reliance on a licence granted by the Council) in such a manner as to cause injury, danger or annoyance to any person using the beach, foreshores and dune system or to cause a nuisance thereon or cause damage thereto or to any property thereon whether belonging to the Council or any person other than the Council or under the control of the Council or in such manner as to be in any way prejudicial to the preservation of order and good conduct thereon. No person shall do any of the under-stated acts or things on any part of the beach, foreshores and dune system without a licence in writing first having been obtained from the Council viz.

- a) Erect or cause to be erected, any post, rail, pole, fence, tent, booth, stand, stall, shed, hut, show, swing, exhibition, roundabout, building or structure whatsoever whether fixed or moveable and whether on wheels or not.
 - b) Hire or show, or keep or offer any vehicle, horse, animal, chair, goods, article or thing whatsoever.
 - c) Provide horse rides for hire or reward.
 - d) Play any musical instrument or sing or conduct or take part in any entertainment or performance with a view to gaining or receiving profit or reward.
 - e) Erect, exhibit or display any placard, poster, sign, notice, advertising board, wares or merchandise.
 - f) Hold or conduct any service, meeting or ceremony, political, religious, or social or preach or deliver a lecture, a speech or an address.
 - g) Show, exhibit or display any trade, business, handicraft, performance or calling.
 - h) Seek, solicit or canvass for custom or patronage on behalf of the owner, lessee or keeper of any hotel, guest house, boarding house, lodging house, eating house, restaurant, café inn or any other business.
 - i) Distribute free of charge or sell or offer for sale, for charitable purposes or otherwise, any bill, advertisement, flags, emblems, programmes, notices or paper.
- 7) A licence granted by the Council to do any of the acts or things hereinbefore enumerated in these Bye-Laws:-
- a) Shall not relieve from personal responsibility or liability any person or persons to whom such permission was granted in respect of any criminal, unlawful, illegal or negligent act or omission for which such person or persons may at any time be sued or charged.
 - b) Shall in no way be deemed to implicate or involve the Council, its officers or employees in any liability or responsibility in respect of any criminal, unlawful, illegal, wrongful or negligent act or omission done by any person or persons to whom such permission was granted or by their servants or agents.
 - c) May be limited to such part or parts of the beach and foreshores as the Council may from time to time direct or which has or have by notices affixed in conspicuous positions thereon, been set apart by the Council for the doing of such act or thing as may be specified in such notices or notice.
 - d) Shall be granted subject to conditions as the Council shall deem appropriate including requiring the payment of a fee to be determined by the Council.

- e) Shall be valid, where not limited to a shorter period, for a period of one year from the date it is granted, unless revoked in accordance with the provisions hereinafter contained after which period it shall, unless an extension is granted in writing, cease to be of any effect.
 - f) If granted, shall be in writing and signed by an Authorised Person and any person having obtained such licence shall whenever requested to do so by an officer or employee of the Council or by any member of the Garda Síochána, produce for inspection such written licence.
 - g) Any licence issued under the aforementioned Bye-Laws shall be carried by the applicants at all times while engaged in the activity so licenced.
 - h) An applicant must produce any licence issued under the aforementioned Bye-Laws when demanded by an Authorised Person.
 - i) It shall be an offence under these Bye-Laws not to carry the above mentioned licence while engaged in activities which are so licenced.
- 8) The Council may refuse to grant a licence to any person to do any of the acts or things enumerated in this bye law and may by notice in writing revoke, alter, amend or limit the terms of such licence whenever such person, his servants or agents has or have in the opinion of the Council committed a breach of any of these Bye-Laws or in any way abuse the licence so granted in such a manner as to be likely to cause a breach of any of these Bye-Laws. Written Notice sent by prepaid ordinary post to the last known address of the person affected by such revocation, alteration, amendment or limitation shall be deemed to be sufficient notice thereof to such person and shall be deemed to have been received by such person when the notice would have been delivered in the ordinary course of post.
- 9)
- a) It shall be lawful for any Authorised Person to enforce these Bye-Laws and to exclude or remove from any part of the beach and foreshore and adjacent dune system any person committing any breach of the above Bye-Laws and to take such other steps as authorised by law.
 - b) A person who contravenes a provision contained within Part II of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction of a fine not exceeding €1,270.
 - c) If a contravention of a provision contained within Part II of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding

€127 per day. 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.

- d) Where an Authorised Person is of the opinion that a person is committing or has committed an offence to which the Bye-Laws relate, the Authorised Person may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- e) 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.
- f) An offence under these Bye-Laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána.

Part III

Regulation and Control of PWCs and Recreational Crafts

10) Regulation of PWCs and Recreational Crafts

- a) No person shall bring a PWC or Recreational Craft into, or have a PWC or Recreational Craft under his or her control in or on any part of the beach and foreshore, except with the written consent of the council, or except in such circumstances as are outlined in 10(b) below.
- b) The Council may designate areas of the beach and foreshore and periods of time where and when the use of PWCs and Recreational Crafts is allowed. 10(a) above shall not apply to areas and periods of time so designated. Such designated areas of the beach and foreshore may not include Reserved bathing areas.
- c) At no time shall a person bring a PWC or Recreational Craft into, or have a PWC or Recreational Craft under his or her control in an area designated as a Reserved Bathing Area as outlined in Maps 1,2 and 3 of the attached schedule.
- d) Every person who is in charge of a PWC or Recreational Craft in or on the beach and foreshore shall ensure the following:-
 - i) That it is at all times under proper and adequate control
 - ii) That it is driven or operated at such reduced speeds as are necessary in the vicinity of bathers and/or other water users (including wind surfers, surfers, canoeists, etc) so as not to cause, nor be likely to cause, such bathers or other water users fear or anxiety and in no case to exceed a speed of 3 knots whilst in the foreshore area.
- e) Every person who is in charge of a PWC or Recreational Craft in or on the beach and foreshore and adjacent dune systems shall act in such a manner as not to cause injury, annoyance or danger to other persons, including persons resident near the beach and foreshore and adjacent dune systems or other persons using the beach and foreshore and adjacent dune systems or windsurfing or swimming in the sea or to disturb naturally occurring flora or fauna.
- f) Every person who is in charge of a PWC or Recreational Craft in or on the beach and foreshore and adjacent dune systems shall act in such a manner so as not to cause damage to other surface craft (whether moored or not, and whether manned or not) or to floating buoys or other floating objects intended for marking channels or other

floating markers/objects intended to assist navigation or safety of persons using the beach and foreshore and adjacent dune systems.

- g) A person who is in charge of a PWC or Recreational Craft shall not drink, consume or partake of alcoholic beverages in or on the beach and foreshore and adjacent dune systems, or be under the influence of alcohol or drugs while in charge of a PWC or Recreational Craft in or on the beach and foreshore and adjacent dune systems.
 - h) Electrical suppression shall be included for all motors of PWCs and Recreational Crafts which are operated in the and on the beach and foreshore and adjacent dune systems.
 - i) These Bye-Laws relating to PWCs and Recreational Crafts shall not apply to PWCs and Recreational Crafts kept by An Garda Síochána and wholly used by a member of An Garda Síochána in the execution of his/her duty, or kept or operated by the Irish Coastguard, the Royal National Lifeboat Institution, the Defence Forces of Ireland, the Revenue Commissioners, the Central Fisheries Board or a Regional Fisheries Board, The Commissioners of Irish Lights, Louth County Council and the Civil Defence, or other craft while involved in bona fide law enforcement, emergency, or rescue situations.
- 11) Offences and enforcement for PWCs and Recreational Crafts
- a) Any person bringing a PWC or power boat onto the beach and foreshore and adjacent dune systems who contravenes these Bye-Laws must remove it from the beach and foreshore and adjacent dune systems if so directed by an Authorised Person.
 - b) A person who fails to comply with a requirement to cease operating the craft or to remove same from the water when requested to do so by an Authorised person/member of the Garda Síochána is guilty of an offence under these Bye-Laws and is liable on summary conviction to a fine not exceeding €2,000.
 - c) Where an Authorised Person suspects with reasonable cause that an offence under these Bye-Laws has been committed he/she may without warrant seize, remove and store any PWC, Recreational Craft, vehicle or trailer used to transport same
 - d) Where a PWC, Recreational Craft, vehicle or trailer used to transport same has been seized by an Authorised Person, the Authorised Person shall:
 - i) Release it to the owner on payment of an impounding fee of €127 together with payment of a daily storage fee of €10 per day to a maximum stay of 10 working days. The onus of proof of ownership rests on the person applying for its return.

- ii) If a PWC, Recreational Craft, vehicle or trailer used to transport same has not been claimed within 10 working days of seizure, the PWC, Recreational Craft, vehicle or trailer used to transport same becomes the property of the Council and they may do as they feel fit with the property.
- e) It shall be lawful for any Authorised Person to enforce these Bye-Laws and to exclude or remove from any part of the beach and foreshore and adjacent dune systems any person committing any breach of these Bye-Laws and to take such other steps as authorised by law.
- f) A person who allows himself or herself to be carried on or towed by a Craft in contravention of a Bye-Law made under these Bye-Laws in relation to PWCs and Recreational Crafts is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000.
- g) 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.
- h) An authorised person or a member of the Garda Síochána may request a person stopped or who he/she suspects is committing or has committed an offence to give his/her name and address.
- i) A person who obstructs or impedes an authorised person or a member of the Garda Síochána in the exercise of his or her functions under these Bye-Laws is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both
- j) Every authorised person appointed under these Bye-Laws shall be furnished with a Warrant of his/her appointment as an authorised person and when exercising any power conferred on him/her shall, unless in uniform, if requested by a person affected, produce the warrant or a copy thereof to that person.
- k) An offence under these Bye-Laws may be prosecuted by the Council, by any other local authority acting on its behalf or by a member of the Garda Síochána
- l) Any fine in respect of an offence prosecuted summarily by an authority shall be paid to the authority which prosecuted the offence.
- m) Any costs of an authority incurred in connection with the prosecution of a person for an offence for which the person is convicted may be recovered by the authority, in a court of competent jurisdiction, as a debt due and payable by the convicted person to the authority.

Part IV
Licencing of PWCs and Recreational Craft

12)

- a) The council may issue a licence to a person, club, company or other body for the keeping, having or using of PWCs and/or Recreational Crafts in or on the beach and foreshore and adjacent dune systems. Such licence shall contain such conditions as the Council considers appropriate. A licence holder shall comply with any and all such conditions.
- b) The council may refuse permission to a person who applies for a licence to operate a PWC or Recreational Craft if it is satisfied that the operation of such PWC or Recreational Craft would result, or be likely to result in danger, loss of amenity, injury or annoyance to other persons including persons resident near the beach and foreshore and adjacent dune systems or those using the beach and foreshore and adjacent dune systems as an amenity.
- c) If granted, shall be in writing and signed by an Authorised Person and any person having obtained such licence shall whenever requested to do so by an officer or employee of the Council or by any member of the Garda Síochána, produce for inspection such written licence.
- d) Any licence issued under the aforementioned Bye-Laws shall be carried by the applicants at all times while engaged in the activity so licenced.
- e) An applicant must produce any licence issued under the aforementioned Bye-Laws when demanded by an Authorised Person.
- f) It shall be an offence under these Bye-Laws not to carry the above mentioned licence while engaged in activities which are so licenced.

Part V
Miscellaneous

- 13) An Authorised Person or a member of the Gardaí Síochána may serve a Fixed Penalty Notice on any person committing an offence by virtue of a contravention of any of these Bye-Laws. Such Fixed Penalty Notice shall specify the amount of the fixed payment and the period within which the fixed payment notice must be paid in order to avoid prosecution and shall be in the general form of the notice set out in the first schedule to the Local Government Act, 1994 (Bye-Laws) Regulations 1995, SI No. 360 of 1995 (or as provided for in any amending regulations but subject to such alterations thereto as the Council may consider appropriate in case of these Bye-Laws).
- 14) Parking of vehicles adjacent to the beach and foreshore and adjoining dune system may be subject to a charge to be determined by Louth County Council
- 15) Nothing herein contained shall be construed to prevent fishermen or boatmen or those engaged in aquaculture exercising their respective callings subject to such statutory or other lawful regulations as now are in place.
- 16) Nothing herein contained shall be construed to prevent the lawful operation by authorised port and harbour authorities of their statutory functions.
- 17) Nothing in or done under any of the provisions of the foregoing Bye-Laws shall, or shall be deemed to operate as a grant by or on behalf of the State of any estate or interest in or right over the foreshores below high water mark or any part thereof nor shall anything contained in or done under any of the provisions of the foregoing Bye-Laws prejudice or injuriously affect the rights and interests of the State in such foreshores.

These Bye-Laws shall come into effect on 21st December 2005.

LOUTH COUNTY COUNCIL

BYELAWS

MADE UNDER

Section 37 of the Local Government Act 1994, the Control of Dogs
Act 1986 and the Maritime Safety Act 2005

Present when the Seal of the Council was affixed hereto:

CATHAOIRLEACH/NOMINATED MEMBER

DIRECTOR OF SERVICE

COUNTY MANAGER

Schedule 1

Description	Ordnance Survey Map references
The area of beach and foreshore from the mouth of the estuary of the River Boyne up to and including the headland at Clogherhead	<i>2320 B , 2256 B, 2256 D, 2194 D, 2194 B, 2195 A, 2195 C, 2133 C</i>
The area of beach and foreshore at Port known as the Big Strand extending from Reynoldstown to Port	<i>2014 D, 2073 B</i>
The area of beach and foreshore at Blackrock extending from the RNLi Boathouse at Southend to the “Caraphuncha” rock adjacent to McKeown’s Lane	<i>1771 B, 1771 D, 1702 D</i>
The area of beach and foreshore between a point 50 metres west of the Pier at Gyles Quay extending west to Eggleston Point	<i>1704 B, 1704 D, 1705 A</i>
The area of beach and foreshore at Shelling Hill beach extending to and including the beach and foreshore at Templetown beach	<i>1706 C</i>



LOUTH COUNTY COUNCIL
 COMHAILLE CO. LOUTH



Director of Services - A. R. KEARON, B.A., B.A., C.Eng., M.I.E.E.

Senior Engineer - Patrick Flynn

JOB
County Louth Foreshore
Bye Laws, 2005

JOB No. N/A DRAWN Pat O'Rourke

TITLE
Location Plan

SCALE Not To Scale DATE 26 May 2003

Rev: 05-1 (04-05) Subsequent BNA & Certified PNA amend.
 For 1 (04-05) Subsequent Area Renewal

DRWG. No. **Map 1** Updated 2005 REV. No. **1**

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