

LOUTH COUNTY COUNCIL
COMHAIRLE CHONTAE LUGHAÍ



LOUTH COUNTY COUNCIL
HARBOUR BYE-LAWS 2007

HARBOUR BYE-LAWS

Louth County Council, pursuant to the provisions of the Local Government Act, 2001 and Section 6 of the Maritime Safety Act 2005 and Section 17 of the Control of Dogs Act 1986 (as amended) hereby makes the following Bye-Laws with respect to the use of, and the safety of navigation within all Harbours and Ports under the control of the Council.

PRELIMINARY

1. Title and Commencement

These Bye-Laws may be cited as the Louth County Council Harbour Bye-Laws 2007, and shall come into force on the 12th day of January, 2007.

2. Division into parts

These Bye-Laws are divided into the following parts:

Part I	Interpretation
Part 11	Navigation, Signals, Pollution and Wrecks.
Part 111	Berths, Moorings.
Part IV	Cargo/Goods, Boats for hire, Boat storage.
Part V	Vehicular Traffic.
Part VI	Gardaí, Harbour Officials, Public Areas, Piers, Various Regulations.
Part VII	Penalties

3. Application

These Bye-laws shall apply to all Harbours, Quays and Piers under the control of Louth County Council, including Omeath Pier, Greers Quay, Carlingford Harbour, Gyles Quay Pier, Saltertown Pier, Clogherhead Harbour at Port Oriel and other harbours and Piers that may at any time become the responsibility of the Council.

BYE-LAWS

Made by the Louth County Council pursuant to the provisions of the Local Government Act 2001 and Section 6 of The Maritime Safety Act 2005 and Section 17 of the Control of Dogs Act 1986 (as amended) relating to the regulation and management of the Harbour and Ports under the control of Louth County Council.

INTERPRETATION

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

Singular numbers/ Plural numbers	Words denoting the singular number only shall include the plural number also and vice versa.
Male/Female genders	Words denoting the masculine gender only shall include the feminine gender also, and the word "person" shall include a body corporate or Local Authority
"the Council"	Louth County Council.
"LCC"	Louth County Council
"Authorised Person"	In these Bye-Laws, an "Authorised Person" means:- (a) an employee of Louth County Council duly appointed to perform the duties under these Bye-Laws (b) a member of the Garda Síochána
"the Harbour"	The Port and waters of the Harbour, all existing quays, piers, landings, slipways, Council roadways, and all other works, and lands or buildings for the time being vested in or occupied or administered by the Council.
"Berth"	Any dock, pier, jetty, mooring or other place at which a vessel might lie in waters within the Harbour.
"the Master"	When used in relation to a vessel, means any person having command, or control of the vessel for the time being.
"the Owner"	When used with reference to a vessel or goods includes the owner, agent, master, charterer or other person in charge of that vessel or goods and his respective servants or agents.
"Vessel"	Any ship boat or other waterborne vessel or craft of any description.

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“Fishing Vessel”	A vessel used for sea fishing or for angling sea on a commercial basis.
“Skipper”	In relation to a fishing vessel, means the person who has for the time being command or in charge of that vessel.
“Passenger Boat”	Vessel carrying not more than 12 persons for reward.
“Passenger Ship”	Vessel carrying more than 12 persons for reward, but which is not a fishing vessel.
“Boat”	Open boat, skiff, dingy, punt, windsurfing board, PWC (Personal Water Craft), racing hull or canoe, whether propelled by sails, oars, mechanical power “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 harbours and leisure purposes) or other means.
“Personal Water Craft” (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”.
“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 harbours and leisure purposes).
“Fairways”	The navigable channels.
“Shed”	Any shed, store, silo or other structure owned or controlled by the Council and used for the reception of goods imported and for export.
“Vehicle”	Any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans, and mobile homes, and includes items which are towed such as a boat trailer.
“Goods”	All articles, and merchandise of every description, including fish, livestock, animals, break bulk, bulk solids and liquid goods, including petroleum goods.

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“Collision Regulations”	The International Regulations for Preventing of Collisions at Sea, 1972, which is incorporated into Irish law by the Collision Regulations (Ships and Watercraft on the Water) Statutory Instrument of 1984 as amended.
“Harbour Permit”	Is a permit issued by the Council authorising parking in permitted areas at a designated time and designated place by the holder of the permit.
"Horse”	includes donkey, mule and hinny
“Dog”	includes a bitch of any age or a dog of any age
“Property of the Council”	shall include the following:- <ol style="list-style-type: none">(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
“LCC”	Louth County Council

PART II: NAVIGATION, SIGNALS, POLLUTION AND WRECKS

NAVIGATION

1. The Collision Regulations shall apply in the Harbour, provided that pursuant to rule (b) thereof, in the event of conflict between the said Regulations and these Bye-Laws, the latter shall prevail.
2.
 - (1) No person shall navigate or attempt to navigate a Vessel when unfit by reason of drink or drugs or other reason deemed incompetent to do so.
 - (2) No Master or Owner of a Vessel shall knowingly cause or permit any person to navigate or attempt to navigate that vessel in contravention of this Bye-Law.
3. The Fairways shall be kept free and open. Unless otherwise directed by Louth County Council, no Vessel entering the Harbour shall anchor or moor in, or act in such a manner as to obstruct the entrance of the Fairways.
4. Fishing pots and lines are at all times to be laid clear of navigational waters, which include waters extending 457metres seaward from the slipways and landing steps within the Harbour. Elsewhere in the Harbour, they are to be laid in such position as not to become an obstruction or danger to any property, including in particular, but without prejudice to the generality of the foregoing, any Vessel or mooring, subject to the discretion of Louth County Council.
5.
 - (1) The master of a vessel (other than a vessel which is directed by Louth County Council to anchor or moor in the Fairways) and small pleasure craft shall not use the Fairways in any manner so as to cause obstruction to other vessels, and in particular other vessels which require the Fairways for navigation.
 - (2) During the times of arrival and departure from the Harbour of any large power-driven vessels, including ships of the Naval Service, and ships of the Commissioners of Irish Lights, all other vessels within 457metres to seaward of the Harbour entrance, shall keep well clear of the mouth of the Harbour, and out of the way of the said large vessels so as not to interfere with their free and uninterrupted passages to and from Harbour berths, including manoeuvring off the berths.

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6. (1) (a) No power-driven Vessel shall exceed the speed of 4 knots or shall race or take part in any race, within the Harbour.
(b) No craft shall attempt to make fast to another craft in motion.
(2) All power driven vessels should have electrical suppression fitted.
(3) The limit in paragraph (1) of this Bye-Law is not applicable to large power-driven vessels at the Harbour entrance in strong Spring tide flows, or to RNLI or other craft whilst engaged on Emergency Service or Emergency Training service.
7. (1) The Master of a Vessel including fishing vessels (other than small shallow draft permanent fishing vessels) shall ensure that his vessel is capable of being safely moved and navigated and that when practical sufficient crew or other competent persons are readily available on board to receive orders from Louth County Council officials or authorised persons to:
(a) attend to his vessel's moorings.
(b) comply with any directions given by said persons for the un-mooring, mooring and moving of his vessel.
(c) deal in so far as reasonably practicable, with any emergency that may arise.
(2) Where a Vessel is at any time not capable of being safely moved by means of its own propulsion machinery, the Master or Owner shall inform Louth County Council Officials forthwith and shall give to them any further information which they may require.
8. While a vessel is alongside a berth in the Harbour, all boats and anchors shall be lifted inboard. Sails shall not be left loose at night or in stormy weather. Jib-booms of all sailing vessels shall be rigged in if so directed by the Louth County Council Officials.
9. No vessel of any description shall remain afloat in any part of the Harbour without being fully fitted out and seaworthy, together with certificates, licences etc. except such craft that have suffered weather damage and are using the Harbour for shelter and immediate repair works.
10. At no time or occasion are racing or any other markers, floats or buoys permitted in the Fairways, except at specific times or occasions that may be permitted by Louth County Council, in writing, from time to time.
11. (1) The organiser of any regatta, championship race or any other occasion when a number of Vessels are expected to assemble on the waters of the Harbour, shall give not less than fourteen clear days' notice thereof in writing to LCC, and shall seek the consent of LCC to the holding of the event. All such events are prohibited save those which take place with the consent of LCC.

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- (2) All regattas and championship races or similar events shall be conducted on courses and at times which have been previously approved by LCC.
 - (3) Any alteration or cancellation required by LCC shall, if practicable, be notified to the organiser at least seven clear days before the proposed date of the event, but may be notified by LCC to the organiser at any time prior to the commencement of the event.
12. The Master of a vessel, or a rod fisherman from the shore, on the occasion of any boat race, regatta, championship race, public procession or any other occasion when a number of vessels are assembled in the Harbour shall not permit his vessel, or the rod fisherman his line or casting thereof, to pass therein so as to obstruct, or impede or interfere with the boat race, regatta, championship race or procession, or to endanger the safety of persons assembling in the Harbour, or to prevent the maintenance of order therein, and the Master of a vessel or a rod fisherman from piers or the shore shall obey the signs and directions of LCC or other persons authorised by them to superintend the execution of the Bye-Law, including members of the Garda Síochána.

SIGNALS

13. Large power-driven vessels shall sound or give:
 - (1) One prolonged blast when approaching the Harbour entrance in accordance with Rule 34(e) of the Collision Regulations.
 - (2) A prolonged blast when departing head first from a berth.
 - (3) All of the other signals required by the Collision Regulations, when manoeuvring away from a berth in the Harbour.

POLLUTION/WRECKS

14.
 - (1) No person, his servant or agent shall, pour, pump or allow to escape within the Harbour, either by manual or automatic means any dangerous, oily or offensive matter.
 - (2) The person responsible for (1) above shall be liable for the costs of all damage done by the release of any such matter and shall be responsible for the clean up of the Harbour, and for all clean up costs incurred in the clean up of the Harbour. The nature and extent of the clean up shall be determined by the Council or their agent. (even where such release took place for the purposes of securing a vessel or for the purposes of saving life).

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15. The Master of a vessel or any person in charge of a premises or vehicle from which any dangerous, oily or offensive matter has been poured, leaked, drained, pumped or allowed to escape within the Harbour or who is responsible for the commission of any of the Acts referred to in Bye-law 14 above shall immediately inform the appropriate LCC official of the occurrence of same.
16. The Master of a Vessel which has sustained damage outside the Harbour approach area which affects or is likely to affect her sea worthiness, or from which oil or some dangerous or flammable substance is escaping or is likely to escape, shall give notice thereof to Louth County Council, and the vessel shall not enter the Harbour, except with permission of LCC and in accordance with his directions.
17. The Master of a Vessel in the Harbour which has been in collision with or has occasioned damage to other vessels or property shall give immediate notice of the incident to Louth County Council, and where the damage to a vessel is such that it affects or is likely to affect her seaworthiness, the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of the appropriate LCC official and in accordance with his directions.
18. The Master of a Vessel in the Harbour which has sustained damage or is on fire or from which oil or some dangerous or flammable substance is escaping or is likely to escape shall give immediate notice thereof to the appropriate LCC official, and the Master thereof shall not move the vessel, other than to clear the Fairways and to moor or anchor in safety, except with the permission of LCC and in accordance with his direction.
19. The Master of a Vessel which has sunk or is grounded in the Harbour shall immediately give to Louth County Council notice thereof and of the position of such vessel and such particulars as may be required for the safety of navigation in the Harbour.
 - (1) No person, his servant or agent shall abandon a Vessel within the Harbour.
 - (2) For the purpose of paragraph (1) above, a person, his servant or agent who leaves a Vessel within the Harbour in such circumstances or for such period that he may reasonably be assumed to have abandoned it, shall be deemed to be abandoned if the vessel is not under control of his servant or agent. It will be the sole discretion of LCC to determine if such vessel is abandoned.
 - (3) The owner of any vessel to which bye-law 19 or paragraph (2) of this Bye-law applies and the owner of any wreck at the time of its sinking, stranding, grounding or abandonment shall be liable to the Council for the costs of its subsequent removal and disposal in accordance with the provisions of section 51 of the Merchant Shipping (Salvage & Wreck) Act, 1993.

20. Subject to the provisions of the Merchant Shipping (Salvage and Wreck) Act, 1993, no Owner, Master or other person shall break up or attempt to break up or cause to be broken up any Vessel or wreck of a vessel in any part of the Harbour, without the prior written permission of LCC having been obtained.

PART III: BERTH AND MOORINGS

BERTHS

21. No vessel of any description shall be moored in the Harbour or lie alongside any pier or quay or berth in the Harbour for a period in excess of 24 hrs without the permission of LCC.
22. No houseboat, or boat used for habitation, shall lie or remain in the Harbour or along any pier.
23. No Master or Owner of a Vessel berthed or moored in the Harbour shall cause or permit such vessel to emit noise, fumes, smoke or other pollutants or otherwise to breach any provision of any health, environmental, or pollution-control laws or regulations.
24. The Master of a Vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any pier, quay or mooring in the Harbour.
 - (1) The Master of a vessel which is moored or berthed in the Harbour shall not cause or permit the engine of the vessel to be worked in such a manner as to cause injury or damage to any other vessel or property in the Harbour and in particular shall not permit it to be worked in a manner which undermines the Harbour piers or quay walls. Furthermore, no engine trials shall be conducted without the prior consent in writing of LCC.
 - (2) The prior consent of LCC shall be obtained before the master of a vessel undertakes any work on the vessel's machinery or tackle which would affect the vessel's ability to manoeuvre or navigate.
25. Vessels may berth stern or bow to pier providing weather conditions are favourable and at the direction of LCC officials. At all time access steps and ladders should be kept clear.
26.
 - (1) The Master and/or the Owner of a Vessel shall ensure that it is provided with sufficient fenders adequate for the size of the vessel.
 - (2) The Master of a vessel, when the vessel is berthing or leaving a berth or is lying at a quay against other vessels, shall cause his vessel to be fended off from that quay or those other vessels so as to prevent damage to that quay, those other vessels and/or other property.

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- (3) The master of a Vessel shall not make same fast to any post, ring, fender or any other thing or to any quay or other place which is not designed for that purpose.
 - (4) The owner and master of every berthed vessel moored or berthed in the Harbour shall be liable to the Council for any damage caused to the fendering on the quays and piers.
27. The Master of a Vessel shall so far as may be required by LCC official/s in the exercise of their duties, afford LCC access to any part of the vessel and provide all reasonable facilities for its inspection and examination.
28. The Master of a Vessel alongside a quay or alongside any vessel which is already berthed shall, if required so to do by an LCC official, give free access across the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.
29. No person except the appropriate LCC official shall for any purpose whatsoever un-moor or cast off or loose any mooring of any vessel moored within the Harbour without the previous permission of the Owner or Master of such vessel having been obtained.
30. No other person shall for any purpose whatsoever un-moor or cast off or loose any mooring of any vessel in the Harbour without the previous consent of the Owner or the Master of such vessel and of the appropriate LCC official, provided that it shall be a defence to proceedings under this Bye-Law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the Owner or Master of the vessel would in the circumstances have given his consent if he had been asked therefore.
31.
 - (1) The owner or master of a vessel shall not place the vessel or allow the vessel to be in such a situation as to obstruct or interfere with access to any landing places, slipways or any other place and shall at no time leave the vessel unattended at any such place or at any other place other than the berth or mooring designated by the appropriate LCC official (and then only when she has been adequately secured).
 - (2) In the event of the owner or Master being in breach of paragraph 31(1) above LCC may take any action it deems appropriate for the removal and the costs incurred in doing so.
32. A vessel within the Harbour shall have sufficient access or gangways, pilot ladders, safety nets, lifebuoys, "No Smoking" signs and Fire Plans to comply with all applicable laws and regulations from time to time in force.

MOORINGS

33. (1) No mooring, buoy or tackle may be laid down in the Harbour without the prior licence of the Council given in writing. Any such licence shall designate the place where such mooring, buoy or tackle may be laid and it shall be the duty of the owner and master of the vessel or other object and all other persons involved in the mooring of the vessel or other object to comply with the terms and conditions imposed by the Council in the said licence.
- (2) Any mooring, buoy or tackle which is laid in the Harbour without the licence of the Council, or which is laid in a manner which does not conform with the conditions of any licence granted by the Council shall, if LCC so directs, be immediately removed by the owner thereof or by the person responsible for laying it.
- (i) If a person fails to immediately comply with a direction made under paragraph (2) above, LCC may cause the mooring, buoy or similar tackle to be removed or sunk and he may recover the expense of so doing from that person.
- (ii) In the event that the owner of a mooring, buoy or tackle that is unauthorised, out of position or unmarked cannot be located by LCC, after reasonable enquiry, then appropriate LCC official may cause the mooring, buoy or tackle to be removed or sunk and shall recover the expense of so doing from the owner if he is subsequently identified.
- (iii) Any Vessel made fast to a mooring, buoy or tackle referred to in paragraph (2) above may be removed and made fast to a quay or pier by the appropriate LCC official and the costs incurred in so doing may be recovered from the Owner of the vessel or in the alternative, the owner of the mooring, buoy or tackle.
34. No person shall attempt to secure a vessel to a mooring or to a moored vessel save in accordance with best seamanship practice.

PART IV: CARGO/GOODS, BOATS FOR HIRE, BOAT STORAGE/REPAIRS

CARGO/GOODS

35. No cargo, goods or passengers shall be loaded or unloaded onto or from any vessel unless the master, owner or agent of the vessel has first furnished to LCC a copy of the manifest and such other particulars of the cargo, goods or passengers as LCC may require.

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36. (1) Goods shall not be deposited or placed on or in any quay or shed in such manner as to obstruct or interfere with the ordinary use and enjoyment thereof, and LCC may either order any goods so placed to be removed forthwith to some convenient place by the owner thereof or he may cause the same to be removed and thereupon the cost and expense of such removal shall be repaid to the Council by the owner.
- (2) (a) Provided reasonable use and enjoyment of any quay or shed is not interfered with or obstructed, goods deposited thereon or therein may remain without payment, for the period of 24 hours (hereinafter referred to as the permitted period) excluding Sundays and State Holidays.
- (b) From and after the expiration of the “permitted period” charges in accordance with such scales as may from time to time be fixed by the Council shall be payable for the occupation of quay or shed space which continues to be occupied by the goods.
- (c) Charges in accordance with such scales as may from time to time be fixed by the Council shall also be payable in respect of Goods remaining on the quay or in any shed in contravention of Bye-Law 36 (1) hereof from and after the expiration of any notice served under Bye-law 36 (2) (b) hereof.
- (d) All sums payable for occupation of quay or shed space, cost of removal or otherwise in respect of goods shall be paid to LCC before the goods are removed from the quays, and LCC officials may detain such goods until all such payments have been made.
- (e) The foregoing Bye-Laws are without prejudice to the right to exercise any other powers conferred on the Council by Statute, Bye-Law or otherwise, and the Council reserve the right to authorise, the foregoing charges to be refunded in whole or in part in any case in which written application has been made by the owner of such goods and in which LCC Officials so recommends on the ground that the removal of the goods was not reasonably possible or in other exceptional circumstances, provided that such charges have been duly paid.
37. (1) The Owner of any cargo or goods loaded or discharged at the Harbour shall comply with such directions as the appropriate LCC official may give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the Harbour.
- (2) Louth County Council Officials may enter at any time any vessel within the Harbour to inspect same, the goods on board the vessel and the documents kept in relation to the vessel and its occupants.

- (3) No person (except with the permission of the Council) shall exhibit or place in or on any land or premises of the Council any goods for sale other than such goods as may be sold or exhibited for sale under the provisions of the Merchant Shipping Acts, or by order of the Revenue Commissioners, and other than perishable goods sold within forty-eight hours of their being landed.
 - (4) In all working areas of vessels and the Harbour, Safety equipment must be worn at all times which includes: helmets, high visibility vests and safety shoes. Where necessary masks or breathing apparatus must be used. Smoking is prohibited within the Harbour areas, or on any vessel within the Harbour.
38. (1) The owner of a vehicle within the Harbour shall not permit any substance to leak, spill or drop from the vehicle.
- (2) In the event that any substance leaks, spills or drops from any vehicle, the owner of the vehicle shall be responsible for all damage done and shall also be responsible for the clean up of the Harbour and for all clean up costs incurred in the clean up of the Harbour.

BOATS FOR HIRE/REGISTERING

39. It shall be compulsory for all fishing vessels operating from the Harbour to register the name of the vessel and name and address of the owner and skipper with LCC. In the interest of safety and good management of the operation of the Harbour, the Council at its sole discretion shall be entitled to determine the number of fishing vessels which can be accommodated by the Harbour.
- (1) No vessel shall be used, operated, let held out or offered for hire within the Harbour, unless it has been licensed to do so by the Department of Communications, Marine and Natural Resources and until it is first demonstrated to the Council that all conditions of the licence have been complied with and that all applicable laws and regulations from time to time in force have also been complied with. No Passengers may be carried by any such vessel and no hiring or letting of the vessel may take place until the owner of the vessel has satisfied the Council as to the matters aforesaid.
 - (2) When conveying passengers, vessels (other than fishing vessels) governed by paragraph 3(b) below, must possess either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, pursuant to the Merchant Shipping Act 1992, and any amendments thereto.
 - (3) (a) A fishing vessel shall be subject to paragraph (2) above of this Bye-Law if it takes passengers from or lands passengers at the Harbour.
 - (b) If a fishing vessel is engaged in taking parties of rod fishermen on angling trips from, or landing them, at the Harbour, by private

charter or otherwise, it shall possess a valid Load Line Certificate or Load Line Exemption Certificate, as appropriate, issued by the Department of Communications, Marine and Natural Resources.

40. The owner or master of any vessel licensed to operate passenger or fishing vessels from the Harbour or to land passengers at the Harbour shall not allow any person deemed unfit, by reason of drink or drugs to board the vessel or to be landed at the Harbour.
41. No licensed vessel shall at any time ply or be allowed or be used for hire when, by reason of the weather or other circumstances, or non-compliance with or contravention of any of the conditions of the licence issued by the Department of Communications, Marine & Natural Resources or the conditions attaching to any applicable Certificate from this Department, the navigation and management of the vessel, or when the embarkation or disembarkation from same, is dangerous, and in no case if forbidden for any reason by the appropriate LCC official.
42. The Council may seek at any time to suspend or revoke the use of the vessel if not kept in compliance with any of the conditions of the licence issued by the Department of Communication, Marine & Natural Resources, or where there has been contravention of any of the Bye-Laws in respect of that vessel, and in either case, the licence must be returned forthwith on demand to the Harbour Council by the Owner, Master or Skipper of the vessel.
43. Upon transfer of ownership of a Vessel licensed by the Dept. the transferor shall give to the Council notice in writing of such transfer and shall surrender to it the vessel's licence to ply for hire.

REPAIRS/STORAGE/LAY-UP/HARBOUR ENTRANCES (GATE ACCESS)

44. (1) The storage of any vessel or water craft on any of the Council's piers, quays, roads and confines is not permitted. Permission by LCC may be given for minor repairs to small vessels or their gear or furniture for a limited period in a designated area on the written undertaking of the Owner in the form prescribed by the Council to pay the charges fixed therefore, and to make no claim against the Council, its servants or agents for any damage, accident or loss occasioned thereto.
- (2) Any owner or master of a vessel who wishes to lay up the vessel in the Harbour shall make a request in writing to LCC for permission to do so and if given permission to do so by LCC, such vessel may thereupon be laid up in the Harbour at the sole risk of the owner or master. Without prejudice to the generality of the powers LCC to give or refuse permission for the laying up of any such vessel, Louth County Council is expressly empowered to refuse any such request for permission to lay up a vessel where he is of opinion that the laying up of the vessel would interfere with the proper management or functioning of the Harbour. In any case where LCC gives permission for the laying up of a vessel, the prescribed

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Harbour dues must be paid for the duration of the period during which the vessel is laid up at the Harbour.

- (3) Any vessel, which LCC permits to be laid up in the Harbour, shall be moored at such place as shall be designated by LCC.
45. (1) The slipways in the Harbour shall at all times be kept clear, other than at the times of launching or recovering vessels.
- (2) Approach roads leading to Civil Defence, RNLI and Coastguard facilities must be kept clear at all times of obstruction to facilitate access by lifeboat crews attending emergencies and/or training exercises.
46. (1) Fires shall not be lit, and unprotected lights, unprotected power cables, unprotected power tools or machinery shall not be used within the Harbour confines.
- (2) Fumigation of vessels within the Harbour area is strictly prohibited.
- (3) All livestock are strictly prohibited to be stored in any vessel, quay, pier or shed.

PART V: VEHICULAR TRAFFIC

47. (1) Louth County Council shall have power to restrict and control traffic in appropriate areas of the Harbour.
- (2) No person shall drive or otherwise operate a vehicle within the Harbour without exercising due care and attention or without reasonable consideration for other persons within the Harbour, and their property.
48. The owner of a vehicle within the Harbour shall ensure that any load carried thereon or therein is properly secured and that it complies with the statutory and regulatory restrictions, which apply to public roads, as to the weight of goods to be carried.
49. A person having charge of a vehicle within the Harbour shall at all times comply with any directions of the Local Authority officials with respect to the loading and /or discharging of goods, and the manoeuvring and removal of the said vehicle, and shall not, without the permission of LCC:
- (1) Leave the vehicle unattended anywhere within the Harbour, except when lawfully left at a car park; or
 - (2) Take it into any shed or working area.
50. No person shall:

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- (1) Walk, run along or otherwise occupy a Harbour roadway or vehicular area in such a manner as to either endanger his own safety or cause a hindrance to vehicular traffic.
 - (2) Save with the prior permission of the Council, deposit or place on any part of the Harbour any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;
 - (3) Without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within the Harbour.
51. Any person driving or otherwise operating a vehicle which is involved in an accident within the Harbour whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the vehicle and report the accident to the Council forthwith and shall give his name, address, and details of the insurance policy held by him to the Council.
52. Drivers of vehicles within the Harbour shall comply with the provisions of these Bye-Laws, and shall comply without delay with such directions for the regulation of traffic within the Harbour as may be given by Local Authority officials or designates or the Garda Síochána or which are set out in any notice displayed by the Council within the Harbour.
53. No vehicle shall remain or be left stationary on any roadway within the Harbour which is indicated as a clearway, nor shall any person park on a slipway, or contrary to any other traffic parking regulations which are indicated by notices displayed by the Council within the Harbour.
54. Vehicles shall not mount, traverse or drive along any pedestrian pathway or pedestrian area within the Harbour.
55.
 - (1) Louth County Council may close the pier or part thereof to all or specified vehicles for a period or periods it feels appropriate to ensure the proper management of the pier.
 - (2) No person shall cycle bicycles in the Harbour save that persons over 18 years old (or children accompanied and supervised by persons over 18 years old).
 - (3) It is prohibited to cycle bicycles in a manner which causes danger or annoyance to other users of the Pier and at no time shall any cycling exceed the speed of 15 kilometres per hour.
56. The following vehicles are exempt from the application of these Bye-Laws:-

An official vehicle being used by an official or other employee of the Council; vehicles of the Garda Síochána; Doctors; Ambulance Service; Fire Service; Civil Defence Service and designated vehicles owned by members of the RNLI or The Irish Coast Guard Service when attending an emergency call-out or training exercise.

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57. The use of any skateboard, roller skates, rollerblades or similar item is prohibited within the confines of the Harbour
58.
 - (1) No person shall leave any bicycle unattended within the Harbour, except in such places as may be set aside by the Council for the parking of bicycles, at which locations parking of bicycles shall be at the owner's own risk.
 - (2) Bicycles which are found chained to lamp posts, railings and the like within the Harbour may be removed by an employee of the Council and impounded. The owner of such a bicycle shall be liable for the costs incurred in the removal and storage of that bicycle, in addition to any penalty incurred for breach of these Bye-Laws, and such bicycle shall not be released to the owner until all monies due by him to the Council under these Bye-Laws have been paid in full.
59. No caravan, mobile home, dormobile or similar vehicle, which is used or is capable of being used for habitation, shall park or remain within the Harbour.
60. Commercial vehicles which are not engaged in business within the Harbour, or are not in immediate transit to or from a ship in the Harbour, are prohibited from entering the Harbour. This prohibition shall not apply to commercial vehicles which are passing through the Harbour to gain access to lands adjoining same, or commercial vehicles which are passing through the Harbour under a license agreement with the Council.
61. Commercial vehicles within the Harbour, especially those engaged in the fishing industry, shall be kept in a clean and fresh-smelling condition.
62. Only vehicles displaying a Harbour Authorisation Permit are permitted to park in the internal allocated parking areas, provided that the Permit remains valid and its conditions of use are complied with.
63. When keys, electronic or otherwise for operating access gates and/or doors are issued to named individuals, such keys must be retained for the exclusive use of the named person. Contravention of the foregoing will result in the immediate withdrawal of the keys to such person.
64.
 - (1) Louth County Council Officials may remove any vehicle, boat or trailer, including caravans and dormobiles, which are not parked in accordance with the regulations made by the Council or cause it to be removed to some convenient place at the discretion of LCC and there detained at the cost of the owner.
 - (2)
 - (a) Where an official of LCC finds a vehicle parked within the Harbour in contravention of any regulation made by the Council, he may fix an immobilisation device to the vehicle or remove it to another place and there fix an immobilisation device or authorise any other person to take under his direction any action he could himself take by virtue of this paragraph.

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- (b) When on any occasion an immobilisation device has been affixed to a vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:
 - (i) An immobilisation device has been affixed and that no attempt should be made to drive the vehicle or otherwise put it in motion.
- And
- (ii) Specifying the steps to be taken to secure its release.
- (2) (c) No person shall remove or interfere with any notice or immobilisation device affixed to such vehicle.
 - (d) A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of the Council, it's servant or agent on payment, in the manner specified in the notice affixed to the vehicle under paragraph (3) above, of the fine specified in the First Schedule hereto for a breach of this regulation.

PART VI: HARBOUR PERSONNEL, PUBLIC AREAS, PIERS

VARIOUS REGULATIONS

- 65. LCC Officials are authorised to police the Harbour and to enforce and implement Bye-Laws within the Harbour, and all regulations made by the Council in relation to the Harbour.
- 66. While within the Harbour, a person shall not obstruct or impede or refuse to comply with a request or direction of LCC or any other Council employee acting in the exercise of his duties.
- 67. Where an official of Louth County Council or any other Council employee acting in the exercise of his duties, is of the opinion that a person is or may be in breach of these Bye-Laws, he may demand the name and address of such person and the correct name and address shall be supplied to him.
- 68. No person shall deposit or throw into the Harbour, or deposit on any part of the Harbour, any rubbish, oily substance or other materials whatsoever or place same in such a position that it is likely to fall, flow, blow, or drift into the Harbour. Any person who breaches the provisions of this Bye-law will be liable for the costs of the clean up of the Harbour (or any part thereof).
- 69. Waste from vessels is the responsibility of the owner/occupier of the vessel and must be disposed off in accordance with the Port Facility Plan, The waste Management Act 1996 and amendments and Litter Act 1997 and amendments do not permit the burning of waste. Any person who breaches the provisions of

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the bye-laws or the acts aforementioned will be liable for the costs of clean up of the harbour (or any part thereof) and may be liable to the prosecution and/or fixed penalty notice.

70. No person shall fish from the end of the piers when there are swimming races in progress or when small open craft or yachts are approaching the ends of the piers.
71. No person shall while within the Harbour behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to other persons lawfully using or being within the Harbour.
72. Any person in breach of these Bye-Laws or who otherwise continues to be in breach of any of these Bye-Laws, after having received notice either orally or written of the breach from LCC or any member of the Garda Síochána may be directed to leave the Harbour by LCC or be removed from the Harbour by LCC acting in conjunction with the Garda Síochána and such removal shall not in any way excuse any such person from being subjected to the appropriate penalty or penalties for breach of these Bye-Laws.
73. No person shall, while within the Harbour:
 - (1) Injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, notice board, road traffic signs, walls or any other property.
 - (2) Walk upon any flowerbed or through any shrubbery.
 - (3) Climb any building, wall, pier, fence, barrier or post.
 - (4) Make any bonfire, fire or barbecue or light any fireworks, save with the prior written permission of the Council and strictly in accordance with the terms and conditions of such permission.
 - (5) Consume alcohol in the public areas of the Harbour or have in his/her possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within Harbour.
 - (6) Throw stones or other missiles or discharge any firearm or catapult within or in the vicinity of the Harbour.
 - (7) Consume, inject, inhale or otherwise absorb controlled drugs or solvents, and a person under the influence of drugs shall not be allowed to enter or remain within the Harbour.
 - (8) Erect any tent or camp in any part of the Harbour, save the erection of marquees by Sailing Clubs upon Sailing Club property, for regatta events. Or any individual or group who receive the approval of LCC for the erection of tents/marquees for a specific purpose on harbour lands.

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- (9) Make improper use of any embarking/disembarking conveyance.
 - (10) Leave baggage, goods or property unattended.
 - (11) Give false, fictitious or misleading information in any form to LCC or any employee of the Council, or to the Garda Síochána or refuse to give information as required by these Bye-Laws.
74. No person shall light any flame or spark at any place designated by notice within the Harbour or at or near any vessel taking or unloading bunkers.
75. Save and excepting the proper use of any lawful distress signal or race starting gun loaded with blank cartridges, no person shall have or fire any loaded gun or other explosive within Harbour.
76. No person shall collect money, solicit alms, beg, or busk within the Harbour, save for collections which have been authorised by written permission of the Council and at such place or places and in accordance with such conditions as are set by the Council.
77. No person shall conduct or take part in any musical or artistic performance, public gathering or meeting within the Harbour, save with the written permission of the Council and at such place or places and in accordance with such conditions as are set by the Council.
78. No person shall play ball games within the Harbour.
79. No person shall bathe from any vessel lying at the quay without the permission of its Master or owner.
80. No platforms or fixtures shall be attached to or placed to any pier in the Harbour without prior consent of the Council.
81. No person shall open, cut or clean fish within the Harbour.
82. Commercially loaded fish is to be immediately removed from the Harbour.
- (1) No person shall store fishing equipment in any location without the prior consent of LCC.
 - (2) Fishing gear, pots, boxes and equipment shall be kept free of rotten seaweed, fish, bait and the like, so as not to create offensive odours and all fishing pot bait shall be placed directly onto the fishing vessels from the delivery vehicles.
 - (3) All bait delivered to fishing vessels in the Harbour area must be in sealed containers (e.g. plastic barrels) and these containers must be shipped on-board the fishing vessels in this sealed condition.
 - (4) The leaving of bait and fishing equipment within the Harbour for transfer delivery to other destinations is strictly prohibited.

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- (5) The sale of fish directly to the public, from fishing vessels within the Harbour, is prohibited.
- 83. All persons within the Harbour, ashore or afloat, shall conduct themselves in a manner consistent with public decency.

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84. No person shall sell, or offer for sale, ice-cream or any other food or article whatsoever, or operate any commercial or business venture whatsoever within the Harbour, save with the prior written permission of the LCC and at such place or places and in accordance with such conditions as may be set by the Council.
85. No person or organisation shall post bills, distribute leaflets, display or erect signs, posters, notices, hoardings or the like within the Harbour, save with the prior written consent of the Council.
86. No person or organisation shall film, photograph or otherwise record for commercial use, within the Harbour, save with the prior consent of the Council and at such place or places and in accordance with such conditions as may be set by the Council.
87. No dogs shall be allowed in the Harbour area unless it is on a leash and no person shall, anywhere within the Harbour where a notice prohibiting the admission of dogs is exhibited or displayed, cause or allow any dog in their charge to enter or remain there.
 - (1) Every person in charge of a dog within the Harbour shall prevent it from causing any injury or annoyance to any person within the Harbour and from worrying, chasing, injuring or disturbing any person, animal, bird or other creature within the Harbour.
 - (2) Every person bringing a dog to the Harbour shall be responsible for its conduct and shall be solely and exclusively liable for any damage or injury which may be caused by it while within the Harbour. Any person in charge of a dog within the Harbour shall immediately remove same from the Harbour if so directed by Louth County Council
 - (3) If a dog defecates within the Harbour, the person in charge of the dog shall immediately remove the faeces and deposit it in a litter bin or other receptacle which may be designated for this purpose, blind persons with their guide dogs are exempt from this paragraph of these Bye-Laws.
 - (4) A person shall not cause or allow any dangerous dog, as defined in the Control of Dogs (Restriction of Certain Dogs) Regulations, 1991 and any amendment thereto, in their charge to enter or remain within the Harbour unless such dog is at all times kept muzzled while within the Harbour.
 - (5) The exercising of dogs on the Pier is permitted providing the animal remains on a leash at all times.
88. No person shall turn out to graze within the Harbour, or allow or suffer to stray or remain within the Harbour, any horse or other animal.
89. No person shall lead, walk or ride a horse or other animal within the Harbour, except when the animal is hauling a vehicle on a roadway open to public traffic. All such vehicles and their animals shall remain accompanied by and be kept in charge by their drivers for the duration of their presence within the Harbour.

PART VII: PENALTIES

90. (1) Any person who breaches or contravenes or otherwise fails to comply with any of these Bye-Laws (including, without prejudice to the generality of the foregoing, any condition, requirement or prohibition imposed by LCC in the exercise of the powers conferred upon him by these Bye-Laws or under Statute), shall be, guilty of an offence and shall be, at the discretion of the Council:
- (a) Served with a notice by the Council, the fine payable under the provisions of the First Schedule hereto calculated in accordance with that Schedule, in respect of the said breach or contravention. Notice of the fine shall be in the general form of the notice in the Second Schedule hereto;
- And/or
- (b) Prosecuted by the Council for breach of these Bye-Laws.
- (2) Any breach, contravention, or failure to comply with any of these Bye-Laws, should the breach, contravention, or failure to comply continue for a period in excess of 24 hours, shall be a separate offence and liable to a further fine, and this shall apply to each consecutive period of 24 hours.

FIRST SCHEDULE

Scale Table of Fines which may be imposed by the Council as a penalty for breach or contravention of any of these Bye-Laws, provided that payment is made to the Council within twenty-one days of service of a notice on an offender:

Level A	€100
Level B	€250
Level C	€1,000

Bye-laws to which Level A applies:

4, 8, 10, 11, 21, 25, 26, 47, 49, 53, 55, 57, 58, 59, 63, 64(1), 68, 70, 71, 72, 76, 77, 78, 79, 80, 84, 85, 86, 87, 88

Bye-laws to which Level B applies:

6, 7, 12, 13, 19, 22, 24, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 50, 51, 52, 54, 61, 62, 64(2), 65, 67, 69, 73, 74, 75, 82, 83, 89, 90, 91

Bye-laws to which Level C applies:

2, 3, 5, 9, 14, 15, 16, 17, 18, 20, 23, 27, 31, 42, 44, 45, 46, 48, 60, 92

This table of fines may be subject to review at any time.

SECOND SCHEDULE

FIXED PAYMENT NOTICE

From: LOUTH COUNTY COUNCIL, COUNTY OFFICES,
MILLENNIUM CENTRE,
DUNDALK

To: Name:

Address:

Whereas it is hereby alleged that you have contravened Louth County Council Bye-Laws made pursuant to Part 19 of the Local Government Act 2001, namely Bye-Law No.() by (in general terms state nature of contravention) at _____ Harbour on the day of 200_.

You may pay the sum of €(), within a period of twenty-one days from the date hereof, accompanied by this notice, at Louth County Council, County Offices, Millennium Centre, Dundalk.

A criminal prosecution for breach of contravention of the Harbour Bye-Laws will not be instituted during the said period, and if the said sum of € () is paid during the period stipulated, no prosecution will be instituted at any time in respect of this particular breach or contravention.

Dated

Signed _____
Duly authorised signatory,
For and on behalf of Louth County Council

ImHarbourant:

Payment will be accepted only at the Louth County Council Offices, County Hall, Millennium Centre, St. Alphonsus Road, Dundalk and must be accompanied by this notice. Payment may be made by post or in person. Cheques should be made payable to Louth County Council. A receipt will be issued.

You are entitled to disregard this Notice and to defend a prosecution of the alleged contravention in court.