

Beach Bye Laws 2012

BYE LAWS GOVERNING BEACHES AT

BOOTERSTOWN, BLACKROCK,
SEAPOINT, SANDYCOVE, FORTY FOOT,
THE RAMPARTS/HAWK CLIFF,
WHITE ROCK, KILLINEY
& CORBAWN LANE

and other designated areas along the coastline of
Dún Laoghaire Rathdown

IN THE COUNTY OF
DÚN LAOGHAIRE RATHDOWN



Dún Laoghaire Rathdown County Council in the exercise of its powers conferred under Part 19 of the Local Government Act 2001; the Local Government Act 2001 (Bye-Laws) Regulations 2006; the Maritime Safety Act 2005; the Control of Horses Act 1996; Litter Pollution Acts 1997 -2009; Control of Dogs Act 1986 as amended; the Local Government (Sanitary Services) Acts 1878-2001; the Local Government (Water Pollution) Acts 1977 as amended, the Casual Trading Act 1995, Bye Laws made regarding the Consumption of Alcohol in a Public Place 2003, hereby makes in the interests of the common good, the following Bye Laws for the purposes of regulating the use of beaches adjoining and within the functional area of the County of Dún Laoghaire Rathdown.

1. TITLE, COMMENCEMENT and REVOCATION

These Bye- Laws may be cited as the Dún Laoghaire Rathdown County Council Beach Bye-laws 2012 and shall come into effect on the 1/January/2013. The Beach Bye Laws 2009 are revoked.

2. INTERPRETATION

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say: -

“Authorised Person” means any employee of the Council, any member of the Garda Síochána or any person designated by the Council for the purposes of these bye laws.

“Beach” refers to that area of the seashore and the foreshore, outlined in red on the attached maps for the beaches of Blackrock, Seapoint, Sandycove, Forty Foot, White Rock, Killiney, Corbawn and such other beaches or bathing areas as may be designated by the Council. The words “seashore & foreshore” are defined in the Foreshore Act, 1933. For the purpose of these Bye Laws a “beach” shall include:

- i. any strand;
- ii. any sea for a distance from the strand to 300 metres (seawards) from the low water mark;
- iii. Any walls, railings, barriers, fence, roadways, seats, footpath, ramps, alleyways, access, walkways, step, sewer, drain or gully thereon;
- iv. Any post, sign, notice, sign board, life saving apparatus or equipment, toilet, litter receptacle, lamp, lamp-post, appliance, flag pole, flag, water pipe, gas pipe, hut, shelter, ornament, building or other structure forming part thereof or erected by the Council or by the authority of the Council either on the beach or adjacent to the beach for the benefit of users of the beach;
- v. Any tree, shrub, bush hedge, flower bed, turf, grass or other plant growing thereon or placed thereon by the authority of the Council;

- vi. Any implement, barrow, article, tractor, trailer or thing thereon belonging to the Council or placed thereon by the authority of the Council.

“Council” means the Council of the County of Dún Laoghaire- Rathdown

“Consent of the Council” means the permission in writing, of an authorised person.

“Controlled drug” means any substance, product or preparation, which is specified in the schedule to the Misuse of Drugs Act, 1977 or any amending act or regulations.

“Designated Area” means an area designated pursuant to Bye Law No. 3

“Employee of the Council” shall include every Superintendent, Supervising Official, Litter Warden, Dog Warden, Lifeguard, or other person employed by and duly authorised by the Council to administer and enforce these bye-laws.

“Foreshore” means the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek and bay of the sea or of any such river or estuary, as described in the Foreshore Act 1933.

“Kite Karting” means a wind operated craft requiring a small cart and single handed or two handed kite.

“Kite Surfing” means a wind operated craft and single handed or two handed kite.

“Land Yachting” means a wind operated craft which requires a small land yacht and vertical wing sail.

“Personal Watercraft” 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 on, rather than within the confines of a hull; as described in the Maritime Safety Act 2005.

“Proposed Natural Heritage Areas” (pNHA’s) are proposed sites designated by the Irish National Parks and Wildlife Service for the protection of wildlife in that area.

“Quad Bike” means a vehicle like a motorcycle, with four large wheels, designed for agricultural, sporting and other off-road uses.

“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; as specified in the Maritime Safety Act 2005.

“Seashore” means the foreshore and every beach, bank and cliff contiguous thereto and includes all sands and rocks contiguous to the foreshore, as described in the Foreshore Act 1933.

“Special Areas of Conservation” (SAC’s) are prime wildlife conservation sites designated under the EU Habitat’s Directive (1992/43/EEC) for the conservation and protection of habitats and species of importance in a European Context.

“Swimming” includes, floating, paddling or otherwise being in the sea for leisure purposes.

“the Act” means the Maritime Safety Act 2005

3. PROHIBITED ACTS

No person shall carry out any of the following acts on the beach:

- a) Nuisance: Cause a nuisance or do any of the following acts, which would be likely to cause a nuisance:
- b) Litter: Bring, deposit or discharge soil, filth, refuse, rubbish, stones, earth or throw deposit or leave any item of litter as defined in the Litter Pollution Acts 1997 - 2009 or dump/abandon/vandalise vehicles on the beach.
- c) Motor Vehicles: Drive, propel or park any motorcar, motorbike, van trailer, campervan, caravan, mobile home, quad bike or other mechanically propelled vehicle (including quads) or motorcycle on the beach other than in an area designated for this purposes.

This bye-law shall not apply to a vehicle operated by any Council employees or its agents, member of An Garda Síochána, permanent Defence Forces, Civil Defence or Coast Guard, for the purposes of the performance of any of their duties.

- d) Firearms: Bring onto the beach any firearm, airgun, catapult or any other weapon.
- e) Fires: Light any fires including bonfires or burn any materials on the beach.
- f) Games: Play any game or sport including football, handball, golf, hurling, cricket, tennis or other activity in such a manner as to cause or to be likely to cause a nuisance, danger, damage, obstruction or discomfort to any other person or property.
- g) Public Swimming Events: Organise swimming events including, triathlons or gala swimming days without the written consent of the Council.
- h) Beg: Beg, use obscene or profane language, behave indecently or importune or otherwise cause annoyance to others.
- i) Noise: Create or cause any noise including playing music from radios, stereos or musical instruments at such level as to give rise to or to be likely give rise to, reasonable cause for annoyance to any person.

j) Graffiti: Injure, disfigure, write graffiti on or mark any structure, seat, chair, sculpture, notice or notice board.

k) Animals:

(i) Seapoint Beach:

Designated Bathing/Lifeguard Control Area:

No person shall take or allow any animal which is under his/her ownership or control on this area at any time all year round. This shall not apply to guide dogs for the blind

All Other Areas Non Designated:

Dogs allowed off leash at all times, all year round but are required to be under effectual control per the Control of Dogs Act 1986

(ii) Sandycove Beach:

Designated Bathing/Lifeguard Control Area:

No person shall take or allow any animal which is under his/her ownership or control on this area at any time all year round. This shall not apply to guide dogs for the blind

All Other Areas Non Designated:

10am – 7pm – Dogs must be kept on a leash all year round.

7pm – 10am – Dogs allowed off leash all year round but are required to be under effectual control per Control of Dogs Act 1986

(iii) Killiney Beach:

Designated Bathing/Lifeguard Control Area:

10am – 7pm , Bathing Season. No person shall take or allow any animal which is under his/her control on this area from 10am – 7pm during the Bathing Season as defined by the Department of The Environment, Heritage and Local Government which at present is 1st June to 15th September. This shall not apply to guide dogs for the blind.

Dogs are permitted on a leash only through the back beach area for the purpose of accessing the non designated Bathing/Lifeguard Control area.

At all other times dogs are required to be kept on a leash

All Other Areas Non Designated:

Dogs are allowed off leash at all times all year round but are required to be under effectual Control per the Control of Dogs Act 1986

(iv) A person in charge of an animal shall at all times ensure that:

- a) The animal is under effectual control and is not causing annoyance to any person using the beach or worrying, chasing, injuring or disturbing any animals, birds or other creatures
- b) The animal faeces are removed and disposed of appropriately

(v) Persons bringing any animal onto the beach shall be responsible and liable for any damage, injury to property or persons which may be caused by it

(vi) Persons in charge of specified classes of dogs must ensure that they comply with the Control of Dogs Act 1986 and the 1992 Control of Dogs (Amendment) Act and the Statutory Instruments S.I. No. 442 of 1998 Control of Dogs Regulation

l) TRADE, ADVERTISING, ETC.:

(i) Sell: No person shall Sell, hire, expose, offer for sale any vehicle, boat conveyance, chair, article, animal, commodity or thing whatsoever, save with the written permission of an authorised officer and in accordance with the Casual Trading Act 1995 and bye laws made there under.

(ii) Exhibit: No person shall exhibit any advertising board, placard, wares, merchandise or play any musical instrument or sing for gain on the beach, save with the permission of an authorised officer and in accordance with the Casual Trading Act 1995 and any bye laws made there under.

m) OBSTRUCTION, ETC.

No person shall wilfully cause danger, obstruction or annoyance to persons using the beach or wilfully obstruct any officer of the Council in the execution of his duty or in the proper execution of any work in connection with the enforcement of these bye-laws;

n) CARAVANS, ETC.

(i) No person shall sleep on the beach.

(ii) No person shall sleep in vehicles on the beach nor shall they place or keep any temporary dwelling, caravan or dormobile on any part of the beach save with the permission in writing of the Council and subject to the terms and conditions of such permission.

o) FILMING

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, conditions and fees associated with such consent.

p) SPORTS TRAINING

No person shall engage in team sports training on any part of the beach and in particular shall refrain from using for such training any portion of the beach which comprises sand dunes, save with the consent of the Council.

q) FISHING

- (i) Fishing and angling is prohibited at locations specified in Part IV of Schedule 2.
- (ii) The Council (elected members) may designate other locations or times where fishing and angling is prohibited.
- (iii) No person shall spread, fix or leave any nets, bait, lines, boxes, fishing gear, fish or shells in any such area where fishing is allowed (e.g. any beached area under the Councils control).

4. WATER SPORTS, PERSONALISED WATERCRAFT & RECREATIONAL CRAFT

- a) The use of personal watercraft is prohibited save in accordance with a permit granted by the Council and the conditions thereto.
- b) Personal watercrafts may only be operated in accordance with the conditions specified in Part II of Schedule 1 of these Bye-Laws.
- c) Personal watercrafts may only be launched from areas designated in Part I of Schedule 1 of these Bye-Laws.
- d) Every person in charge of a personal watercraft must hold a permit as issued by the Council for a set fee as set out in Schedule 1 and shall act in such a manner as not to cause annoyance to any person using a beach or swimming in the sea or to disturb naturally occurring flora and fauna.
- e) Every person bringing a personal watercraft or power boat onto the beach area shall be responsible and liable for any damage or injury to property or persons, which may be caused by it.
- f) Every person bringing a personal watercraft or powerboat onto the beach area must remove it from the beach area if so directed by an authorised employee of the Council.
- g) The use of personal watercrafts or powerboats within 300 metres of the foreshore is prohibited except at the designated launch area.
- h) Operators of personal watercraft or powerboats shall travel at such reduced speed of 5 knots when entering and exiting the designated launch area and in the vicinity of bathers.
- i) Permits: Each person wishing to operate a personal watercraft must obtain a permit from the Council, authorising him/her to do so at a location designated by the Council for such activity, at a fee set by the Council, see schedule 1. This permit must be renewed on an annual basis and may be subject to increase. This permit must be produced when requested by an authorised officer or member of An Garda Síochána.

5. LIFEGUARDS

- a) Lifeguards shall patrol the beaches of Seapoint, Sandycove and Killiney during periods and at times designated by the Council.
- b) Any persons on the beach shall comply with any and all directions given to them by Lifeguards in the course of performing their duties.

6. REFUSAL OF PERMISSION

- a) Where a permit or permission of the Council is required for any purposes mentioned in these Bye-Laws, the Council may at its discretion grant such permit or permission, refuse such permit or permission or grant such permit or permission subject to specified conditions.
- b) Without prejudice to the generality of (a), the Council may at its discretion refuse to grant such permit or permission having regard to the character of the applicant, the number of persons already having such permits or permissions or to the general comfort and convenience of other persons using the beach.

7. LICENCES

Every licence granted to any person, club or organisation of any portion of the beach shall be in accordance with such conditions as shall be laid down by the Council from time to time provided always that the Council shall be entitled to add conditions to existing licences.

8. OFFENCES

- a) It shall be lawful for any Authorised Person or member of the Garda Síochána to enforce these bye-laws and to exclude or remove from any part of the beach any person committing any breach of the above bye-laws and to take any such action as may be necessary in the enforcing of these bye-laws including but not limited to the removal or detention of any thing that in his or her opinion is being used, operated or controlled in breach of the Bye Laws.
- b) A person who contravenes a provision of these bye-laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,500 subject to relevant legislation.
- c) If the contravention of a provision 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 €125 per day.
- d) A person who obstructs or impedes refuses to comply with a request of an authorised person or member of the Garda Síochána acting in the exercise of the functions conferred on an authorised person by these bye-laws shall be guilty of an offence.

- e) Where an authorised person or member of the Garda Síochána 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.
- f) Where a member of the Garda Síochána is of the opinion that a person committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.
- g) 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.
- h) A person may be served with a notice specifying a fixed payment, not exceeding € 150.00, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention.
- i) Nothing herein contained shall be construed to prevent the lawful operation by authorised port and harbour authorities of their statutory functions.
- j) 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 foreshore 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.
- k) Where a notice is issued under paragraph (h) or where a prosecution is commenced, any thing detained under this Bye Law may be retained until the payment of any fine, and in default of payment may be disposed of at the discretion of the Council.

SCHEDULE 1

Use of Personal Watercraft (i.e. Jet Skis)

Part I Launch and Operation of Personal Watercraft

- a) Users of Personal Watercraft must hold a permit issued by the Council.
- b) Personal Watercraft may only be launched from a designated area. The Council designates the rear of the West Pier as the designated area. Personal watercraft may be launched via the slipway from the sailing school into the sea.
- c) Personal Watercraft may only operate up to 10am and after 7.30pm.
- d) Personal Watercraft must not be operated within 300 metres of the foreshore.

Part II Conditions of Use

- a) The fee for the holding of this permit shall be €50 per annum.
- b) The permit must be renewed on an annual basis and the amount is subject to increase.
- c) Each craft will be issued with a permit number and on request by either an Authorised Officer or a member of An Garda Síochána, must produce the permit and/or permit number.

SCHEDULE 2

Part I

Designated Bathing Areas, as per Department of the Environment, Heritage and Local Government

Seapoint Bathing Area
Killiney Beach

Part II

Reserved Bathing Areas, as per Dún Laoghaire Rathdown County Council

Blackrock Beaches
Seapoint Bathing Area
Sandycove Beach
Forty Foot Bathing Place
The Ramparts/Hawk Cliff
White Rock
Killiney Beach
Corbawn Lane Beach

Part III

Designated Areas for the launch of Personalised Watercraft

See attached map in pink

Slipway at rear of West Pier at Pumping Station

Part IV

Designated Areas where fishing is PROHIBITED at all times.

See attached maps in yellow

Forty Foot Bathing Place (No fishing anywhere in this area).

Seapoint Beach (between signed areas, i.e. Lifeguard Patrol Area).

Sandycove Beach (between signed areas, i.e. Lifeguard Patrol Area).

Killiney Beach (between signed areas, i.e. Lifeguard Patrol Area).

Part V

Designated Lifeguarded Beaches

Seapoint Beach
Sandycove Beach
Killiney Beach

SCHEDULE 3

Special Areas of Conservation

South Dublin Bay (incorporating Seapoint Beach)

Proposed Natural Heritage Areas

Area along coastline from rear of East Pier to White Rock Beach

Area along coastline from Seafield Lane (Corbawn Beach) to the County Boundary at Bray.