

## CORK COUNTY COUNCIL BEACH BYE-LAWS 2010

The County Council of the County of Cork, as local authority for its functional area (being the entire County excluding the towns of Youghal, Cobh, Midleton, Kinsale, Macroom, Skibbereen, Clonakilty, Mallow and Fermoy therein) (hereinafter called "the Council") in exercise of the powers conferred on it by Part 19 - Section 199 (1) of the Local Government Act 2001 hereby makes the following bye-laws for the regulation and control of certain beaches hereinafter described which are situate within its functional area.

### *1. Title*

These bye-laws shall be known as the Cork County Council (Regulation and Control of certain Beaches) Bye-Laws 2010.

### *2. Scope of applicability*

These Bye-Laws shall apply to the beaches specified in Schedule 1 of these Bye-Laws.

### *3. Commencement*

These bye-laws shall come into operation on the 1<sup>st</sup> day of XXXXXXXX 2010.

### *4. Previous Byelaws*

Any and all previous byelaws applying to the beaches of County Cork are hereby revoked.

### *5. Interpretation*

In these bye-laws unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:-

**"Act"** means the Local Government Act 2001. Words and phrases defined in the Act shall have the same meaning in these bye-laws unless otherwise specified.

**"Authorised person"** has the same meaning as in Section 204 of the Act - any employee of the Council or any person designated by the Council for the purposes of these Byelaws.

**"Beach"** means the foreshore and every beach, bank, cliff, sands, sand dune and every area contiguous thereto together with the foreshore waters for a distance of 300 metres seaward from the low water mark and refers to any one of the beaches so specified where the context admits or requires.

**"Beaches"** means collectively those specified in Schedule 1 hereto.

**"Consent of the Council"** means the permission in writing of the Council.

**"Council"** means Cork County Council.

**“Craft”** means personal watercraft or recreational craft when operated by a mechanical means of propulsion.

**“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.

**“Horse”** includes donkey, mule and hinny.

**“Kite Board”** means a board used for surfing with the assistance of a kite allowing the operator to sail along waves as well as down them.

**“Mechanically propelled vehicle”** has the same meaning as in the Road Traffic Act 1961 (as amended) but excluding such vehicles as are used in the course of duty by the Council, the Garda Síochána, the Defence Forces, the Revenue Commissioners, the Central Fisheries Board, the South Western Regional Fisheries Board, the Irish Lights Commission, the Irish Coastguard, the Royal National Lifeboat Institution and any other such vehicles involved in *bona fide* law enforcement, emergency or rescue missions.

**“Nuisance”** means unreasonable interference with or disturbance or annoyance to a person in the exercise of his/her rights.

**“Off-Road Vehicle”** means any mechanically propelled vehicle or pedal cycle designed, adapted or used exclusively or predominantly for off-road travel, including beach buggies and mechanical quad bikes.

**“Permit”** has the same meaning as “Consent of the Council” at (c) above.

**“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.

**“Recreational Craft”** means a mechanically powered 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.

**“Sail Board”** means a board with a sail attached allowing the operator to sail along waves as well as down them.

**“Summer Season”** means the months of May, June, July, August and September.

**“Surf Board”** means a board used to surf using wave energy as a means of propulsion.

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

**“Temporary dwelling”** means a caravan, camper van, tent or other object used for the purpose of caravanning, camping or habitation.

## **6. *Authorised Persons***

A person shall comply with any and all directions given to him/her by an authorised person.

## **7. *Control of Horses***

During the summer season a person shall not ride or bring a horse/pony on to a beach between the hours of 11.00 a.m. and 7.00 p.m. without having obtained a license in advance from the Council and in that event will comply with the conditions of that licence.

Persons in charge of a horse on any beach listed in Schedule 1 shall ensure the following:-

- a) It is at all times under control;
- b) It is not causing annoyance, danger or nuisance to any person using the beach;
- c) It is not allowed on any part of the beach which comprises of sand dunes, except with the permission in writing of the Council or any other statutory body authorised to permit such activity, and subject to the terms and conditions of such permission. (This Bye-law does not apply to horses kept by An Garda Síochána and wholly used by an employee or member of An Garda Síochána while on duty).
- d) It faeces is removed by the person in charge of the horse.

Exempt from this bye-law are horses kept by An Garda Síochána and under the control of a member of An Garda Síochána in the execution of his/her duties, ponies or other such animals of the equine species, brought onto the beach for the purpose of hiring the animal for children's pony rides, operated in accordance with a license granted under Section VI of these provisions. Exempted from this bye-law are horse racing events licensed by the Department of Communications, Marine and Natural Resources.

## **8. *Control of Dogs***

Between the hours of 11.00 a.m. and 7.00 p.m. during the summer months persons in charge of a dog on a beach are required to keep such dog on a leash of fixed length of less than 2 metres.

Persons in charge of a dog on any beach listed in Schedule 1 shall ensure the following:-

- a) It is not causing annoyance, danger or nuisance to any person using the beach;
- b) It faeces is removed by the person in charge of the dog and disposed of suitably

Guide dogs for the blind, dogs kept by An Garda Síochána and under the control of a member of An Garda Síochána in the execution of his/her duties and dogs kept by the

Customs and Excise Service and under the control of a member of the Customs and Excise Service in the execution of his/her duties are exempt from this bye-law.

**9. Recreational Craft and Personal Watercraft**

- a) The Council may designate areas of the beach where access to or egress from the sea may be obtained by persons using recreational craft and personal watercraft.
- b) The Council may designate areas of any inland waterway where access to or egress from the waterway may be obtained by persons using recreational craft and personal watercraft.
- c) The launching of recreational craft and personal watercraft is prohibited on all beaches listed in **Schedule One** of these byelaws, save at areas which may be designated by the Council for this purpose.
- d) The use of recreational craft and personal watercraft within 300 metres seaward of the waters edge of the beaches listed in **Schedule One** is prohibited, except for the purpose of rescue or while obtaining access to or egress from the sea at a designated area as referred to at 6(a) above.
- e) The launching of recreational craft and personal watercraft is prohibited on all inland waterways listed in **Schedule Two** of these bye-laws, save at areas which may be designated by the Council for this purpose.
- f) Every person in charge of a recreational craft or personal watercraft shall act in such a manner as not to cause annoyance or injury to any person using a beach or inland waterway or swimming in the sea or to disturb naturally occurring flora and fauna.
- g) Every person bringing a recreation craft or personal watercraft onto the beach area or an inland waterway shall be responsible and liable for any damage or injury to property or persons which may be caused by it.
- h) Every person bringing a recreational craft or personal watercraft onto the beach area or an inland waterway must remove it from the beach area or waterway if so directed by an authorized person.
- i) Operators of recreational craft and personal watercraft shall observe a speed restriction of 5 Knots in the area from the water line to 300m to seaward from all beaches and should not operate in proximity to bathers, except in the event of an emergency. This provision shall not restrict the exercise by any Agency of the State of its statutory powers. (This bye-law shall not apply to craft operated in the course of duty of the Council, an Garda Síochána, the Defence Forces, the Revenue Commissioners, the Central Fisheries Board or a Regional Fisheries Board, the Irish Coast Guard, the Commissioners of Irish Lights or the Royal National Lifeboat Institute or any craft involved in bona fide law enforcement, emergency or rescue missions.)

### ***10. Prohibited Acts***

A person shall not at any of the beaches specified in Schedule 1 to these Bye-laws:

- a) Disobey an instruction of an authorised person, a member of the Garda Siochana or a Council employed lifeguard.
- b) Obstruct, hinder or interfere with an authorised person in implementing the provisions of these Bye-laws;
- c) Interfere with, disturb or damage any sand dune, vegetation or any equipment, structure, facility, information plate, board, sign, or anything provided there by the Council or any authorised person or body. In that regard should take due care when walking in the dune areas.
- d) Cause a nuisance or engage in behaviour or activity likely to cause a nuisance;
- e) Take part in archery, golf, paint balling or any other game/sport involving high speed projectiles on a beach.
- f) Partake in ball playing that causes nuisance or undue interference to other beach users
- g) Use the dune areas for any form of activity such as running, jogging or similar activities termed as sport related training.
- h) Use quad bikes or other mechanically propelled vehicle in the dune area.
- i) Wilfully or carelessly manage, place or leave any vehicle (mechanically propelled or otherwise) or any pedal cycle so as to cause obstruction, injury, danger, annoyance or inconvenience to any person or damage to the beach or to any property.
- j) Save with the prior Consent of the Council or of any other statutory body authorised to permit such activities, and in compliance with that consent,;- Sell, hire, expose, offer for sale any article, commodity or thing whatsoever; (This section of the Bye-law shall not apply to any lands specified in the Schedule to the County of Cork (Casual Trading) Bye-Laws or any subsequent or amending Bye-Laws)
- k) Offer for monetary reward, tuition in surfing or any other water-sports activity from a beach unless a valid licence has been obtained in advance from the Council and the activity is conducted in accordance with the conditions of such licence.

#### ***Prohibited Acts: Damage***

- a) Light an open fire (other than in a contained unit, such as a barbecue) or do anything which may cause damage by fire
- b) damage any grass, sand dunes, plants, shrubs or any plant on or along the beach

- c) paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or structure
- d) deposit any rubbish or any item of litter as defined in the Litter Pollution Act, 1997 as amended
- e) remove any sand, stones, seaweed or soil from the beach, except in accordance with legislation and except with the consent of the Council
- f) interfere with or damage any life buoy, lifesaving equipment, rope marker, hut, cabin, litter receptacle, sign or flagpole, flag or information board, wall, railing or fence or any other thing placed on the beach by Cork County Council

***Prohibited Acts: Caravans, Camping etc.***

No person shall bring onto, place, erect or keep any caravan, dormobile, tent or other temporary dwelling on any part of the beaches listed in Schedule 1 of these Bye-laws without the consent of the Council and subject to the terms and conditions of such permission.

***Prohibited Acts: Motor Vehicles***

- 1) With the exception of the beaches identified in sub-section (b) of this section, no person shall drive or attempt to drive, propel, push, park or leave any motor car or other mechanically propelled vehicle on the beaches listed in Schedule 1 of these Bye-laws (other than in an area designated by the Council or other statutory body for such purposes) save with the consent of the Council or any other statutory body authorised to permit such activities and subject to the terms and conditions of such permission. This provision shall not restrict the exercise by owners or occupiers of properties abutting the beach of long established rights of access thereon and shall not restrict the exercise by any Agency of the State of its statutory powers. (This Bye-law shall not apply to a vehicle operated by the Council or its agents, The Commissioners of Public Works, an Garda Síochána, Defence Forces or recognised rescue services.)

Notwithstanding sub-section (a) of this section persons may drive onto and along and park on the beaches numbered in Schedule 1 hereto save in the sections thereof (if any at the particular time) that are designated as "Car free areas".

***Prohibited Acts: Surf Boards, Kite Boards and Sail Boards***

No person shall wind-surf on sail boards or kite-surf on kite boards or surf on a surf board in close proximity to bathers.

***11. Permits for selling/hiring etc.***

- a) The Council may at its sole discretion grant a license, subject to the conditions as the Council deem appropriate, for the use of a part or parts of a beach for the

purpose of placing thereon for sale or hire any object or item including any booth, stand, stall, pony ride, paddle boat, boat, kayak, canoe, surf-board, surf-ski, sail-board, sails, lilo, dinghy or equipment or for the organising, staging or holding of a public, sporting or commercial event subject to the applicant producing a valid policy of public liability insurance

- b) A permit may be granted for such period as the Council may determine.
- c) The Council may, by notice in writing, revoke, alter, amend or limit the terms and conditions of such a permit.
- d) A permit granted by the Council shall not relieve from personal responsibility or liability any person(s) to whom such permission was granted in respect of any criminal, unlawful, illegal or negligent act or omission for which such person(s) may at any time be sued or charged.
- e) A permit granted by the Council 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(s) to whom such permission was granted or by their servants or agents.
- f) An application for a permit shall be made to the Council not less than 15 days before the first day on which it is intended to engage in the activity to which the application relates.
- g) A person who applies to the Council for a permit shall furnish to the Council the information requested in the application form together with such other information as the Council may request for the purpose of the exercise of its powers and functions under these Bye-laws.
- h) On the granting of a permit the applicant shall pay a permit fee of €50.00 per annum.
- i) The Council reserves the right to refuse any application.

### ***12. Refusal of Permission***

The Council may refuse to grant permission for any of the purposes mentioned in these Bye-laws if, having regard to the character of the applicant, the nature of the activity in question, the number of persons already holding permits of the class applied for, and/or the general comfort and convenience of visitors to the beach, they consider that a permit should not be granted.

### ***13. Offences***

- a) An Authorised Person or a member of the Garda Síochána may take appropriate action to enforce these Bye-laws.

- b) Any person who contravenes a provision of these Bye-Laws or who obstructs or impedes or refuses to comply with a request of an authorised person or member of the Garda Síochána made in the course of enforcing compliance with the provisions of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1500.
- c) Where an authorised person or member of an Garda Síochána has reasonable grounds for believing that a person is or has contravened a provision of these Bye-Laws, or is acting in breach of the terms of a permit granted under these Bye-Laws, he/she may serve a Notice on such person stating that prosecution of such contravention shall not be instituted if payment of €50.00 is made to the Council within twenty-one days of the date of service of the Notice.
- d) An authorised person or member of an Garda Síochána may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from such activity and may remove any person failing to comply with such request.
- e) Where an authorised person or 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, he/she may demand the name and address of such person and if that demand is refused or the person gives a name and address which is faulty or misleading that person shall be guilty of an offence.
- f) An authorised person or member of an Garda Síochána may issue On-The-Spot Fines for breach of the Bye-laws or for breach of any permit or condition(s) of any permit granted under these Bye-laws.
- g) Nothing contained in or done under any of the provisions of these Bye-laws shall in any respect prejudice or injuriously affect the rights and interests of the state in the foreshore, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power, or privilege legally exercisable by any person in, over or in respect of the foreshore.

#### ***14. Fixed Payment Notices***

- a) The Council may as an alternative to prosecution serve on a person alleged to have contravened any of these bye-laws, a notice specifying a fixed payment to be made in respect of such contravention.
- b) The amount of the fixed payment will be €75.00 being the amount currently prescribed by the Minister for the purposes of Section 206 (1) of the Act or such different amount as may be so prescribed at the date of the alleged contravention.
- c) The said amount shall be paid within a period of four weeks from the date of service of the said notice.

#### ***15. Review***

The operation of these bye-laws shall be reviewed after the summer season of 2011 and will be revised by the Council as considered appropriate at that time.

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**SCHEDULE 1**

List of beaches to which the byelaws shall apply.

1. Harbour View, Kilbrittan
2. Coolmain, Kinsale
3. Sandycove, Kinsale
4. Castlepark, Kinsale
5. Garrettstown , Kinsale
6. Garrylucas Beach, Kinsale
7. Fountainstown, Carrigaline
8. Inch, Whitegate
9. Garryvoe, Shanagarry
10. Youghal Front Strand
11. Claycastle, Youghal
12. Pilmore, Youghal
13. Redbarn, Youghal
14. Courtmacsherry, Courtmacsherry
15. Broad Strand, Courtmacsherry
16. Coolbaun, Courtmacsherry
17. Dunworley, Timoleague
18. Moloney's, Timoleague
19. Simon's Cove, Ring
20. Inchydoney, Clonakilty
21. Duneen, Clonakilty
22. Red Strand, Ardfield
23. Long Strand, Rathbarry
24. Ownahincha, Rosscarbery

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25. Warren (Cregane Strand), Rosscarbery
26. Sandy Cove, Skibbereen
27. Tragumna, Skibbereen
28. Traisplean, Skibbereen
29. Cadogans Strand, Schull
30. Ballyrisode Beach, Toormore
31. Cockle Strand, Crookhaven
32. Galley Cove, Crookhaven
33. Stoney Beach, Crookhaven
34. Barley Cove, Crookhaven
35. Snave, Bantry
36. Garinish Strand, Allihies
37. Ballydonegan, Allihies

**SCHEDULE 2**

List of inland waters in which launching of recreational craft and personal watercraft is prohibited [Article 13(e)]

1. Clonakilty Bay, Clonakilty.

*SCHEDULE 1 AND 2: This list can have additions or subtractions if needs be before Final Bye Law Document is prepared after consultation with Members of Cork County and the Public Consultation Process.*