



Comhairle Cathrach  
& Contae Phort Láirge  
Waterford  
City & County Council

# **Beach Bye-Laws 2021**

# **WATERFORD CITY & COUNTY COUNCIL**

## **BEACH BYE-LAWS 2021**

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## Map of bathing areas at Newtown Cove and Guillameen, Tramore

Waterford City & County Council in pursuance of the powers conferred on it by the following Acts, as amended, namely Part 19 of the Local Government Act 2001 (as amended), Local Government Act 2001 (Bye-Laws) Regulations, 2006, The Control of Dogs Act 1986, The Casual Trading Act 1995, The Control of Horses Act 1996, The Litter Pollution Act 1997, the Maritime Safety Act, 2005 and the Waste Management Act 1996, Local Government (Sanitary Services) Act 1878-1964 and in pursuance of every other power enabling it and in the interest of the common good of the local community make the following bye-laws for the purpose of regulating the use of the Beaches listed in the First Schedule hereto, which are within the administrative area of Waterford City & County Council.

## **Part 1 - Citation**

These bye-laws shall be cited as the Waterford City & County Council Beach Bye-Laws 2021. These bye-laws replace the Waterford County Council Beach Bye-Laws 2015.

## **Part 2 - Commencement**

These bye-laws shall come into operation on the **7th day of May, 2021**.

## **Part 3 - Duration of Bye-Laws**

Unless otherwise stated these bye-laws shall apply year round.

## **Part 4 - 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:-

1. "The Council" means Waterford City & County Council.
2. "The consent of the Council" means the permission in writing of an authorised person.
3. "Licence" has the meaning as described in Part VIII of these bye-laws.
4. "The Act" means the Local Government Act 2001 (as amended).
5. "Authorised Person" means any employee of the Council, any member of the Garda Síochána or any person designated in writing by the Council for the purposes of these bye-laws.
6. "Beach" refers to the area of the seashore and the foreshore. The words "seashore and foreshore" are defined in the Foreshore Act, 1933 (as amended). For the purposes of these bye-laws a "beach" means the area immediately adjacent to the foreshore consisting of a natural accumulation of sand and/or stones and/or shingle which can be in either public or private ownership, and every area contiguous thereto together with the foreshore waters for a distance of 300 metres from the shore and as listed on the First Schedule attached hereto. It also includes Council controlled carparks and any public approach roads to the beach within a 500 metre radius from the seashore.
7. The term "Board" in these bye-laws shall include surfboard, sailboard, windsurfer, kite-board or foil-board and shall mean a board, inflatable or solid in construction, on which the operator uses wind, wave or paddle energy as the means of propulsion
8. "Swimming" includes floating, paddling, or otherwise being in the sea for leisure purposes.
9. "Personal Watercraft" shall mean any craft (other than a recreational craft) of less than 4 metres in length which uses a water jet drive 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.
10. "Recreational Craft" means a water craft of greater than 2.5 metres and 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.
11. "Fast power craft" means a pleasure craft (other than a personal watercraft) the principal means of propulsion of which is derived from a mechanical power source and which attains or can attain a speed through or over the water equal to or exceeding 17 knots, whether engaged in towing other appliances or not, and includes craft that are capable of being driven on land as well as on water.
12. "Power craft" means a pleasure craft, whose principal means of propulsion is derived from a mechanical power source and which attains or can attain a speed through or over the water, not exceeding 17 knots, whether engaged in towing other appliances or not.
13. "Suitable Personal Flotation Device or Lifejacket" means a personal flotation device or lifejacket:-

- i. Sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered;
  - ii. Which is appropriate to the body weight of the person who is wearing it;
  - iii. Which has on it the CE conformity marking consisting of the initials "CE" taking the form of the specimen set out in Annex IV to the European Union Council Directive 89/686/EEC of the 21<sup>st</sup> December 1989 (as amended by Council Directive 93/68/EEC of the 22<sup>nd</sup> July 1993 and Council Directive 96/58/EC of the European Parliament and the Council of the 3<sup>rd</sup> September, 1996).
- 14. "Inflatable water toys" means a toy capable of being inflated which is intended for use in shallow water and swimming pools, which is capable of carrying or supporting a person in water and which conforms to the European Toy Directive 2009/48/EC.
- 15. "Summer season" covers the period 1<sup>st</sup> May to 30<sup>th</sup> September, both dates inclusive.
- 16. "Nuisance" means unreasonable interference with or disturbance or annoyance to any person in the exercise of his or her rights.
- 17. "Danger" means a person or thing that may cause injury, loss, or pain to any person.
- 18. "Waste" shall have the meaning attributed to it by Section 4 of the Waste Management Act, 1996, as amended.
- 19. "Horse" includes donkey, mule and hinny.
- 20. "Slipway" means a slope built leading down into water, used for launching and landing boats; slipway also includes a fixed boat ramp or launch.
- 21. "Encamp" means the use as a temporary residence, which includes but is not limited to the use of tables and chairs and /or the extension of an awning, associated with a tent caravan or temporary dwelling.

## **Part 5 - Prohibited Acts**

**No person shall do or cause any of the following acts on the beach, namely:-**

### **Damage**

- 1. Light an open fire (other than in a contained unit, such as a barbecue) or do anything which may cause damage by fire.
- 2. Damage any grass, sand dunes, plants, shrubs or any plant on or along the beach.
- 3. Paint, write, cut or carve or in any manner inscribe letters, figures or marks upon any rock, wall or structure.
- 4. Deposit any waste, rubbish or any item of litter as defined in the Litter Pollution Act, 1997, as amended.
- 5. Remove any sand, stones, seaweed or soil from the beach, except in accordance with legislation and except with the consent of the Council.
- 6. 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 the Council or by the authority of the Council.
- 7. Ignite or set off fireworks, slap-bangs or other such contrivances.

### **Nuisance**

- 8. Cause a nuisance or do any act likely to cause a nuisance thereon.
- 9. Cause annoyance, obstruction, danger or injury to any person frequenting or using the Beach, or do any act likely to cause annoyance, obstruction, danger or injury to any person frequenting the Beach.
- 10. Cause a nuisance or danger to people on the beach by playing a game in such a manner as to cause nuisance or danger.
- 11. Create or cause any unreasonable levels of noise including playing music from radios, stereos or other musical instruments at such level as to cause annoyance to other beach users.
- 12. Obstruct, impede, annoy, or needlessly interrupt an Authorised Person or employee of the Council in the performance of his/her duties, or disobey the lawful directions of an Authorised Person or employee of the Council.

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

- 13. Encamp or place or erect or cause to be placed or erected on the beach, or dune system appurtenant to the beach, any tent, caravan, or other temporary dwelling.
- 14. Drive, bring to, place on, leave or park any motor car, motorbike, van, trailer, campervan, motor home, caravan, mobile home, off-road vehicle, carriage, truck, wagon, lorry, all terrain vehicles, quad bike or other propelled vehicle on the beach or dune system appurtenant to the beach.

15. All road vehicles must park legally in accordance with parking signage and road markings as may be provided on all approach roads to the beach and car parks serving the beach.
16. Campervans, motor homes and motor caravans must park legally in accordance with parking signage. No overnight parking in Campervans, Motor Homes and Motor Caravans is permitted between the hours of 11:00 pm to 06:00 am.
17. Bye-law 13 shall not apply to a vehicle operated under licence from the Department of Communications, Marine and Natural Resources, by the Council or its agents, the Commissioners of Public Works, An Garda Síochána, Permanent Defence Forces, Civil Defence, Coast Guard, Community Inshore Rescue Services or recognised rescue services, Customs and Excise, the Receiver of Wrecks and any other emergency service vehicle.

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

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

18. Save with the consent of the Council, exhibit any advertising board, placard, wares, merchandise or play any amplified music on the beach or, organise, stage or hold any public, sporting or commercial event on the beach.
19. Save in accordance with a licence issued by the Council under these bye-laws or the Casual Trading (Control and Designation) Bye-Laws, sell any article, commodity, goods or services, sell or hire or offer tuition or lessons on the beach.
20. Save in accordance with a licence issued by the Council under these bye-laws or the Casual Trading (Control and Designation) Bye-Laws, sell or hire or offer for sale or hire or place any play equipment onto the beach for the purpose of sale or hire.

### **Surfboards/Sailboards/Kite boards/Canoes/Kayaks/Stand up Paddle Boards**

21. No person shall wind surf on sailboards or kite surf on kite boards or surf on a surfboard or use a canoe or kayak in close proximity to swimmers.
22. The Council may designate areas of the beach that will be clearly defined and to which the use of surf/kite/sail boards, canoes and kayaks is restricted.
23. No person shall offer tuition in surfing or any other water sport/activity from the beach or in the sea unless done in accordance with the required standards of the Council and by Water Safety Ireland and/or other body recognised to issue such and unless done in accordance with the conditions of a licence issued under the Casual Trading (Control and Designation) Bye-Laws.

### **Filming**

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

### **Consumption of Alcohol**

25. No person shall consume alcohol on a beach, or organise an event which involves consumption of alcohol on a beach except with the consent of the Council and subject to the terms and conditions of such consent.

### **Control of Horses**

26. No person shall bring a horse, pony, ass, mule or other animal of the equine species on the beach outside of the hours of 5.00 a.m. to 11.00 a.m. during the summer season. (No prohibited times outside of summer season).
27. No person shall bring horses onto the beach except by means of recognised public vehicular accesses or dedicated horse access ways, save on foot of a written consent from the Council.
28. No person shall bring or allow horses to enter upon any part of the sand dunes save for access and egress to the beach and then only across recognised public vehicular accesses or dedicated horse access ways.
29. Persons in charge of a horse on any beach shall ensure the following:

- (i) That the horse is at all times under control.
- (ii) That the horse is not causing annoyance, danger or nuisance to any person on the beach.
- (iii) Its faeces are removed.

This Bye-Law shall not apply to horses kept by An Garda Síochána and wholly used by an employee or member of An Garda Síochána while on duty.

## **Control of Dogs**

30. Persons in charge of dogs shall have regard to the Council's current Control of Dogs Bye-Laws, which may prohibit dogs on beaches during specific times during the summer season. A copy of the Council's current Control of Dog Bye-Laws is available on the Council's website [www.waterfordcouncil.ie](http://www.waterfordcouncil.ie) or a copy can be obtained from the Environment Department, Waterford City & County Council.

## **Personal Watercraft (including Fast Power Craft and Power Craft)**

31. Personal watercraft may only be launched from, and landed to, an existing slipway.
32. The launching or landing of personal watercraft is strictly prohibited from beaches.
33. Operators of personal watercraft shall observe a speed restriction not exceeding 5 knots when launching from slipways for a distance of 300 meters seawards and should not operate in the proximity of swimmers, except in the event of an emergency.
34. The use of a personal watercraft within 300 meters of the low water mark is prohibited, except for the purpose of rescue or while obtaining access to or egress from the water at a slipway.
35. Every person in charge of a personal watercraft shall act in such a manner as not to cause annoyance to any person using a beach or swimming in the water or to disturb naturally occurring flora and fauna.
36. A person in charge of or using in any way a personal watercraft shall wear a suitable personal flotation device or lifejacket.
37. Any person bringing a personal watercraft onto the beach shall be responsible and liable for any damage or injury to property or persons which may be caused by it.
38. Any person bringing a personal watercraft onto the beach must remove it from the beach if so directed by an authorised person.
39. The use of inflatable toys, on water, is prohibited at all beaches.

## **Fishing**

40. Fishing shall not be allowed in the bathing areas of the Guillameen and Newtown Cove, in the townland of Newtown, Tramore.

## **Exceptions**

These bye-laws shall not apply to vehicles or watercrafts operated by the Council or its agents, The Commissioners of Public Works, An Garda Síochána, Defence Forces, Civil Defence, Coast Guard, RNLI, Community Inshore Rescue Service or recognised rescue services, Customs & Excise, the Receiver of Wrecks, or those under licence from the Department of Agriculture, Food and the Marine.

## **Part 6 - Authorised Persons/Offences**

It shall be lawful for any member of the Garda Síochána or an Authorised Person 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 such other steps as authorised by law.

An authorised person may request any person who appears to be contravening a provision of these bye-laws to refrain from such an activity.

Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member of the Garda Síochána may arrest the person without warrant.

A person who obstructs or impedes or refuses to comply with a request of a member of the Garda Síochána or of an Authorised Person, acting in the exercise of his/her functions under these bye-laws shall be guilty of an offence.

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 the bye-laws relate, the Garda or the Authorised Person as the case may be, may demand the name and address of such person, including photographic identification, 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. If requested to do so, an authorised person under these bye-laws shall produce photo ID evidence of his/her appointment as an authorised person for the purpose of the bye-laws.

An authorised person may issue on-the-spot fines (Fixed Penalty Notice) of €75.00 for breach of the bye-laws or for breach of any condition(s) of a licence issued under these bye-laws.

A person committing an offence under these bye-laws may be prosecuted by the Council or by An Garda Síochána.

Any person who contravenes a provision of these bye-laws or of any permit/licence or condition or conditions of any permit/licence granted under these bye-laws, shall be guilty of an offence and shall be liable to an on-the-spot fine (Fixed Penalty Notice) of €75.00 for a simple breach of the bye-laws, or to a fine not exceeding €1,904.60 on summary conviction.

The Council shall not proceed with prosecution if the fine (Fixed Penalty Notice) amount of €75 is paid within 21 days of the date on which the Notice was issued. Notice of the fixed payment shall be in the general form of the notice in the Second Schedule to these bye-laws. Prosecution may lead to a fine not exceeding €1,904.60 on summary conviction.

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 €126.97 per day for each day, post conviction.

## **Part 7 - Granting of Licences**

1. The Council may at its sole discretion grant a licence under the Casual Trading Bye-Laws, subject to its terms and conditions, 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 offering of tuition, organising, staging or holding of a public, sporting or commercial event subject to the applicant submitting an application under the Casual Trading Bye-Laws.
2. Inflatable toys will not be permitted for sale or hire under the Casual Trading Bye-Laws.

## **Part 8 - General**

Nothing contained in or done under any of the provisions of the foregoing 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.

These provisions shall not restrict the exercise by owners or occupiers of properties abutting the beach of long established rights of access thereon and shall not restrict the exercise by any Agency of the State of its statutory powers. These provisions shall not prohibit fishermen or boatmen from carrying out their lawful trade.




In the event of an epidemic, pandemic or other national emergency situation, government guidelines and public health recommendations must be considered in conjunction with these bye-laws.

Made and adopted under the Common Seal of Waterford City and County Council

this 8th day of April, 2021.

Present when the Common Seal of Waterford City and County Council was affixed hereto:



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Cllr Damien Geoghegan,  
Mayor of the City & County of Waterford



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Fergus Galvin,  
Director of Services,  
Roads, Water & Environment.

## FIRST SCHEDULE – BEACHES/STRANDS



### WATERFORD CITY & COUNTY COUNCIL

### BEACH BYE-LAWS 2021

Beaches/ Strands, within the administrative area of Waterford City & County Council, to which these bye-laws apply:-

- *An Coinigéar in the townland of Maoil an Choirnigh*
- *Annestown in the townlands of Annestown and Woodstown*
- *Ardmore Boat Cove in the townland of Dysert*
- *Ardmore in the townland of Duffcarrick*
- *Badgers Cove in the townland of Dunmore East*
- *Baile na nGall in the townlands of Baile na nGall Beag & Baile na nGall Mór*
- *Ballinacourty in the townland of Ballynacourty*
- *Ballydwane (Stradbally) in the townlands of Ballydowane East & Ballydowane West*
- *Ballymacaw Cove in the townland of Ballymacaw*
- *Ballyquin in the townland of Ballyquin*
- *Ballyvooney (Stradbally) in the townland of Ballyvooney*
- *Benvoy Cove in the townland of Benvoy*
- *Boatstrand in the townland of Dunabrattin*
- *Bunmahon in the townland of Templeyvrick*
- *Caliso Bay in the townland of Monatray East and Monatray Middle*
- *Clonea in townlands of Kilgrovan and Tallacoolmore and Clonea Lower*
- *Counsellors Strand Dunmore East in the townland of Nymphall*
- *Garrarus in the townland of Caher*
- *Goat Island in the townland of Ardogina*
- *Guillameen in the townland of Newtown*
- *Heilbhic in the townland of Heilbhic*
- *Kilfarrissay in the townland of Islandkeane*
- *Killmurren in the townland of Killmurren*
- *Ladies Cove in the townland of Dunmore East*
- *Lady Elizabeth Cove (Tramore Pier) in the townland of Newtown*
- *Main Strand Dunmore East in the townland of Nymphall*
- *Monatrae in the townland of Ballysallagh*
- *Newtown Cove in the townland of Newtown*
- *Passage Strand in the townland of Croke*
- *Portally Cove in the townland of Portally*
- *Rathmoylan Cove in the townland of Rathmoylan*
- *Saleens in the townland of Summerville, Corballymore and Liseelty*

- *Stony Cove in the townland of Dunmore East*
- *Stradbally Cove in the townland of Stradballymore*
- *Strand Beach Tramore in the townlands of Tramore Borough & Tramore West*
- *Tramore Pier/Harbour*
- *Trá na mBó in the townland of Templeyvrick*
- *The Slip Cove in the townland of Kockmahon*
- *Whiting Bay in the townlands of Ballysallagh , Clashanahy , Cappagh and Ardoginna*
- *Woodstown in the townlands of Ballyglan , Woodstown Lower, and Dromina*

**SECOND SCHEDULE – FIXED PENALTY NOTICE**



**WATERFORD CITY & COUNTY COUNCIL  
BEACH BYE-LAWS 2021**

**FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE  
LOCAL GOVERNMENT ACT, 2001 (as amended)**

TO:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is alleged that you have contravened the provisions of a bye-law number \_\_\_\_\_ made under Part 19 of the Local Government Act, 2001(as amended) entitled Waterford City & County Council Beach Bye-Laws 2021

by.....  
.....  
.....

(in general terms specify nature of contravention)

at .....(specify location)

on ..... (date and time)

During this period of 21 days beginning on the date of this notice you may pay the sum of €75, producing/attaching this notice, at any of the Customer Services Departments of Waterford City & County Council which are located at (1) Baileys New Street, Waterford, or (2) Civic Offices, Davitt’s Quay, Dungarvan, Co Waterford.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time in respect of the said alleged offence.

Signed: \_\_\_\_\_  
(Authorised Officer)

Date: \_\_\_\_\_

**IMPORTANT:** Payment will be accepted at any of the offices of Waterford City & County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc., should be made payable to Waterford City & County Council. A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

**THIRD SCHEDULE - MAPS**



**WATERFORD CITY & COUNTY COUNCIL  
BEACH BYE-LAWS 2021**



