



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

Control of Dogs Bye-Laws 2015

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Section 9 of the Control of Dogs Act 1986 requires the owner or any other person in charge of a dog to keep it under effectual control. In certain circumstances a higher level of control is required and these Byelaws provide for such control by requiring that a dog is kept on a leash in certain locations

Waterford City and County Council in pursuance of the powers conferred on it by **Control of Dogs Acts 1986 and 1992** **HEREBY MAKES** the following Bye-Laws in respect of the area comprising the functional area of Waterford City & County Council

PART 1

1. CITATION:

These Byelaws may be cited as the Waterford City and County Council (Control of Dogs) Byelaws 2015 .

2. COMMENCEMENT:

These Byelaws shall come into operation on the 1st day of November , 2015.

3. DEFINITIONS:

“*Assistance Dog*” is a dog that has been trained to assist persons with a disability or illness.

“*bathing season*” is the period from 1 June to 15 September each year or such other period as determined by the Environmental Protection Agency from time to time;

“*dog*” includes a bitch of any age or a dog of any age;

“*Dog Warden*” means a person employed under section 15 of the Control of Dogs Acts 1986 and 1992;

“*local authority*” means Waterford City and County Council;

“*public place*” any place to which the public have access whether as of right or by permission and whether subject to or free of charge;

“*public road*” is defined in the Roads Act 1993

“*beach*” means and includes the foreshore and any coastal water, bank, cliff, footpath, road, car park, sands, sand dunes and rocks contiguous to the foreshore. This includes any sea for a distance from the strand to 200 metres (seawards) from the low water mark. The words seashore and foreshore have the same meaning as defined in the Foreshore Act, 1933;

4. APPLICATION OF BYE-LAWS

These Byelaws shall apply to the functional area of Waterford City & County Council and the area of their operation is hereby extended pursuant to Section 199(6) of the Local Government Act, 2001 to the foreshore adjoining the functional area of Waterford City & County Council.

5. PROHIBITION/RESTRICTIONS

A person in charge of a dog shall immediately remove faeces where the dog has fouled a public place within the functional area of Waterford City & County Council and dispose of the faeces in a suitable sanitary manner.

A person in charge of a dog in a public place shall be in possession of a suitable means for the collection of any faeces deposited by the dog in a public place.

A person in charge of a dog in an area specified in the First Schedule to these Byelaws (except any dog to which article 5 (1) of the Control of Dogs Regulations 1998 applies) shall keep the dog on a sufficiently strong chain or leash, not exceeding two metres in length if a fixed leash, or ten metres if retractable.

A person in charge of a dog other than a dog being used for guidance by a blind person or by a person whose eyesight is so defective as to be unable to find his/her way without guidance, shall not bring the dog into, or allow the dog to enter or remain in any place specified in the Second Schedule to these Bye-Laws unless that person has the permission of an employee of the local authority.

A person in charge of a dog shall not bring the dog into, or allow the dog to enter or remain in any place specified in the Third Schedule to these Byelaws between the hours of 11.00 a.m. and 7.00 p.m. during the Bathing Season

6. OFFENCES

A person who is in breach of these Byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1904.61.

A person who obstructs or impedes a Dog Warden acting in the exercise of his/her functions under these bye-laws shall be guilty of an offence.

Where a Dog Warden or member of An Garda Síochána is of the opinion that a person is in breach of these bye-laws, the Dog Warden or member of An Garda Síochána may demand the name and address of such person and if this demand is refused or the person gives a name or address that is false or mis-leading, the person shall be guilty of an offence.

Where a Dog Warden has reasonable grounds for believing that a person is in breach of these bye-laws, he may serve the person with a notice stating that the person is alleged to have breached the bye-laws and specifying the bye-law, and that the person may during the period of 21 days beginning on the date of the notice, make to the local authority a payment of the prescribed amount accompanied by the notice and that a prosecution in respect of the alleged breach of the bye-laws will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during the period, no prosecution in respect alleged breach will be instituted.

FIRST SCHEDULE

Any –

- (a) Park
- (b) Pier under the control of Waterford City and County Council
- (c) Other place used for outdoor recreational or sporting activities, which is under the control of Waterford City and County Council.

SECOND SCHEDULE

Any –

- (a) Office
- (b) Library
- (c) Playground
- (d) Sports Hall or other similar building, which is under the control of Waterford City and County Council
- (e) Cemeteries

THIRD SCHEDULE

Beaches/Strands to which these Byelaws apply:

Woodstown – Rosminian House to the Woods

Within the lifeguard patrol areas at

-*Tramore*

-*Bunmahon*

-*Clonea*

-Ardmore
-Dunmore East
beaches / strands

EXPLANATORY NOTE

This note is not part of the Byelaws and does not purport to be a legal interpretation.

These Byelaws prescribe that: -

- (a) **Dogs must be kept on a leash** when brought into any **Park, Open Space, etc.**, (First Schedule) which is under the control of the Council except in the circumstances outlined in Paragraph 1. Part II.
- (b) **Permission is needed** to bring a dog into a building which is under the control of the Council, i.e. any **Office, Library, Playground, etc.** (Second Schedule)
- (c) Dogs, leashed or unleashed, are **banned** from **certain beaches** at certain times
- (d) **EXEMPTIONS** are allowed for **Guide Dogs, Assistance Dogs** and dogs used by the **Garda Síochána** in the execution of their duty.
- (e) Persons in Breach of Byelaws may be issued with an on the spot fine of €100.
- (f) Breaches are liable to **finest up to €1904.61** on summary conviction