

COMHAIRLE CHONTAE MAIGH EO

MAYO COUNTY COUNCIL

**BEACH BYE-LAWS FOR THE ADMINISTRATIVE AREA OF
MAYO COUNTY COUNCIL**

The Council of the County of Mayo in pursuance of the powers conferred on it 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 Dogs Act 1986, the Casual Trading Act 1995, the Control of Horses Act 1996, the Litter Act 1997, Local Government (Sanitary Services) Acts 1878-1964 and every other power in that behalf it enabling hereby makes the following bye laws for the beaches set out in the Schedule hereto in the County of Mayo:-

1 Title

These bye-laws shall be cited as the Mayo County Council Beach (and Car Park) Bye-Laws 2008.

- 2** These Bye-Laws shall apply to the beaches and car parks specified in the Schedules and maps attached to these Bye-Laws.

3 Commencement

These Bye- Laws shall come into operation on the **1st day of June 2008**.

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:

- a) "Authorised Person" means any employee of the Council or any person designated by the Council for the purposes of these Bye-laws.
- b) "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.

- c) "Car Park" means the area of ground adjacent to the Beach outlined in green on the map attached to these Bye-Laws.
 - d) "Consent of the Council" means the permission in writing of an authorised person.
 - e) "Council" means the Council of the County of Mayo .
 - f) "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.
 - g) "Horse" includes donkey, mule and hinny.
 - h) "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.
 - i) "Nuisance" means unreasonable interference with or disturbance or annoyance to a person in the exercise of his/her rights.
 - j) "Off-Road Vehicle" means any mechanically propelled vehicle designed, adapted or used exclusively or predominately for off road traffic, including, but not exclusively, beach buggies, mechanical quad bikes and scramblers.
 - k) "Permit" has the same meaning as "Consent of the Council" at (d) above.
 - l) "Sail Board" means a board with a sail attached allowing the operator to sail along waves as well as down them.
 - m) "Summer Season" means the months of May, June, July, August and September.
 - n) "Surf Board" means a board used to surf using wave energy as a means of propulsion.
 - o) "Swimming" includes floating, paddling, or otherwise being in the sea for leisure purposes.
- 5 A person shall comply with any and all directions given to him/her by an authorised person.

6. Prohibited Acts

A person shall not at any of the beaches or car parks specified in **Schedule of Beaches** of these Bye-laws:

- a) Cause a nuisance or engage in behaviour or activity likely to cause a nuisance;
- 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;
- d) Wilfully or carelessly manage, place or leave any vehicle (mechanically propelled or otherwise) so as to cause obstruction, injury, danger, annoyance or inconvenience to any person or damage to the beach or to any property.
- e) Save with the prior consent in writing of the Council or any other statutory body authorised to permit such activities :-
 - i. Sell, hire, expose, offer for sale any vehicle, boat conveyance, chair, article, animal, commodity or thing whatsoever;
 - ii. Exhibit any advertising board, placard, wares, merchandise or for gain play a musical instrument or sing;
 - iii. Organise, stage or hold any public, sporting or commercial event.

7 Damage

A person shall not at any of the beaches or car parks specified in **Schedule of Beaches** of these Bye-laws:

- 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 Mayo County Council

8. Control of Horses

Persons in charge of a horse on any beach listed in the **Schedule of Beaches** 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.
- d) Faeces is removed.

Except for the purpose of accessing and exiting a beach listed in the **Schedule** by an established access/exit route, horse riding on such beaches shall be restricted to below the mean high water mark and shall require the written consent of the Council and any other statutory body authorised to permit such activity.

(This Bye-law does not apply to horses kept by An Garda Siochana and wholly used by an employee or member of An Garda Siochana while on duty).

9 Caravans, Camps, temporary or Mobile Structures

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

10. Vehicles (Restrictions)

No person shall drive, propel, push, park or leave any motor car or other mechanically propelled vehicle on the beaches listed in the **Schedule of Beaches** attached to 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 Siochana, Defence Forces or recognised rescue services.)

11 Surfboards/Sailboards/Kiteboards/Canoes/Kayaks

- a) No person shall wind surf, kite surf, or ski, or use a canoe, kayak or jet ski in close proximity to swimmers
- b) The Council may designate areas of the beach that will be clearly defined and to which the use of surf/kite/sail boards, canoes, skis and kayaks is restricted.
- c) 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 standards issued from time to time by the Irish Water Safety and/or other body recognised to issue such standards by Mayo County Council and unless done in accordance with the conditions of a permit.

12 Filming and Photography

No person shall make any movie or film or carry out photographic shoots on a commercial basis, on a beach or a car park listed in **Schedule of Beaches** except with the consent of the Council and subject to the terms and conditions of such consent

13 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 number of persons already holding permits of the class applied for, and the general comfort and convenience of visitors to the beach, they consider that a permit should not be granted.

14. Permits

- a) i A person shall not at any of the beaches or car parks specified in Schedule of Beaches of these Bye Laws, save with the issue of a permit from the Council (otherwise than with the prior consent in writing of the Council) sell, hire, expose, offer for sale, any vehicle, boat, conveyance, chair, article, animal, commodity or thing whatsoever or;
- ii exhibit any advertising board, placard, wares, merchandise or for game play musical instrument or sing or;
- iii the organising, staging or holding of a public, sporting or commercial event;
- b) The Council may, by notice in writing, revoke, alter, amend or limit the terms and conditions of such a permit.
- c) 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.
- d) 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.
- e) 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.

- f) On the granting of a permit the applicant shall pay a permit fee of €100.00 and a permit fee of €30 per square metre for each car park per annum, or part thereof, in respect of which the permit is granted, subject to a maximum payment of €1,000.00. The Council may, at its absolute discretion, grant a permit for periods shorter than one year and may accept a reduced permit fee for the use of the beach by a voluntary or community organisation.
- g) The Council reserves the right to refuse any application.

15. Authorised Persons/Offences

It shall be lawful for any authorised person or member of the Garda Síochána to enforce these bye-laws and to take any other such action as may be deemed necessary in the enforcement of these bye-laws.

- a) An authorised person may request any person who appears to be contravening a provision of these bye-laws to refrain from such activity.
- b) 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.
- c) A person who obstructs or impedes or refuses to comply with the request of an authorised person or member of the Garda Síochána acting in the exercise of his/her functions under these bye-laws shall be guilty of an offence.
- d) Where an authorised person is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is faulty or misleading that person shall be guilty of an offence. If requested to 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.
- e) An authorised person may issue on-the-spot-fines of €63.49 for breach of the bye-laws or for breach of any condition(s) of a permit issued under these bye-laws.
- f) An offence under these bye-laws may be prosecuted by the Council or by An Garda Síochána

- g) Any person who contravenes a provision of these bye-laws or of any permit or condition or conditions of any permit granted under these bye-laws shall be guilty of an offence and shall be liable to an on-the-spot fine of €63.49 for a simple breach of the bye-laws, or to a fine not exceeding euro €1,904.61 on summary conviction.
- h) 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 €63.49 per day.

16 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.

SCHEDULE of BEACHES

Beaches/Car Parks to which these Bye-laws apply:-

Westport Electoral Area:

Trawleckachoolia	White Strand
Devlin	Bunlough
Cross/Carrownisky/Dooghmakeon	Carrowmore
Old head	Thornhill/Bartraw/White Strand
Clear Island	

Belmullet Electoral Area South:

Tooreen Mallaranny	Mullaranny
Dooega Achill	Trawmore Keel
Dooagh Achill	Keem Achill
Pollawaddy Achill	Barnynagappul Achill
Gubnahardia Achill	Dooniver Achill

Belmullet Electoral Area North:

Dooyork	Doolough
Claggan	Elly Bay
Feorinyeeo Mullaghroe	Termon Aghleam
Portmore	Portglos/Aghleam/Tiraun
Portacarn	Cross
Emlybeg	Portnafrankagh
Ballyglass	Inver
Glenglad	Rinroe
Portacloy	

Ballina Electoral Area:

Ross Killala	Ross Point Beach
Kilcummin	Lackan Strand
Bunatrahir Ballycastle	

FIRST SCHEDULE

Local Government Act 2001

Local Government Act 2001 (Bye-Laws) Regulations 2006

Fixed Payment Notice for the purposes of Section 206 of the Local Government Act 2001as amended

Name of Local Authority: **Mayo County Council**

Name: _____

Address: _____

It is alleged that you contravened the provisions of bye-law number: _____

Of the above bye-laws made under Part 19 of the Local Government Act 2001 entitled Mayo County Council Beach and Car park Bye-Laws 2008 by

At _____

On the _____ day of _____, 200__.

During the period of twenty-one days beginning on the date of this notice you may pay the sum of €63.49 accompanied at this Notice at the offices of Mayo County Council located at Aras an Chontae, The Mall, Castlebar, County Mayo.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €63.49 is paid during that period no prosecution will be instituted at any time.

Signed: _____ Date: _____

IMPORTANT: Payment will be accepted at the offices of Mayo County Council, Aras an Chontae, The Mall. Castlebar, County Mayo and must be accompanied by this Notice. Payment may be made by post. Cheques etc. should be made payable to Mayo County Council. A receipt will be given

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