

Comhairle Chontae na Mi
Meath County Council



Meath County Council Foreshore Bye-Laws
2010 **as amended**

Bye-Laws Governing Beaches, Foreshore, Estuaries and Harbours
in the County of Meath

These Bye-Laws were made by resolution of the Members of Meath County Council at the Council meeting on Monday 1st March 2010 and have a commencement date of Wednesday 7th April 2010
with amendments made by resolution of the members of Meath County Council at the Council Meeting on the of 2019, which amendments take effect from the of 2019.

BYE-LAWS
GOVERNING THE FORESHORE
IN THE COUNTY OF MEATH

The Council of the County of Meath in pursuance of the powers conferred on it by the following Acts as amended and extended namely Part 19 of the Local Government Act 2001, 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 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 Foreshore within the administrative area of the County of Meath.

Date of Commencement: Wednesday 7th April 2010 **with Amendments effective from** of 2019.

1. These Bye Laws may be cited as the Meath County Council Foreshore Bye-Laws, 2010 **(as amended)**
2. The Interpretation Act, 2005 (No. 23 of 2005) applies to the interpretation of these Bye-Laws in like manner as it applies to the interpretation of the Acts of the Oireachtas.
3. In these Bye-Laws:-
 - 3.1. The expression "Authorised Person" means any person who is authorised in writing by Meath County Council for the purposes of these Bye-Laws.
 - 3.2. **The 'Boyne Coast and Estuary SAC' means the Special Area of Conservation (SAC) Site Code 001957 designated by NPWS (National Parks and Wildlife Service) under the EU Habitats Directive.**
 - 3.3. The expression "Casual Trading" shall have the meaning attributed to it by Section 2 of the Casual Trading Act 1995.
 - 3.4. The expression "The Council" means the County Council of the County of Meath and any person duly appointed to perform the duties of that body.
 - 3.5. The Drogheda Port Company, Harbour and Pilotage limits are defined in respect of its jurisdiction by the Harbours (Amendment) Act 2009.
 - 3.6. The expression "The Foreshore" means the bed and shore below the line of high water of ordinary or medium tides of the sea, extending for a distance of 200 meters seaward from the low water mark 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 and so much of the adjoining sea shore and dunes as are under the control and management of the Council and shall include:-

3.5.1 Any walls, railings, barrier, fence, roadway, seats, footpath, walk, steps, drain or gully thereon.

3.5.2 Any post, sign, notice, sign board, life saving apparatus, lamp, lamp-post, appliance for illumination, electric cable, wireless appliance, water pipe, gas pipe, shelter, ornament, building or other structure forming part thereof or erected thereon belonging to the Council or erected thereon by the authority of the Council.

3.5.3 Any tree, shrub, bush, hedge, flower, flowerbed, turf, grass or other plant growing thereon or placed thereon by the authority of the Council.

3.5.4 Any implement, barrow, article or thing thereon belonging to the Council or placed thereon by the authority of the Council.

3.7. The expression "Horse" includes donkey, mule and hinny.

3.8. The expression "Litter" shall have meaning attributed to it by Section 2 of the Litter Pollution Act, 1997.

3.9. The expression "Personal Watercraft" shall mean any craft of less than 4 metres in length which uses an internal combustion engine 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.

3.10. The 'River Nanny Estuary and Shore SPA' means the Special Protection Area (SPA) Site Code 004158 designated by the NPWS (National Parks and Wildlife Service) under the EU Birds Directive

3.11. The expression "Shoreline" means the line where seawater at any particular time meets the beach.

3.12. The expression "Summer Period" shall mean the months from March to October inclusive

3.13. The expression "Waste" shall have the meaning attributed to it by Section 4 of the Waste Management Act, 1996 as amended

3.14. The expression "Winter Period" shall mean the months from November to February inclusive

4. No person shall wilfully, carelessly, or negligently do, or permit any of the following acts to be done in or on the Foreshores:-

4.1. Bring, consume or use alcohol or illegal drugs.

4.2. Cause a nuisance or do any act likely to cause a nuisance thereon.

- 4.3. Cause annoyance, obstruction, danger or injury to any person frequenting or using the Foreshore, or do any act likely to cause annoyance, obstruction, danger or injury to any person frequenting the Foreshore.
- 4.4. Obstruct, impede, annoy, or needlessly interrupt an Authorised Person or employee of the Council in the performance of his/her duties.
- 4.5. Disobey the lawful directions of an Authorised Person or employee of the Council.
- 4.6. Light a fire or barbecue or do anything likely to cause a fire.
- 4.7. Destroy, damage, remove, displace, alter, cut, soil, deface, defile, paint, draw or write upon any part of the Foreshore.
- 4.8. Drive into the sand or any part of the Foreshore any posts, stakes, piles, or other markers.
- 4.9. Bring, lead or entice any animal other than a dog or horse on to the Foreshore.
- 4.10. Bring, lead, allow or entice any dog on to the Foreshore within the area of the Beach Management Plan (Mornington, Bettystown, Laytown Beach) and the River Nanny Estuary and Shore SPA without a lead or leash.
- 4.11. Bring, lead or entice any dog or horse onto the Foreshore unless such dog or horse be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person or from worrying any animal.
- 4.12. Drive, push, draw, propel, bring, place, leave, deposit, or park any motorcar, van, trailer, caravan, carriage, truck wagon, lorry, barrow, motorcycle, beach buggy, sand yacht, **horse drawn cart** or any other kind of vehicle or apparatus on the Foreshore or any part thereof in such a manner as to cause or be likely to cause injury, danger, annoyance or obstruction to any other person using the Foreshore or to create or be likely to create a nuisance thereon or to cause or be likely to cause damage to the Foreshore or to any part of the Council's property or as to be in any way prejudicial to the preservation of order and good conduct thereon.
- 4.13. Save in the case of an emergency or for activities of the emergency and military services bring onto or leave on the Foreshore any aircraft.
- 4.14. Bring **or allow** horses on to the Foreshore outside the hours of 5:00am to 11:00am.
- 4.15. Bring or allow horses on to the Foreshore within the River Nanny Estuary and Shore SPA during the months of September to March inclusive (except for the Laytown Races).
- 4.16. Bring horses on to the Foreshore except by means of recognised public vehicular accesses or dedicated horse access ways, save on foot of a written consent obtained pursuant to clause 6 hereof.

4.17. Bring or allow horses to enter upon any part of the sand dunes within the Boyne Coast and Estuary SAC.

4.18. Bring or allow horses to enter upon any part of the sand dunes save for access and egress to the Foreshore and then only across recognised public vehicular accesses or dedicated horse accessways.

4.19. Destroy, damage, remove, displace or otherwise interfere with any safety device or apparatus provided for emergency use.

4.20. Save in the case of emergencies bring vehicles onto the Foreshore between the hours of 22:00 and 08:00 during the Summer Period, or between the hours of 18:00 and 08:00 during the Winter Period.

4.21. Bring mechanically propelled vehicles or other apparatus onto the Foreshore by any way other than recognised public vehicular accesses provided always that this provision shall not restrict the exercise by owners or occupiers of properties abutting the Foreshore of long established rights of access thereto.

4.22. Park vehicles on the Foreshore in such a manner as would interrupt or impede access or egress from the Foreshore by emergency or other vehicles.

4.23. Park vehicles on the Foreshore outside such areas as maybe designated from time to time by the Council for parking.

4.24. Park vehicles on the Foreshore without paying such parking fee as may be specified from time to time by the Council, save for holders of valid Disabled Permits who upon display of such permit will not be liable to any fee

4.25. Throw, bring or deposit filth, refuse, rubbish, seaweed, sand, gravel, stones, earth, waste or other material save as part of any authorised harbour works for the maintenance or improvement of Drogheda Port by Drogheda Port Company or other approved body and then only in accordance with that authorisation.

4.26. Throw, deposit, or leave litter on the Foreshore except such articles and thing that are deposited and left in such receptacles as may be provided by the Council for the purpose of receiving litter.

4.27. Cause or incite any dog to bark, fight, follow, or bite.

4.28. Ignite or set-off fireworks, slap-bangs or other such contrivances.

4.29. Enter upon the dunes save for the purpose of access and egress to the Foreshore and then only by dedicated walkways, boardwalks or **pathways**.

4.30. Cause damage to the ecology of the Foreshore or cause damage to items of dunes stabilisation such as sandtrap fencing or other techniques that may be used.

4.31. Play games, radios or other apparatus in such a manner as to be a source of nuisance to others using the Foreshore.

- 4.32. Place any personal watercraft, fast power craft, power craft, surfboard, kiteboard, canoe, kayak or any other type of water craft or any object or thing so as to cause obstruction, danger, annoyance or impairment to safe navigation to any person using the Foreshores, but nothing herein contained in this bye-law shall prohibit the doing of the acts mentioned if such course is rendered necessary or expedient for the safety or rescue of any person or persons, and also providing that the foregoing shall not prohibit fishermen or boatmen from plying their lawful trade or Drogheda Port Company from carrying on its Pilotage Service
- 4.33. Where an area is designated from time to time by the Council for the operation of personal watercraft, fast power craft, or power craft, operate such crafts outside such designated areas save for the purpose of obtaining direct access to or egress from such designated areas, and then at a speed not exceeding 6 knots, or for the purpose of rescue.
- 4.34. Operate any personal watercraft, fast power craft, or power craft in the proximity of swimmers, except in the case of emergencies.
- 4.35. Operate any personal water craft or power craft within 200 metres of the shoreline save for the purpose of access to or egress from waters located outside the said 200 metres limit and then only at a speed not exceeding 6 knots.
- 4.36. Offer for financial reward tuition in any water sport/activity from the Foreshore or in the sea unless done in accordance with the standards issued from time to time by the Irish Water Safety Association and/or other body recognised by the Council to issue such standards and unless done in accordance with the conditions of a consent obtained pursuant to clause 6 hereof.

- 4.37. Carry out any activity on the Foreshore requiring the written consent of the Council pursuant to Clause 6 hereof save on foot of and in accordance with any such consent.

5. Without prejudice to the generality of the foregoing bye-law:-

- 5.1. No person shall use, drive, manage, control or navigate any speed boat, jet skies, surf board or other marine recreational apparatus or tow any skier over, on or near any Foreshore, in such manner as to cause or be likely to cause injury, danger, annoyance or obstruction to any other person using the Foreshore or so as to create a nuisance or so as to cause damage to any property hereon or there over provided always that the proper operation by Drogheda Port Company of its Pilotage Service shall not be deemed to constitute such annoyance, obstruction or nuisance.
- 5.2. No person shall (save in an emergency) drive on the Foreshore a mechanically propelled vehicle at a speed in excess of 10km per hour.

6. Consent for activities

- 6.1. In addition to any other consents which may be necessary, the written consent of the Council shall be required for the carrying out of the following activities on the Foreshore:

- 6.1.1. To erect or cause to be erected any structure whatsoever
- 6.1.2. To hire or expose or show, or keep or offer any vehicle, boat conveyance, horse, animal, chair, goods, article or thing whatsoever.
- 6.1.3. To provide horse rides for hire or reward.
- 6.1.4. To carry on Casual Trading.
- 6.1.5. To play any musical instrument or sing or conduct or take part in any entertainment or performance with a view to gaining or receiving profit or reward.
- 6.1.6. To erect, exhibit or display any placard, poster, sign, notice, advertising board, wares or merchandise.
- 6.1.7. To hold or conduct any service, meeting or ceremony.
- 6.1.8. To seek, solicit or canvass for custom or patronage on behalf of the owner, lessee or keeper of any hotel, guest house, boarding house, lodging house, eating house, restaurant, café inn or any other business.
- 6.1.9. To bring horses on the Foreshore outside the hours of 05:00 and 11:00 on any day.
- 6.1.10. To remove any sand, stones, seaweed or soil from the Foreshore
- 6.1.11. To offer tuition in any water sport or activity from the Foreshore

6.2. A written consent granted by the Council to do any of the acts or things hereinbefore enumerated in these bye-laws:-

- 6.2.1. Shall not relieve from personal responsibility or liability any person or persons to whom such permission was granted in respect of any criminal, unlawful, illegal or negligent act or omission for which such person or persons may at any time be sued or charged.
- 6.2.2. 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 or persons to whom such permission was granted or by their servants or agents.
- 6.2.3. May be limited to such part or parts of Foreshore as the Council may from time to time direct.
- 6.2.4. May be granted subject to conditions as the Council shall deem appropriate which may include the payment of a fee.

6.2.5. Shall be valid, where not limited to a shorter period, for a period of six months from the date it is granted, unless revoked in accordance with the provisions hereinafter contained after which period it shall, unless an extension be granted in writing, cease to be of any effect.

6.2.6. If granted, shall be in writing and signed by an Authorised Person and any person having obtained such consent shall whenever requested to do so by an Authorised Person or an officer or employee of the Council or by any member of the Garda Siochana, produce for inspection such written consent.

6.2.7. The Council may refuse to grant a consent to any person to do any of the acts or things enumerated in this bye law and may by notice in writing revoke, alter, amend or limit the terms of such consent whenever such person, his servants or agents has or have in the opinion of the Council committed a breach of any of these bye-laws or in any way abused the consent so granted in such a manner as to be likely to cause a breach of any of these bye-laws.

6.2.8. Written Notice sent by prepaid ordinary post to the last known address of the person affected by such revocation, alteration, amendment or limitation shall be deemed to be sufficient notice thereof to such person and shall be deemed to have been received by such person when the notice would have been delivered in the ordinary course of post.

7. Enforcement of bye-laws

7.1. It shall be lawful for a member of the Garda Siochana 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.

7.2. 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 €1,270.

7.3. If a 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.

7.4. A person who obstructs or impedes or refuses to comply with a request of a member of the Garda Siochana or of an Authorised Person acting in the exercise of the functions conferred on an Authorised Person by these bye-laws shall be guilty of an offence.

7.5. Where an Authorised Person or a member of the Garda Siochana 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 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.

- 7.6. Where a member of the Garda Siochana is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.
- 7.7. 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 Siochana.
- 7.8. Stranded or abandoned vehicles on the Foreshore may be subject to a recovery or removal fee by the Council
- 7.9. The Council may issue a person that contravenes any provision of these bye-laws with a Fixed Penalty Notice specifying that if an amount of €75 is paid within 21 days of the date on which the Notice was issued, the Council shall not proceed with a prosecution. Notice of the fixed payment shall be in the general form of the notice in the First Schedule to these Bye-Laws.

8. General Provisions

- 8.1. Nothing herein contained shall be construed to prevent fishermen or boatmen exercising their respective callings or fishermen from selling fish on the seashore or the holding of the annual Horse Racing on Laytown beach subject to such Statutory or other lawful Regulations as now are or for the time being shall be in force concerning same.
- 8.2. Nothing herein shall be construed to prevent the lawful operation by Drogheda Port Company of its Statutory functions.
- 8.3. 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 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.
9. These Bye-Laws are in substitution for County Meath Foreshore Bye-Laws 2002 which are hereby revoked from the date of commencement hereof.

The Seal of the County Council of the County of Meath was affixed hereto

this day of 2019 in the presence of:

Chairman

County Manager

FIRST SCHEDULE

MEATH COUNTY COUNCIL FORESHORE BYE-LAWS 2010 **(as Amended)**

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206 OF THE LOCAL GOVERNMENT ACT, 2001

NAME OF LOCAL AUTHORITY: **MEATH COUNTY COUNCIL**

TO:

Name: _____

Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part 19 of the Local Government Act, 2001 entitled Meath County Council Foreshore Bye-Laws 2010 **as Amended**

by.....
.....(in general terms specify nature of contravention)
at,
on

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 offices of Meath County Council which are located at (1) **Buvinda House, Dublin Rd, Navan** (2) Mornington House, Summerhill Road, Trim, (3) Town Hall, Headfort Place, Kells, (4) Civic Offices, Drumree Road, Dunshaughlin, (5) Civic Offices, Town Centre, Ashbourne and (6) Civic Offices, Main Street, Duleek

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: _____ Date: _____
(Authorised Officer)

IMPORTANT: Payment will be accepted at any of the offices of Meath County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc., should be made payable to Meath County Council.

A receipt will be given.

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