

Donegal County Council

Comhairle Chontae Dhún na nGall

REGULATION AND CONTROL OF CERTAIN BEACHES BYE-LAWS 2009

Donegal County Council as local authority for its functional area (being the entire County excluding the towns of Bundoran, Ballyshannon, Letterkenny and Buncrana therein) in exercise of the powers conferred on it by 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 Donegal County Council (Regulation and Control of certain Beaches) Bye-Laws 2009.

2. COMMENCEMENT -

These bye-laws shall come into operation on the 1st day of May 2009.

3. INTERPRETATION –

In these bye-laws:-

- (i). Words and phrases defined in the Act shall have the same meaning in these bye-laws unless otherwise specified.
- (ii). “**Act**” means the Local Government Act 2001.
- (iii). “**Authorised person**” has the same meaning as in Section 204 of the Act.

- (iv). **“Beach”** means and includes the entire area (whether made up of beach, dunes or other ground) specified for each beach in the Schedule hereto and refers to any one of the beaches so specified where the context admits or requires.
- (v). **“Beaches”** means collectively those specified in the Schedule hereto.
- (vi). **“Council”** means Donegal County Council.
- (vii). **“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 Siochana, the Defence Forces, the Revenue Commissioners, the Central Fisheries Board, the Northern Regional Fisheries Board, the Foyle, Carlingford and 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.
- (viii). **“Temporary dwelling”** means a caravan, camper van, tent or other object used for the purpose of caravanning, camping or habitation.

4. MOTOR VEHICLES

- (a) Subject to paragraph (b) below, no person shall drive or attempt to drive a mechanically propelled vehicle onto or along the beaches.
- (b) Notwithstanding (a) above persons may drive onto and along and park on the beaches numbered 3 and 11 in the Schedule hereto save in the sections thereof (if any at the particular time) that are designated as “Car free areas”.

5. CAMPING/OVERNIGHT PARKING

No person shall bring onto, place, erect or keep a temporary dwelling on a beach without the prior permission in writing of the Council, and subject to the terms and conditions of any such permission.

6. CONTROL OF HORSES

During the months of June, July and August each year 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.

7. CONTROL OF DOGS

During the months of June, July and August of each year 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.

8. GENERAL

No person shall –

- (a) Cause damage to the dune system on a beach and in that regard should take due care when walking in the dune areas.
- (b) Take part in archery, golf, paint balling or any other game/sport involving high speed projectiles on a beach.
- (c) Sell, offer or expose for sale any vehicle or other article whatsoever on a beach unless a Licence for such activity is obtained in advance from the Council and it is carried out in accordance with the conditions thereof.
- (d) Offer for monetary reward, tuition in surfing or any other watersports activity from a beach unless a license is obtained in advance from the Council and the activity is conducted in accordance with the conditions of such licence.

9. 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 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.

SCHEDULE

BEACHES TO WHICH THESE BYE-LAWS APPLY

1. All that Beach at Carrickfin as shown coloured purple on map 1 annexed hereto.
2. All that Beach at Culdaff as shown coloured purple on map 2 annexed hereto.
3. All that Beach at Tra Beg (Downings) as shown coloured purple on map 3 annexed hereto.
4. All that Beach at Fintra as shown coloured purple on map 4 annexed hereto.
5. All that Beach at Killahoey (Dunfanaghy) as shown coloured purple on map 5 annexed hereto.
6. All that Beach at Lisfannon as shown coloured purple on map 6 annexed hereto.
7. All that Beach at Marble Hill as shown coloured purple on map 7 annexed hereto.
8. All that Beach at Murvagh as shown coloured purple on map 8 annexed hereto.
9. All that Beach at Narin as shown coloured purple on map 9 annexed hereto.
10. All that Beach at Rathmullan as shown coloured purple on map 10 annexed hereto.
11. All that Beach at Rossnowlagh (Belalt Strand) as shown coloured purple on map 11 annexed hereto.
12. All that Beach at Stroove (White Bay) as shown coloured purple on map 12 annexed hereto.

13. All that Beach at Portsalon (Warden Stocker Strand) as shown coloured purple on map 13 annexed hereto.

SEAL of Donegal County Council
affixed hereto as authenticated by the
signature of:

Nominated Officer