

Draft Bye-laws for Balbriggan & Skerries Harbours



Fingal County Council

Comhairle Contae Fhine Gall



HARBOUR BYE-LAWS

FOR BALBRIGGAN & SKERRIES HARBOURS

ADOPTED AT COUNCIL MEETING ON 13TH DECEMBER 2010

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I.

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INTRODUCTION

Fingal County Council pursuant to the provisions of the Local Government Act 2001 and Section 6 of the Maritime Safety Act 2005 hereby makes the following Byelaws for Balbriggan and Skerries Harbours as delineated on the maps annexed hereto.

II. INTERPRETATION

In these Bye-laws, unless the context otherwise requires:

the Council	Means Fingal County Council.
Harbourmaster	Means a person appointed by the council to be a Harbourmaster and any officer or servant of the Council duly authorised to discharge the functions of Harbourmaster
Authorised Person	Means a person appointed by the Council to perform the duties under these Bye-Laws or a member of the Garda Síochána. It shall also include authorised persons appointed under the Waste Management Acts, The Water Pollution Acts, the Litter Acts, the Control of Dogs Act.
the Harbour	Means the port and waters of the Harbour, all existing quays, piers, landings, slipways, Council roadways, and all other works, and lands or buildings for the time being vested in or occupied or administered by the Council which areas are defined in the maps or plans annexed hereto.
Berth	Means any dock, pier, jetty, mooring or other place at which a vessel might lie in waters within the Harbour.
Master	Means in relation to a vessel, means the person who has for the time being command or in charge of that vessel. It also includes the term skipper or owner.
the Owner	Means when used with reference to a vessel or goods includes the owner, agent, skipper, charterer or other person in charge of that vessel or goods and his respective servants or agents
Vessel	Shall have the same meaning as the Merchant Shipping Acts 1894 to 1992
Fishing Vessel	Means a Vessel used for sea fishing or for sea angling on a commercial basis.
Visiting Vessel	Means a seaworthy Vessel using a particular harbour for a continuous period of less than eight days or for a discontinuous period of less than 20 days in any six month period.
Fairways	Means The navigable channels as indicated on the charts annexed hereto. These are indicative only and due to the nature of the fairways Fingal County Council cannot be held responsible for any inaccuracies in the information
Vehicle	Means any mechanically propelled vehicle or any other form of land transport or conveyance, including any machinery on wheels or caterpillar track, motorcycles, trailers, caravans, and mobile homes, and includes items which are towed such as a boat trailer.
Goods	Means all articles and merchandise of every description, including fish, livestock, animals, break bulk, bulk solids and liquid goods, including

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	petroleum oil and lubricants.
Collision Regulations	Means “The International Regulations for Preventing of Collisions at Sea, 1972”, which is incorporated into Irish law by the Collision Regulations (Ships and Watercraft on the Water) Statutory Instrument of 1984 as amended.
Parking Permit	Means a permit issued by the Council authorising parking in designated areas at a designated times by holder of the permit of an authorized vehicle.
Property of the Council”	shall include the following:- <ul style="list-style-type: none"> • Any shed, building, storage container, waste bin belonging to the Council or erected thereon by the authority of the Council • Any walls, railings, barrier, fence, roadway, seats, footpath, walk, steps, drain or gully thereon belonging to the Council or erected thereon by the authority of the Council • 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 • • Any implement, barrow, article or thing thereon belonging to the Council or placed thereon by the authority of the Council
Emergency Service	Means An Garda Siochana, Dublin fire Brigade, Irish Coast Guard, Civil Defence, An Emergency Ambulance Service, Royal National Lifeboat Institution.
Emergency Communications	Means emergency communications protocol as defined in part XIII

III. USE OF THE HARBOURS BY VESSELS

1. The use of the harbours is restricted to seaworthy vessels which are less than 18 metres in overall length or otherwise licensed by the Council
2. Vessels in Distress which enter the harbour shall notify the harbourmaster by means of the emergency communications protocol in part XIII
3. Masters or Owners of Vessels other than vessels licensed by the Council shall arrange for their Vessel to leave the Harbour if so directed by the Harbourmaster.
4. Owners or Masters of Vessels which are unseaworthy shall inform the Harbourmaster using the emergency communications protocol in part XIII as soon as they become aware of the state of their Vessel.
5. The Master or Owner of a Vessel shall not cause or permit the engine of a vessel to be worked in such a manner as to cause injury or damage to any other vessel or property in the Harbour and in particular not to permit it to be worked in such a manner as to undermine the Harbour walls in Balbriggan Harbour.

IV. NAVIGATION

6. The Collision Regulations Apply in the Harbours.

The speed of a power driven vessel shall not exceed 4 knots, except for the following cases

- In Skerries Harbour Vessels at a distance greater than 100 metre from the Quay Wall.
- In all Harbours when necessary to manoeuvre large vessels in strong tidal currents.

7. No Vessel is permitted to anchor, lay fishing pots or to block the fairways or slipways of the Harbour.

V. MOORING

8. No moorings shall be laid or continue to operate unless placed or operated in accordance with a licence from the Council. The Council may licence a group of moorings to be operated by an established sailing club

9. Unauthorised moorings may be removed by the Harbourmaster and the costs of so doing shall be recoverable from the person who has laid the mooring or the owner of a vessel who is the habitual user of the mooring.

VI. BERTHING

10. Vessels shall berth as follows

- Vessels shall berth at positions indicated in their licence or as directed by the Harbourmaster.
- Visiting Vessels may temporarily berth in the Harbour provided they do not interfere or obstruct other users of the Harbour. Visiting vessels shall follow the directions of the Harbourmaster to berth at an alternative location or to leave the Harbour if no suitable berth can be provided.
- Masters of vessels shall ensure that adequate fenders are provided to protect quay walls and vessels are adequately secured. Owners of vessels shall ensure that they have available resources to secure their vessels if they come loose or at risk of coming loose.
- In the case of Visiting Fishing Vessels or other Visiting Commercial Vessels the Master of such Vessel shall inform the Harbourmaster immediately on entering by using the harbour management communications protocol in part XIII. Other visiting craft remaining overnight in the Harbour shall inform the Harbourmaster of their entering and berthing in the Harbour.
- Visiting Vessels shall notify the harbourmaster when they leave the Harbour following the communications protocol in part XIII.

11. A Vessel other than

- A vessel licensed to berth in the Harbour
- Vessels which have applied for a licence which has not been refused
- A Visiting Vessel which has notified the Harbourmaster in accordance with article 10 above has paid the relevant harbour dues and has not exceeded the time permitted for visiting vessels.

may provisionally be deemed abandoned Vessel by the Council

12. Where the Council provisionally deems a Vessel to be abandoned they shall make reasonable efforts to identify the owner of the vessel and notify him of the provisional determination of abandonment and shall affix a notice of such effect to the vessel

13. When a period of 10 days has expired following the issue of a notice in the paragraph above or in the case where no owner has been identified the placing of the notice on the Vessel and the following has not occurred

- The owner of the vessel has applied for a berthing licence which has not subsequently been refused
- Or
- The vessel has been removed from the Harbour

The vessel shall be deemed by the Council to be an abandoned vessel and subject to provisions of law regarding such vessels. The Harbourmaster may give notice to the person who abandoned such vessel to remove the wreck from the Harbour. Failure to comply with such notice shall constitute an offence under these Bye-laws.

VII. USE OF THE HARBOUR PIERS AND QUAYS

14. No cargo, including fish other than small quantities of fish caught for leisure purposes, shall be processed, landed, processed, sold other than by way of licence issued by the Council

15. No storage unit or equipment shall be placed or be allowed continue to remain other than by licence from the Council. Any unlicensed storage unit may be removed by the Council and the cost of such removal may be recovered from the owner or the person who placed on the storage unit on the harbour,

16. Any work carried out within the harbour area shall be done such that due regard is had to proper safety standards and is carried out in a place and in a manner which poses no safety risk to the public or other harbour users. In the event that work is being carried out without regard to the foregoing standards the Harbourmaster may require that such works be ended immediately and failure to comply with such a direction shall constitute a breach of these Bye-laws

VIII. POLLUTION, LITTER, WASTE MANAGEMENT

17. The provisions of the Water Pollution Acts 1977 – 1990 apply to the Harbours.

18. Masters or Owners of vessels shall notify the Harbourmaster by means of the emergency protocol in the event that their vessel discharges polluting matter or is at risk of discharging polluting matter into waters or air

19. The Harbours shall be deemed a “Public Place” for the purposes of the Litter Pollution Acts 1997- as amended

20. The owners and masters of Vessels shall only dispose of waste and waste liquids in the harbour in accordance with the Waste Management Plan for the harbours. All other waste shall be removed from the harbour by the possessor of such waste and given to a local authority or permitted waste collector or facility in accordance with the Waste Management Acts 1996 as amended

IX. PARKING AND VEHICLES USE WITHIN THE HARBOUR

21. A person having charge of a vehicle within the Harbour shall at all times comply with any directions of the Harbourmaster with respect to the loading and /or discharging of goods, and the manoeuvring and removal of the said vehicle, and shall not unless authorised leave the vehicle unattended anywhere within the Harbour,

22. No person shall: save with the prior permission of the Council, deposit or place on any part of the Harbour any goods or park any vehicle so as to obstruct any road, building, mooring place, plant, machinery or apparatus or the access thereto;

23. No vehicle shall remain or be left stationary on any roadway within the Harbour which is indicated as a clearway, nor shall any person park on a slipway, or contrary to any other traffic parking regulations which are indicated by notices displayed by the Council within the Harbour.
24. The following vehicles are exempt from the application of these Bye-Laws, An official vehicle being used by an official or other employee of the Council; vehicles of the Garda Síochána; Doctors; Ambulance Service; Fire Service; Civil Defence Service and designated vehicles owned by members of the RNLI or The Irish Coast Guard Service when attending an emergency call-out or training exercise.
25. Only vehicles displaying a Harbour Authorisation Permit are permitted to park in the internal allocated parking areas, provided that the Permit remains valid and its conditions of use are complied with
26. When keys, electronic or otherwise for operating access gates and/or doors are issued to named individuals, such keys must be retained for the exclusive use of the named person. Contravention of the foregoing will result in the immediate withdrawal of the keys to such person.
27. The harbourmaster may remove any vehicle, boat or trailer, including caravans and dormobiles, which are not parked in accordance with the regulations made by the Council or cause it to be removed to some convenient place at the discretion of the harbourmaster and there detained at the cost of the owner.
28. Where the harbourmaster finds a vehicle parked within the Harbour in contravention of these bye-laws he may fix an immobilisation device to the vehicle or remove it to another place and there fix an immobilisation device or authorise any other person to take under his direction any action he could himself take by virtue of this paragraph.
29. When on any occasion an immobilisation device has been affixed to a vehicle in accordance with this Bye-Law, a warning notice shall also be affixed thereto indicating that:

An immobilisation device has been affixed and that no attempt should be made to drive the vehicle or otherwise put it in motion.

and

Specifying the steps to be taken to secure its release.
30. No person shall remove or interfere with any notice or immobilisation device affixed to such vehicle.
31. A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of the Council, its servant or agent on payment, in the manner specified in the notice affixed to the vehicle, of the fine specified in the First Schedule hereto for a breach of this regulation.

X. PROHIBITED ACTIVITIES

32. No person shall,
 - a. Injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, notice board, road traffic signs, walls or any other property.
 - b) Interfere with or remove any life saving apparatus such as life buoy or line
 - c) Consume alcohol in the public areas of the Harbour or have in his/her possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and a person under the influence of intoxicating liquor shall not be allowed to enter or remain within Harbour.
 - d) Make improper use of any embarking/disembarking conveyance.

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- e) Give false, fictitious or misleading information in any form to FCC or any employee of the Council, or to the Garda Síochána or refuse to give information as required by these Bye-Laws.
- f) light any flame or spark at any place designated by notice within the Harbour or at or near any vessel bunkering (taking on fuel).
- g) fire any loaded gun or other explosive within Harbour (save and excepting the proper use of any lawful distress signal or race starting gun loaded with blank cartridges)
- h) No person shall fish from the end of the piers when there are swimming races in progress or when small open craft or yachts are approaching the ends of the piers.
- i) No person shall dive or jump off any pier
- j) No person shall throw overboard waste material or otherwise discharge waste liquids while in the harbour
- k) behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to other persons lawfully using or being within the Harbour

XI. ACTIVITIES REQUIRING A PERMIT OR LICENCE

33. Except with prior permission in writing from the Council therein, no person shall:

- a) Conduct diving operations
- b) Deposit spars, nets or deck equipment upon the quay
- c) film, photograph or otherwise record for commercial use, within the Harbour,
- d) Erect any hoarding, notice or advertisement
- e) Make any bonfire, fire or barbecue or light any fireworks
- f) Erect any tent or camp in any part of the Harbour,
- g) Leave baggage, goods or property unattended.
- h) Sell fish or any other goods
- i) take part in any musical or artistic performance, public gathering or meeting within the Harbour
- j) attach platforms or fixtures to any pier in the Harbour .

XII. CHARGES AND FEES

34. Only Vessels whose Owner or Master has paid to the Council the appropriate Harbour Charges, as set out by the council from time to time and prepared in accordance with The Financial Provisions Acts 1925 – 2005, may use the facilities of the Piers and Harbours under the care of the Council and any other harbour and pier that may at any time become the responsibility of the Council.

35. All charges payable on foot of these Bye-Laws and Harbour Fees and Charges by order of FCC shall be payable to Fingal County Council whether demanded or not, and any charges due or owing to the Council may be recovered as a simple contract debt in any court of competent jurisdiction.

XIII. COMMUNICATION PROTOCOLS

36. The Harbours are only supervised on a part-time basis. Accordingly users of the harbour will not be able to notify the Harbourmaster directly on site and are required to notify the Harbourmaster by means notified to Harbour users from time to time and as indicated on the Harbour notice board

Communication means are classified as follows

Emergency - where there is a imminent danger of loss of life, damage to property, fire or a major pollution incident. Emergency services should be called as appropriate. Fingal County Council should be separately informed by means of the Emergency telephone number displayed on the Harbour noticeboard

Harbour Management Communication – this covers notifications of visitors arriving and leaving port. The telephone number displayed on the harbour noticeboard shall be used for these purposes and in the manner indicated.

Notification in Writing Applications for licences or permits shall be made in writing to

Fingal County Council
PO Box 174
Environment Department,
County Hall
Swords,
Co. Dublin

XIV. PENALTIES

37. Any person who breaches or contravenes or otherwise fails to comply with any of these Bye-Laws (including, without prejudice to the generality of the foregoing, any condition, requirement or prohibition imposed by FCC in the exercise of the powers conferred upon him by these Bye-Laws or under Statute), shall be, guilty of an offence and shall be, at the discretion of the Council be served with a notice by the Council, the fine payable under the provisions of the First Schedule hereto calculated in accordance with that Schedule, in respect of the said breach or contravention. Notice of the fine shall be in the general form of the notice in the Second Schedule hereto;

And/or

Prosecuted by the Council for breach of these Bye-Laws.

Any breach, contravention, or failure to comply with any of these Bye-Laws, should the breach, contravention, or failure to comply continue for a period in excess of 24 hours, shall be a separate offence and liable to a further fine, and this shall apply to each consecutive period of 24 hours.

FIRST SCHEDULE

Scale Table of Fines which may be imposed by the Council as a penalty for breach or contravention of any of these Bye-Laws, provided that payment is made to the Council within twenty-one days of service of a notice on an offender:

Level A	€150
Level B	€500
Level C	€1,000

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Bye-laws to which Level A applies:

Bye-laws 21 to 31 and all other offences other than those to which Level B or C applies

Bye-laws to which Level B applies: Bye-law 1 to 18 and bye-law 34

Bye-laws to which Level C applies 18, 20 34

Appendix 1
Harbour limits

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