

**BRAY URBAN DISTRICT COUNCIL**

**BRAY PROMENADE, ESPLANADE AND SEASHORE**

**BYE-LAWS**

**With respect to**

**SEAWALL PROMENADE, ESPLANADE AND SEASHORE**

**Within the Urban District of Bray, Pursuant to the provisions of the Public Health Acts, Amendment Act, 1907.**

**PURSUANT TO**

**The Public Health Acts, Amendment Act, 1907.**

**SECTIONS 82 AND 83**

**RESPECTING THE PROMENADE, ESPLANADE AND SEASHORE**

WHEREAS by virtue of Section 82 of the Public Health Acts Amendment Act 1907, the local authority may make Bye-Laws to “Regulate the erection or placing on the seashore of any booths, tents, sheds, stands and stalls or vehicles for the sale or exposure of any article or thing, or any shows, exhibitions, performances, swings, roundabouts or other erections, vans, photographic carts or other vehicles, whether drawn or propelled by animals, persons, or any mechanical power, and the playing of any games on the seashore etc. , Regulate the user of the seashore for riding or driving; Regulate the selling and hawking of any articles, commodity, or any thing on the seashore, and to provide for the preservation of order and good conducts among persons using the seashore;

AND WHEREAS by Section 83 of the above Act, the Local Authority may, for the prevention of danger, obstruction or annoyance to persons using the Esplanades or Promenades within the District make Bye-Laws prescribing the nature of the traffic for which they may be uses, regulating the selling and hawking of any articles, commodity, or any thing on the seashore, and for the preservation of order and good conducts among persons using the seashore;

AND WHEREAS by an Order made on the 29<sup>th</sup> of May, 1908, Parts VII, and VIII and IX of the above-mentioned Act were applied to the Urban District of Bray.

AND WHEREAS the various places at which these Bye-Laws apply are contiguous to each other.

NOW, by virtue of the said Sections 82 and 83 of the Public Health Amendment Act, 1907, and of the said Order and of any other power or authority vesting in it, the Urban District Council of Bray make the following Bye-Laws at a meeting held on the 6<sup>th</sup> day of January, 1942, at which eleven member of the said Council are present, being not less than two-thirds of the whole number of the Council.

## **BYE-LAWS**

- |                                    |           |  |
|------------------------------------|-----------|--|
| <b>Bye-Law 1.</b>                  | <b>1.</b> | These Bye-Laws may be cited as the Bray Promenade, Esplanade and Seashore Bye-Laws.  |
| <b>Short Title.<br/>Bye-Law 2.</b> | <b>2.</b> | The Interpretation Act, 19 (No. 38 of 1937) applies to the interpretation of these Bye-Laws in like manner as it applies to the interpretation of the Act of the Oireachtas.   |
| <b>Bye-Law<br/>definitions</b>     | <b>3.</b> | In these Bye-Laws:<br>(1) The expression "The Council" means the Urban District Council of Bray or any person duly appointed to perform the duties thereof.<br>(2) The expression "the Town Clerk" means the Town Clerk of the Urban District Council of Bray for the time being, or any person duly appointed to perform his duties.<br>(3) The expression "the Esplanade" means the ground lying between the East Side of Strand Road and the Promenade and shall include any fence, railing, wall, barrier, hedge, shelter, building or structure enclosing same; the position and boundaries of the Esplanade are delineated on the map in the First Schedule hereto and thereon outlined in green;<br>(4) The expression the "Promenade" means the footway maintained at the Sea Wall lying to the East of the Esplanade aforesaid and running from the Hot Sea Water Baths to the entrance to Bray Head Park and shall include the roadway opposite Bray Head Hotel and Fontenoy Terrace and that portion of ground South of the Boathouse lying between Strand Road and High Water Mark and shall also include the steps leading to and from the Promenade. The position and boundaries of the Promenade are delineated on the map in the First Schedule hereto and thereon outlined in red.<br>(5) The expression "The Seashore" means that portion of the beach or foreshore which lies to the East of the Promenade and shall include the portion above and below High Water Mark. The position and boundaries of the "Seashore" are delineated in the First Schedule hereto and thereon outlined in blue; |
| <b>The Town<br/>Clerk:</b>         |           |  |
| <b>The<br/>Esplanade:</b>          |           |  |
| <b>Promenade:</b>                  |           |  |
| <b>"Seashore"</b>                  |           |  |
| <b>Expression<br/>include:</b>     |           | (6) Each and every one of the expressions "Promenade", "Esplanade", and "Seashore" shall also mean and include:  |

- Walls, Paths, etc.,**
- a. Any wall, railing, barrier, fence, roadway, seats, footpath, walk, steps, drain, or gully thereon.
- Signs, Lamps, Shelters, etc.,**
- b. Any post, sign, notice, sign board, life saving apparatus, 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.
- Trees, Shrubs, Grass, etc.,**
- c. Any tree, shrub, bush, hedge, flower bed, turf, grass, or other plant growing thereon or placed thereon by the authority of the Council.
- Implements, tools:**
- d. Any implement, tool, barrow, article or thing thereon belonging to the Council or placed thereon by the authority of the Council.
- Permission:**
- (7) The expression “permission” or “Consent” means the permission of the Council as provided for in Bye-Law 12 hereof.
- Bye Law 4**      **4.**
- Application of Bye-Laws.**
- (1) Wherever it is indicated in any of these Bye-Laws that such Bye-Laws apply to the Promenade, Esplanade, or Seashore, or to one or more of these places, then such Bye-Laws shall apply thereto and shall include the area, erections, plants, and things which the word or words Promenade, Esplanade or Seashore comprehend as defined in Bye-Law 3 hereof.
- (2) Wherever it is not specifically indicated in any of these Bye-Laws that such Bye-Law applies to each and every one of these places and shall include the area, erections, plants and things which the words Promenade, Esplanade, and Seashore comprehend as defined in Bye-Law 3 hereof.
- Bye-Law 5: Promenade, Esplanade, Seashore: Nuisance:**      **5.**
- No person shall wilfully, carelessly or negligently on any part of the Promenade, Esplanade, and Seashore:
- (1) Cause a nuisance or do any act likely to cause a nuisance thereon;
- Annoy, Endanger, etc.,**
- (2) Cause annoyance, obstruction, danger, or injury, or do any act likely to cause annoyance, obstruction, danger, or injury to other users thereof;
- Obstruct Council’s Officers:**
- (3) Obstruct, impede, annoy or needlessly interrupt any officer or servant of the Council in the performance of his duties;

- Disobey Directions:** (4) Disobey the lawful directions of any officer of the Council or member of the Garda Siochana on duty;
- Obscene language** (5) Use any obscene, indecent, blasphemous, abusive, threatening, or offensive language;
- Indecent Writing** (6) Show to, or expose to the view of any person, any indecent, obscene or blasphemous writing, print, drawing, or picture of object;
- Indecent Behaviour:** (7) Behave indecently, obscenely or offensively;
- Intoxication:** (8) Be in a state of intoxication by reason of having consumed intoxicating liquor or drugs
- Brawl:** (9) Fight or brawl;
- Beg, importune etc.,** (10) Beg, solicit alms, or otherwise importune other users thereof;
- Light fires:** (11) Light a fire, or throw or place upon any part thereof any lighted paper or lighted substance or do any act likely to cause a fire.
- Damage** (12) Destroy, damage, remove, displace, alter, cut, soil, deface or defile or paint, draw or write upon any part thereof;
- Climb on or over** (13) Climb on or over any wall, fence, hedge, shrub, tree, railing, barrier, post, seat, shelter or other building or erection forming any part of the Promenade, Esplanade or Seashore (or any property thereon under the control of the Council.)
- Sit on railings** (14) Sit, stand, walk, run or jump upon any railing or barrier erected upon or forming part of the Promenade, Esplanade or Seashore, or the enclosure thereof
- Enter other than by entrance:** (15) Enter or leave the Promenade or Esplanade otherwise than through some of the gates, wickets, passages, or openings provided by the Council for the purpose;
- Dogs:** (16) Bring, lead, or entice any dogs unless such dog be and continue to be under proper control and be effectively restrained from causing annoyance or danger to any person or worrying any animal;
- Throw Stones:** (17) Throw stones, sand, earth or any other substances.

- Bye-Law 6:  
Promenade  
and  
Esplanade:  
Vehicles not  
allowed:**
6. No person shall wilfully, carelessly or negligently on any part of the Promenade, Esplanade:
- (1) Drive, draw, push, propel, bring place or leave any motor car, van, trailer, carriage, truck, wagon, lorry, barrow, motor cycle or any other kind of vehicle; provided always that invalids in wheelchairs or children in perambulators propelled by hand shall not be deemed to come within the scope of this Bye-Law.
- Riding  
Bicycles:  
Animals:**
- (2) Ride a bicycle
  - (3) Bring, lead, drive or entice any animal other than a dog.
- Walking on  
Grass:**
- (4) Walk, run, stand, sit, or lie upon any grass, turf, or any other place where adequate notices to “keep off” such grass, turf, or other place, are displayed; provided always that such notices shall not apply to more than one third of the whole area of the Promenade or Esplanade.
- Walking on  
Flower Beds:**
- (5) Walk, run, stand, sit, or lie upon any flower bed, shrub, plant or any ground in course of preparation as a flower bed for the growth of any tree, shrub, or plant.
- Bye Law 7:  
Traffic on  
Seashore:  
Motor Cars:**
7. No person shall wilfully, carelessly or negligently drive, draw, push, lead, entice, bring or leave on any part of the seashore:
- (1) Any motor car, motor van, trailer, motor truck, motor lorry, steam or motor wagon, or carriage, motor cycle, or other mechanically propelled vehicle.
- Animal Drawn  
Vehicle:**
- (2) Any animal drawn vehicle which is not thereon solely for the pleasure or convenience of persons using the seashore.
- Animals:**
- (3) Any other animal than a dog, horse, pony, mule or donkey.
- Horses,  
donkeys, etc**
- (4) Any horse, pony, mule or donkey unless such horse, pony, mule or donkey be and continue to be while thereon, under proper control and be effectively restrained from causing annoyance or danger to any person
- Bye-Law 8:  
Promenade  
Esplanade  
Seashore:**
8. No person shall wilfully, carelessly or negligently, on any part of the Promenade, Esplanade or Seashore in such a manner as to cause, or to be likely to cause injury, danger, annoyance or obstruction to any other person using the Promenade, Esplanade or Seashore, or to create or to be likely to create a nuisance thereon or so as to cause or to be likely to cause damage to the Promenade, Esplanade or Seashore or any property thereon under the control of the Council, or as to be in any other way prejudicial to the

preservation of order and good conduct thereon, do any of the following acts:

- Refuse:** (1) Throw, bring, or deposit filth, refuse, rubbish, stones, earth or seaweed;
- Fishing Tackle:** (2) Spread, affix, or leave any boats, nets, bait line, ropes, or fishing gear;
- Timber, Stores, etc:** (3) Erect, fix, or deposit any timber, stores, iron or lumber;
- Fish:** (4) Deposit or leave fish or shells;
- Glass, Orange, etc:** (5) Throw, deposit, or leave any bottle, glass, china or earthenware (broken or otherwise) orange peels, banana skins, or any other sharp, slippery or dangerous thing or substance; provided always that bottles, glass, china or earthenware, orange peels, banana skins may be deposited in such receptacles as may be provided by the Council for the purpose of receiving waste paper or refuse and bearing notices to this effect.
- Obstacles:** (6) Excavate, dig, or erect any obstacle or thing
- Bicycles, animals etc:** (7) Draw, push, propel, lead, bring or place any animal, bicycle, tricycle, scooter, chair, baby carriage or wheel chair.
- Skating:** (8) Skate with roller skates or slide;
- Dogs Barking:** (9) Cause or incite any dog to bark;
- Games:** (10) Play football, handball, golf, or any other game which, for the prevention of damage, danger, destruction or discomfort to any other person may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any part of the Promenade, Esplanade, or Seashore;
- Noises:** (11) Shout, brawl, sound any whistle, gong, bell, trumpet, horn or any other instrument to make a noise; provided that the giving of concerts or music recitals at the bandstand or band enclosure shall not be deemed a breach of this Bye-Law.
- Obstruct:** (12) Jostle, obstruct, molest, or otherwise interfere with, either singly, or as a part of a group any other person on the Promenade, Esplanade, or Seashore.

- Fireworks:** (13) Ignite or set off fireworks, slap-bangs; provided always that this Bye-Law does not apply to displays of fireworks carried out by the authority of the Council.
- Carpets:** (14) Beat, shake, sweep, brush, or cleanse any carpet, drugget, rug, mat or other such article.
- Bye-Law 9:  
Promenade,  
Esplanade:** 9. No person shall wilfully, carelessly or negligently, on any part of the Promenade or Esplanade or any part thereof in such a manner as to cause or to be likely to cause, injury, danger, annoyance or obstruction to any other person using the Promenade or Esplanade or in such a manner as to create or to be likely to create a nuisance thereon or as to be in any other way prejudicial to the preservation of good conduct and order thereon do any of the following acts:
- Deposit Shells:** (1) Throw, bring upon or deposit shells, pieces, or shell and sand.  
(2) Cause any portion of the roadways, walks, footpaths or steps during frosty weather to become slippery.
- Bye Law 10:  
Seashore:** 10. No person shall wilfully, carelessly or negligently, drive, draw, push, lead, propel, bring, place or leave any animal, motor car, van, carriage, truck, barrow, or vehicle of any kind in the Seashore, or any part thereof, in such a manner as to cause or to be likely to cause, injury, danger, annoyance or obstruction to any other person using the Seashore or in such a manner as to create or to be likely to create a nuisance thereon, or as to cause or be likely to cause, damage to the Seashore or any part of the Council's property or as to be in any other way prejudicial to the preservation of good conduct and order thereon.
- Bye Law 11:** 11. No person shall:
- (a) Bring upon or deposit on the Promenade or Esplanade any boat or craft;
- (b) Bring upon, or deposit on or fasten to the Seashore, or fasten to the Promenade or Esplanade any boat or craft or any object or thing, so as to cause obstruction, danger or annoyance to any person using the Promenade, Esplanade or Seashore.
2. Provided that nothing in this Bye-Law shall prohibit the doing of the acts mentioned in the foregoing section of this Bye-Law, if such course is rendered necessary or expedient for the safety of any person.
- Bye-Law 12:** 12(1) No person shall do any of the understated acts or things on any part of the Promenade, Esplanade or Seashore without previously applying for in writing in form and manner hereinafter prescribed, and obtaining, in form and manner in that behalf provided for, a permission or licence to do so viz:

- Structures etc:** a. Erect or cause to be erected any post, rail, pole, fence, tent, booth, stand, stall, shed, show swing, exhibition, roundabout, bathing machine, apparatus, building or structure whatsoever;
- Sell, hire, hawk etc:** b. Sell, hire, hawk, or expose or offer for sale or hire any vehicle, boat, conveyance, chair, article, animal, commodity or thing whatsoever;
- Music:** c. 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.
- Photographs:** d. Of the users of the Promenade or Esplanade, take any photographs or use any photographic or cinematographic apparatus with a view to gaining or receiving profit or reward for himself or any other person
- Advertise:** e. Exhibit or display any placard, poster sign, notice, advertising board, wares or merchandise;
- Religious Meetings, etc:** f. Hold or conduct any service, meeting or ceremony, political, religious, sectarian or social or preach or deliver a lecture a speech or an address;
- Exhibitions:** g. Show or exhibit any trade, business, handicraft, performance or calling;
- Canvas:** h. Seek, solicit, or canvas for custom or patronage on behalf of the owner, lessee, or keeper of any hotel, boarding house, lodging house, eating house, restaurant, café or inn;
- Distribute Bills, etc., sell flags:** i. Distribute free of charge or sell or offer for sale, for charitable purposes or otherwise, any bill, advertisement, flags, emblems, programmes, notices or paper;
- Articles for Hire etc:** j. Bring, carry, deposit or leave any merchandise, goods, sweets, fruits, articles, animal, bicycle, tricycle, wheel-chair, baby carriage, roller skates, scooter, or other article or vehicle intended for sale or hire.
- So as to cause annoyance:** 12(2) No person shall on any part of the Promenade, Esplanade or Seashore, do any of the Acts or things enumerated in the fore-going provisions of the Bye-Law (whether or not in alleged reliance on the permission of the Council) or in such a manner as to cause injury, danger, annoyance to any person using the Promenade, Esplanade or Seashore or to cause a nuisance thereon, or cause damage thereto or to any property thereon whether belonging to the Council or to any person other than the Council, or under the control of the Council or in such a manner as to be in any way

prejudicial to the preservation of order and good conduct thereon.

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| <b>Permission of Council does not Exculpate holder:</b> | 12(3) | The permission of the Council to do any of the acts or things hereinbefore enumerated in this Bye-Law. <ol style="list-style-type: none"><li>a. Shall not be pleaded to 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 done by any person or persons to whom such permission was granted or by their servants or agents;</li></ol> |
| <b>Council free from liability:</b>                     |       | <ol style="list-style-type: none"><li>b. Shall in no way be deemed to implicate or to involve the Council, its officers or servants 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;</li></ol>   |
| <b>Permission may be limited:</b>                       |       | <ol style="list-style-type: none"><li>c. May be limited to such part or parts of the Promenade, Esplanade or Seashore as the Council may from time to time direct or which has or have by notices affixed in conspicuous positions on the Promenade, Esplanade or Seashore been set aside by the Council for the doing of such act or thing as may be specified in such notices or notice.</li></ol>  |
| <b>Period of Validity:</b>                              |       | <ol style="list-style-type: none"><li>d. Shall be granted subject in respect of any and all applications, to such conditions as the Council shall deem proper;</li><li>e. Shall be valid where not limited to a shorter period for a period of 6 months from the date it is granted, unless revoked in accordance with the provisions hereinafter contained after which period it shall unless an extension is granted in writing cease to be of any effect.</li></ol>      |
| <b>Written permission to be produced:</b>               |       | <ol style="list-style-type: none"><li>f. If granted, shall be in writing and signed by the Town Clerk, and any person having obtained such permission shall, whenever requested to do so by an Officer or servant of the Council, or by any member of the Garda Siochana on duty, produce for inspection such written notice.</li></ol>   |
| <b>Application for Authorisation:</b>                   | 12(4) | Application for permission of the Council shall be made in writing to the Town Clerk in the form set out in the second schedule to these Bye-Laws to do any of the acts and things hereinbefore enumerated in this Bye-Law not less than seven days before the date for which such permission is required.  |
| <b>Permission may be refused or</b>                     | 12(5) | The Council or Town Clerk with the authority of the Council, may refuse to grant permission to any person to do any of the acts or things enumerated in this Bye-Law and for which permission is  |

**revoked:**

required, or may, having granted such permission by notice in writing revoke, alter, amend or limit the terms of such permission whenever such person, his servants or agents has or have in the opinion of the Council committed a breach of these Bye-Laws or in

**Abuse of permission:**

any way abused the permission so granted in such a manner as to be likely to cause a breach of any of these Bye-Laws provided always that if such permission shall be revoked for any reason specified in this Clause and if any fee or sum was charged for such permission upon the granting of same, such part of such fee or sum, shall be refunded as soon as shall be proportionate to the unexpired residue of the term for which the permission was originally

**Breach of Bye-Laws:**

granted, and provided further that no person to whom such permission was granted shall be deemed to be guilty of a breach of these Bye-Laws by reason of any act or omission which, but for such revocation, alteration, amendment or limitation would not have been an offence against these Bye-Laws, if such person had no notice of such revocation, alteration, amendment or limitation would not have been an offence against these Bye-Laws, if such person had no notice of such revocation, alteration, amendment or limitation and for the purposes aforesaid. Written notice sent by the 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 a person.