

**COMHAIRLE BHAILE CHARRAIG NA SIÚIRE
CARRICK-ON-SUIR TOWN COUNCIL**



CARRICK-ON-SUIR PUBLIC MARINA BYE-LAWS 2006

CARRICK-ON-SUIR TOWN COUNCIL, in exercise of the powers conferred on it by Section 199 Part 19 of the Local Government Act 2001 hereby makes the Following Bye-Laws with respect to the use of the Carrick-on-Suir Public Marina, North Quay, Carrick-on-Suir, Co. Tipperary.

- | | |
|-----------------------|--|
| Citation | 1. These Bye-Laws may be cited as the Carrick-on-Suir Public Marina Bye-Laws 2006. |
| Application | 2. These Bye-Laws shall apply to the Pontoon that comprise Carrick-on-Suir Public Marina. |
| Interpretation | 3. “Marina”:
The pontoon that comprises Carrick-on Suir Public Marina at North Quay, Carrick-on-Suir, Co. Tipperary and any subsequent additions to the Marina.

“Vessel”:
Includes boat, yacht, launch, punt, or any other waterborne vessel or craft of any description.

“Working Vessel”:
A vessel used/or hired for sea fishing, or for angling in the sea or l lake, on a commercial basis or any other commercial use.

“Passenger Boat”:
A vessel carrying not more than 12 persons for reward.

“Authorised Officer”:
A person employed by Carrick-on-Suir Town Council or other person(s) appointed by Carrick-on-Suir Town Council.

“Owner”:
Person to whom a licence has been granted on payment of the appropriate fee to Carrick-on-Suir Town Council, pursuant to these Bye-Laws.

“Licence:
Shall mean the permission or consent granted to the owner of a vessel from Carrick-on-Suir Town Council on payment of the appropriate fee for berthing his/her vessel at Carrick-on-Suir Public Marina. |

Berths and Moorings

4. (1) All vessels and vehicles in or on the Quay, on the Marina or on property of the Town Council berthed, moored or parked may be moved by the Town Council at the sole risk of the Owner. The Town Council and its employees, accept no responsibility for loss, damage to or theft of vessels or vehicles or any articles left thereon or any accessories thereof or any other property of the Owner or others occurring from any cause whatsoever.
- (2) Owners must insure their vessels and the contents thereof adequately against loss or damage including third party claims and salvage including both public liability and employer's liability so as to indemnify Carrick-on-Suir Town Council against any claims made in connection with the vessel. Evidence of this insurance must be produced with all applications for a berthing licence.
- (3) No houseboat, or boat used for permanent habitation shall be berthed in or at the Marina.
- (4) Every vessel lying at the Marina shall be so berthed as to lie broadside to the pontoon.
- (5) The Master and/or the Owner of a vessel shall ensure that it is provided with sufficient fenders adequate for the size of the vessel.
- (6) The Owner of a vessel shall not make the same fast to any post, ring, fender or any other thing or to any pontoon or other place which is not designed for that purpose.
- (7) The Master of a Vessel shall so far as may be required by the Authorised Officer in the exercise of his duties, afford access to any part of the vessel for its inspection and examination.
- (8) No person except the Authorised Officer shall for any purpose whatsoever, unmoor or cast off or loose any mooring of any vessel moored without the previous permission of the Owner of such vessel, provided that it shall be a defence to such proceedings under this Bye-Law for any person to show that he acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the Owner or Master of the vessel would in the circumstances have given his consent if he had been asked therefor.
- (9) Carrick-on-Suir Town Council shall have the right to moor re-berth, board, enter or carry out any emergency work on the vessel at the owners sole risk if in the Town Council's opinion such work would be necessary for the safety of the vessel or the safety and/or convenience of other users of the Marina or for the safety of the Council's marina, plant and equipment, and the Owner shall pay the Town Council reasonable charges for such work.

(10) Dinghies, tenders and rafts shall be stowed aboard the vessel unless berth is separately provided by the Town Council.

(11) Children must be supervised by responsible adults at all times and must wear life jackets.

(12) The berthing of boats at the North Quay adjacent to the Marina is prohibited.

Hire and Sale

5. (1) Except with the written consent of the Town Council, which may be withheld at the Council's sole discretion, no part of the Town Council's properties, or the vessel, shall be used by the Owner for any commercial purposes, including hiring, embarkation of charter parties, sale or demonstration for sale or hire of the vessel, provided the occasional use of the vessel by a personal friend of the Owner on payment to the Owner of a contribution towards the actual running costs of the said vessel shall not be deemed a commercial purpose hereunder.

(2) The Owner shall upon request by the Town Council supply full details in writing of all such uses under the Provision of this Rule.

(3) The Owner shall be permitted to arrange a private sale of not more than one vessel (such vessels usually being berthed at the public marina) during any one or more periods of twelve consecutive months of the Licence granted to the Owner.

(4) The Town Council shall have the right to exercise a general lien on any vessel and/or her equipment whilst in or upon their premises or afloat at any of their berths until such time as any money due to the Town Council in respect of the vessel and/or gear whether on account of rental, storage, commission or berthing charges, work done or otherwise shall be paid.

Navigation:

(6) (1) The Owner of a vessel, when a vessel is berthing or leaving a berth or is lying at a quay against other vessels, shall cause his vessel to be fended off from that pontoon or those other vessels so as to prevent damage to that pontoon, those other vessels and/or other property.

(2) No person or persons shall engage or take part in water-skiing, windsurfing, aquaplaning, paragliding or similar airborne or water activities in the vicinity of the public marina. Speedboats and jet skis (water bikes) are restricted to the speed limit of 4 knots whilst within the vicinity of the public marina.

Licences

- (7) (1) The Owner of a vessel may apply in the official licence application form to Carrick-on-Suir Town Council for a licence to berth the vessel at Carrick-on-Suir Public Marina on payment of the appropriate fee and production of other necessary documentation.
- (2) The application form must show clearly the name of the vessel and its length.
- (3) The licence fee shall be calculated on the basis of the vessel's length.
- (4) The licence fee shall be payable in advance in respect of the following periods as indicated on the schedule attached hereto:
- (i) 1 year/ Summer (April to September)/ Winter (October to March). Applications for lesser periods will not be accepted.
 - (ii) Short stay permit for visitors can also be obtained for 1 week/ 3 nights/ 1 night or multiples thereof – no refunds will be made.
- (5) The Town Council shall have the right (without prejudice to its rights in respect of subsisting breaches of this Licence by the Owner) to terminate the licence granted to the Owner in the event of the Owner failing to observe any of the regulations and conditions of berthing, and upon notice specifying the breach and requiring removal of the vessel being sent by recorded delivery post to the Owner at his last known address, he will remove the vessel within 28 days. On failure to remove the vessel at the expiration of the said period of 28 days, the Town Council shall have the right to remove the vessel from the marina and thereupon shall secure it elsewhere and may charge the Owner with all the costs arising from such removal including alternative berthing fees.
- (6) The Owner shall not lend or transfer the berth (this licence being personal to the Owner in relation to a particular vessel and non-assignable) nor shall he use it for any other vessel without the prior consent of the Town Council.
- (7) Nothing in this licence shall entitle an Owner to the exclusive use of a particular berth. The licence gives the owner permission to berth at the Marina but not at any particular place or berth.
- (8) The Town Council may increase the fee at any time on giving fourteen days notice, which notice shall be published at the Town Council's office following consultation with Carrick-on-Suir Boat Club.
- (9) On expiry of a current licence the Owner shall remove his/her vessel from the Marina.

Pollution

- (8) (1) No noisy, noxious or objectionable engines, radio or other apparatus or machinery shall be operated within the Marina and/or Car Park so as to cause any nuisance or annoyance to the Town Council, to any other users of the Marina, Car Park, or any person residing in the vicinity and the Owner undertakes for himself, his guests and all using the vessel that they should not behave in such a way as to offend as aforesaid. Halyards shall be secured so as not to cause such nuisance or annoyance.
- (2) No refuse noxious substances, paints, oils, fuels or sewage shall be thrown overboard or left on the pontoons or jetties. The Town Council shall remove household refuse only and shall provide receptacles for this purpose. Any person found to be in breach of this Bye-Law shall be immediately fined the sum of €125 which shall be paid forthwith.
- (3) The Council reserves the right to take such action as it may deem necessary to mitigate any nuisance or annoyance caused by halyard (see above) and the Owner agrees to pay the Council's charges thereof.

Various Regulations

- (9) (1) Berth holders may not bring dogs or other animal pets onto the Town Council's premises. In view of the proximity of rabies on the Continent of Europe the Council may at any time and without prior notice require that all dogs and other animals be removed from its premises. No animal taken abroad (other than in Great Britain) may be brought into the Marina and any Owner suspected of so doing will be reported to the Authorities.
- (2) All Marina users should obey the safety signs and instructions applying to the Marina.
- (3) All keys to the Marina are the property of the Town Council. A deposit will apply to each key. The deposit will be forfeited should the key be deposited by unauthorised persons (i.e. persons other than the owner or crew or person servicing the Owner's vessel).
- (4) The Owner shall take all necessary precautions against the outbreak of fire in or upon his vessel and the Owner shall observe all statutory and local regulations relative to fire prevention (if any) which shall be exhibited at the offices of the City Council. The Owner shall provide and maintain at least one fire extinguisher of a governmentally approved or BSI standard type and size in or on the vessel for immediate use in case of fire, which extinguisher shall at all times be kept instantly ready for use and in good and efficient working order.
- (5) The Owner is required to provide the Town Council with all particulars of the vessel, her crew, gear and contents which might affect use of the berth as the Council otherwise accepts no responsibility for the suitability of any berth, structure or gear provided.

(6) All vessels must have the name clearly displayed on the body of the vessel (at bow and stern).

(7) All licences must be clearly visible for inspection at walking distance on the pontoon.

(8) Storage of fuel and batteries on the Marina is prohibited.

SCHEDULE OF FEES

BOAT SIZE →	LESS THAN 18FT. €	18'1" – 25" €	25'12"-35' €	35'1" – 45' €	45'1" – 50' €
1 NIGHT	5.00	7.00	10.00	12.00	15.00
3 NIGHTS	12.00	15.00	20.00	25.00	30.00
1 WEEK	25.00	35.00	40.00	45.00	55.00
SUMMER BERTH	165.00	195.00	260.00	320.00	380.00
WINTER BERTH	85.00	95.00	130.00	160.00	190.00
YEARLY	225.00	260.00	350.00	430.00	510.00

These Bye-Laws shall be known as the Carrick-on-Suir Town Council Marina Bye-Laws 2006.

Made and Adopted under the Common Seal of the Carrick-on-Suir Town Council this

12th day of June 2006.

Present when the Common Seal of the Council was affixed hereto:

Signed: _____
Mayor

Signed: _____
Town Clerk

Date: _____