

WEXFORD COUNTY COUNCIL CONTROL OF SKIPS BYE-LAWS, 2018

Wexford County Council in exercise of the powers conferred upon them by Sections 72 of the Road Act, 1993 (No. 14 of 1993) and having consulted with the Commissioner of An Garda Síochána, hereby make the following Bye-Laws in relation to the control and regulation of Skips in the administrative area of Wexford County.

PART 1

Preliminary

Citation: (1). These Bye-Laws may be cited as the Wexford County Council Control of Skip Bye-Laws 2018

Commencement: (2). These Bye-Laws shall come into operation on the 2nd of July 2018.

Area of Application: (3). These Bye-Laws shall apply to the areas comprising the Administrative area of Wexford County Council

Interpretation: (4). In these Bye-Laws:

“**Wexford County Council**” means Council of the County Wexford and hereinafter referred to as “The County Council”

“**The Act of 1993**” means the Road Act, 1993 (No. 14 of 1993)

“**The Act of 1994**” means the Road Traffic Act, 1994 (No. 7 of 1994)

“**The Roads Traffic Acts**” means the Road Traffic Act, 1961 to 2006

“**The Signs Regulations**” means the Road Traffic (Signs) Regulations 1997 (S.1.No 181 of 1997)

“**agent of the Council**” means any person employed by Wexford County Council or any other person authorised by the Council to carry out functions under these Bye Laws:

“**approved person**” means an authorised person employed by Wexford County Council approved in writing by Wexford County Council for the purposes of these

Bye-Laws and Section 72 of the Act of 1993

“authorised person” means the person authorised in writing by Wexford County Council for the purpose of Section 72 of the Act of 1993: a member of the Garda Síochána: an approved person

“cycle track” means part of a road, including part of a footway or part of the roadway which is provided primarily for the use of pedal cycles

“information plate” means a plate accompanying a traffic sign which unless otherwise specified, indicates the period during which the restrictions or prohibition indicated by such traffic sign applies

“footpath” means a road over which there is a public right of way for pedestrians only, not being a footway;

“footway” has the meaning assigned to it by Section 2 (1) of the Act of 1993,

“hirer” means a person who hires a skip from a skip operator

“motorway” has the meaning assigned to it by Section 2 (1) of the Act of 1993,

“parking place” means a place on a public road which is a ticket parking place,

“public road” has the meaning assigned to it by Section 2(1) of the Act of 1993;

“road” has the meaning assigned to it by Section 2(1) of the Act of 1993;

“roadway” has the meaning assigned to it by Section 2 (1) of the Act of 1993;

“road inset” means any part of a road locally inset behind its normal line;

“skip” means a container used for the storage or removal of builders materials, rubble, waste, rubbish or any other materials and which is designed to be transported by means of a mechanically propelled vehicle (as defined in the Act 1961),

“skip operator” means a person who hires skips to others or who owns or operates a skip hire business

“Violation notice” means notice served for breach of these Bye-Laws

PART 11

Prohibitions, Restrictions, Permissions and Conditions relating to the Siting of Skips on Public Roads

Prohibition on certain parts of Public Roads where skips shall not be sited at any time

- (5). Subject to Bye-Laws 7 & 8 a skip shall not, at any time, be sited:-
- (a) On that side of section of roadway along the edge of which traffic sign number RRM008 (double yellow lines) has been provided
 - (b) On a section of roadway where traffic sign number RUS019 (No parking Sign) has been provided, during the period indicated on the information plate accompanying such traffic sign
 - (c) On a section of roadway with less than 3 traffic lanes and where traffic sign number RRM001 (Continuous white Line) has been provided
 - (d) On a section of roadway where traffic sign number RUS 020 in association with RRM 029 (Appointed stand) has been placed to indicate that an appointed stand has been provided
 - (e) In any place, position or manner that will result in the skip obstructing, delaying or interfering with the entrance to or exit from a Fire Brigade station, an Ambulance station, Hospital or Garda station
 - (f) In any place, position, or manner that will result in the skip obstructing an entrance or an exit to or from a premises, save with the consent of the occupier of such premises
 - (g) Within 15 metres (on the approach side) or 5 metre (on the side other than the approach side) of a section of roadway where any of the following signs have been provided:- Traffic Sign number RPC001 (Pedestrian Crossing), traffic sign number RPC002 (Pedestrian Crossing Complex), or traffic sign numbers RTS 001, RTS002, RTS003 or RTS004 (Traffic Lights)
 - (h) On a section of roadway within 5 metres of a road junction
 - (i) On a footway, a grass margin or a median strip
 - (j) In a manner in which it will interfere with the normal flow of traffic or which obstructs or endangers traffic
 - (k) Where traffic sign RUS 031 (Bus Stop) or RRM 030 (Stopping place or stand) has been provided
 - (l) On a motorway

- (m) On a section of a roadway where traffic sign number RRM 010 (Stopping Prohibition at school entrances) is provided
- (n) On a section of a roadway where traffic sign number RRM 015 (Disabled Persons Parking Bay) is provided.
- (o) On a cycle track
- (p) On a water main cover, sewer manhole or service access points for Wexford County Council, Electricity, Gas or Telephone Services
- (q) In any place, position, or manner that may result in the skip obstructing a fire hydrant
- (r) In any place, position or manner that may result in the skip obstructing public lighting and associated equipment
- (s) In any location prohibited by an approved person and/or authorised person

Time Restrictions on certain parts of Public Roads for placement of skips

(6) Subject to Bye-Laws 7 & 8 a skip shall not be sited on a public road during a period which may be indicated on an information plate:-

- (a) On a part of a roadway which is a casual trading area, during hours of trading
- (b) On part of a roadway which is a bus lane or a contra flow bus lane or on a public footway adjoining a bus lane or a contra flow bus lane during periods when the bus lane is in operation
- (c) On a part of a roadway which is a clearway, or on a public footway adjoining that clearway, during periods when the clearway is in operation
- (d) On a section of roadway where traffic sign number RRM 009 (Loading Bay) is provided
- (e) On that side of a section of roadway along the edge of which traffic sign number RRM 007 (Single Yellow Line) has been provided
- (f) On a road, a portion of a road, or an area at the entrance to which traffic sign number RUS 021(Pedestrianised Street or Area) is provided
- (g) On a section of roadway where the traffic sign number RUS 018 (Restricted Parking) is provided

Permission to place a skip on part of a Public Road

(7) Notwithstanding the provisions of Bye-Laws 5 and 6, an approved person may grant permission to site a skip on a part of the public road specified in Bye-Laws 5 or 6.

Application for Permission to place a skip on a part of a Public Road

(8) Where the operator/hirer of a skip wishes to site a skip on a part of the public road specified in Bye-Laws 5 or 6, he/she shall apply to Wexford County Council for a skip licence. A skip licence may be granted on the recommendation of an approved person subject to compliance with the following to the satisfaction of Wexford County Council:

(A) The Hirer/operator must provide all information required by the County Council including:-

- I. The name and address of the hirer/operator (as applicable)
- II. The name and address and waste collection permit number of the operator who will provide the skip
- III. The exact location where it is proposed to site the skip
- IV. The date and times at which it is proposed to site the skip at the location
- V. The date and times at which it is proposed to remove the skip
- VI. The maximum dimensions of the skip to be sited on the public road
- VII. Contact name and number for day and night
- VIII. Proof of Safety Statement
- IX. The production of satisfactory evidence that the skip operator is a holder of a current valid Employers and Public Liability Insurance Policy with an approved insurance company, fully indemnifying the hirer/operator and Wexford County Council in respect of all claims by third parties. The required indemnity shall be €13,000,000 with €6,500,000 cover for any one accident.
- X. The payment of a fee shall be fixed by resolution of Wexford County Council
- XI. The fee for a skip licence may be amended by resolution of Wexford County Council

Non issue of Permission of Licence

(9) A skip licence shall not be granted to a hirer/operator if the skip operator indicated in accordance with Bye-Law 8 Subsection (a)(ii) is not the holder of a valid

Waste Collection Permit under Section 34 (1) (a) of the Waste Management Act, 1996, as amended.

Particulars on Skip Licence

(10) The skip licence shall include the following information:-

- I. The words Wexford County Council/ Comhairle Contae Loch Gorman
- II. The name and address of the hirer to whom it is issued
- III. The name and address of the operator who will provide the skip
- IV. The exact location where it is proposed to place the skip
- V. The date and times at which the skip may be placed at the location indicated under subsection (iv)
- VI. The dates and times at which the skip must be removed
- VII. The maximum dimensions of the skip, which is to be placed at the location.
- VIII. Any other conditions imposed by an approved person
- IX. The signature of the person granting the licence

Obligation to present valid skip licence for inspection

(11) A skip may not be sited on a part of the public road specified in Bye-Laws 5 or 6 unless the hirer/operator is the holder of a valid skip licence and that licence is at all times available for immediate inspection by an authorised person

PART 111

Conditions relating to the siting and use of skips on public roads

(12) The following conditions shall be complied with by a hirer/operator who places a skip on parts of public roads:-

- (a) No skip may be loaded higher than a point 1 metre above the upper edge of the skip
- (b) Skips shall not be used for the disposal of any hazardous or noxious material
- (c) A secure cover shall be placed on the skip at times when the skip has been fully loaded and when the loaded skip is being transported

- (d) The skip must be removed within 24 hours of the skip being fully loaded
- (e) The skip must be removed 2 hours after a request from an authorised person for its removal
- (f) The skip shall have permanently attached horizontal reflective markings using engineering grade reflective sheeting which are at least 150 millimetres high and extend along the full length of all sides, approximately halfway between the top and the bottom of the skip. These markings shall be maintained at all times in a condition which ensures that they are clearly visible at all times to road users: and
- (g) Not be painted in any colour likely to decrease visibility at night
- (h) Be provided with warning lamps where required by a condition of the licence
- (i) Any other such terms or conditions as may be imposed under Section (viii) of Bye-Law 10

Obligation of skip operator to ensure compliance of conditions by hirer of skip

(13) An operator may not locate a skip on a public road unless he/she ensures compliance with the following conditions:

- (a) Where a skip is being sited on a part of a public road specified in Bye-Laws 5 or 6, the operator shall be satisfied that a skip licence has been granted by Wexford County Council authorising the placing of a skip at that time and at that location
- (b) Where the hirer holds a valid skip licence the operator shall ensure that the skip is sited in accordance with the conditions specified in that licence
- (c) The skip shall:- comply with requirements as specified in Bye-Laws 12 and be marked on all sides with the name, address, telephone number and waste collection permit number of the skip operator in clearly legible indelible lettering at least 125 millimetres high
- (d) A skip sited on a public road shall be maintained in a clean and safe condition without sharp edges or rust
- (e) A skip sited on a public road shall not be placed closer than 1 metre to a drainage gully
- (f) A skip sited on a roadway shall be sited so that the longer sides of the skip are parallel or approximately parallel to the kerb and with the inner or near side, a maximum of 225 millimetres from the kerb face, but without obstructing the drainage channel which must at all times be kept clear of spoil or rubbish being loaded

- (g) A skip sited on a footway or margin shall be sited so that the longer sides of the skip are parallel or approximately parallel to the kerb and with the outer or off side a minimum of 225 millimetres from the edge of the kerb face
- (h) Skip operators shall ensure that no skip is loaded higher than a point 1 metre above the upper edge of the skip and shall include such a condition in any contract for hire of a skip to a third party
- (i) Skip operators shall ensure that skips are not used for the disposal of any hazardous or noxious material and include a condition in any contract for hire of a skip to a third party
- (j) Skip operators shall ensure that each skip shall be provided with a secure cover which shall be put in place at times when the skip has been fully loaded and when the loaded skip is being transported
- (k) Skip operators shall ensure that the skips are removed within 24 hours of being fully loaded and 2 hours after a request from an authorised person that the skip be removed

Contravention of Bye-Laws

(14) If a skip is sited on the public road in contravention of these Bye-Laws

- (a) an authorised person may in addition to issuing a violation notice arrange to have a skip removed or repositioned or direct an operator to remove or reposition a skip from any location
- (b) notwithstanding the provision of these Bye-Laws or of a licence issued under them, or where a skip is placed on a public road, that does not have a licence in accordance with Section 72 of the Roads Act 1993 and Wexford County Council Bye-Laws Control of Skips 2018, an authorised person may arrange to remove or reposition a skip which he/she considers presents an immediate and serious hazard to persons using a public road

(15) Where a skip is removed or repositioned Wexford County Council or its agents (in accordance with these bye-laws) shall ensure the skip operator shall be liable for the full cost in accordance with the charges set out in the Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations, 1983 as amended and shall be payable within one month for

- a. loading and/or unloading
- b. the disposal of the contents
- c. the transport and storage of the skip(s)
- d. all administrative and other costs arising from non-compliance with the Bye-Laws

(16) The design of skips shall not incorporate any feature, which may cause hazard or injury to the public. An authorised person may direct that modifications be made to any skip when, in the opinion of the authorised person, a hazard to the public may arise and such direction must be complied with

(17) When a direction for a modification is made by Wexford County Council neither the skip requiring modification nor any similar skip may be sited on a public road by the skip operator within the administrative area of Wexford County Council until the necessary safety modification(s) have been completed to the satisfaction of the County Council

PART IV Offences and Miscellaneous

Violation Notices

(18) Where non-compliance with licence conditions or these Bye-Laws has been observed, Wexford County Council may issue Violation Notices specifying the nature of the alleged non-compliance, and the measures necessary to remedy that non-compliance; and

Infringements of Bye-Laws

(19) Under Section 72(6) of the Roads Act, 1993 these Bye-Laws shall be deemed to be Penal Bye-Laws and any person who contravenes them shall be guilty of an offence. A person found guilty of an offence under these Bye-Laws shall be liable on summary conviction to a fine not exceeding €1,270.00 or, at the discretion of the Court, to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(20) Any person who obstructs or impedes an authorised person of the Council in the exercise of his/her functions under these Bye-Laws shall be guilty of an offence

Miscellaneous

(21) A licence granted by the County Council shall in no way be deemed to implicate or involve the Council, its officers or employees or agents in any liability or responsibility in respect of any criminal, unlawful, illegal, wrongful or negligent act or omission done by any person(s) to whom the permission and licence was granted by their servants, agents or employees

(22) The County Council reserves the right to refuse, cancel, withdraw, suspend or vary the terms of the licence at any time and Wexford County Council shall not be liable in any way for any claims, monies, etc. directly or indirectly occasioned by the refusal, cancellation, withdrawal, suspension or varying of the terms of the licence.


**ADOPTED BY THE ELECTED MEMBERS OF WEXFORD COUNTY
COUNCIL ON THE 14TH MAY 2018.**

**MADE UNDER THE COMMON SEAL OF WEXFORD COUNTY COUNCIL
THIS 11th DAY OF JUNE 2018.**

**PRESENT WHEN THE SEAL OF WEXFORD COUNTY COUNCIL
WAS AFFIXED HERETO: -**


CATHAOIRLEACH OF WEXFORD COUNTY COUNCIL.


CHIEF EXECUTIVE


COUNTY SECRETARY