



**Comhairle Cathrach
& Contae Phort Láirge**
Waterford
City & County Council

CONTROL OF SKIPS BYE-LAWS,

2015

WATERFORD CITY AND COUNTY COUNCIL

CONTROL OF SKIPS BYE-LAWS, 2015

Waterford City and County Council (hereinafter referred to as “the Council”), in exercise of the powers vested in it by Section 72 of the Roads Act, 1993 (No. 14 of 1993) and having consulted with the Commissioner of the Garda Síochána, hereby makes the following Bye-Laws in respect of the regulation and control of skips on public roads within the area comprising the City and County of Waterford.

PART 1

PRELIMINARY

1. These bye-laws may be cited as the Waterford City and County Council Control of Skips Bye-Laws, 2015.
2. These Bye-Laws shall commence on the 14th day of March, 2016.
3. In these Bye-Laws except where expressly stated to the contrary, the following words have the meaning hereby respectively assigned to them, that is to say:

‘the Act of 1993’ means the Roads Act, 1993;

‘the Act of 1968’ means the Road Traffic Act of 1968;

‘the Act of 1961’ means the Road Traffic Act, 1961;

‘Agent of the Council’ means any person employed by Waterford City and County Council or any other person authorised by the Council to carry out functions under these bye-laws;

‘Authorised person’ means:

(a) a person authorised in writing by Waterford City and County Council for the purpose of Section 72 of the Act of 1993, or

(b) a member of the Garda Síochána.

‘City and County’ means Waterford City and County;

‘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;

‘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;

'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;

'motorway' has the meaning assigned to it by Section 2(1) of the Act of 1993;

'parking place' means a part of a public road or public car park where the parking of any vehicle is subject to the payment of a parking charge;

'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 materials, rubble, waste, rubbish or any builders materials and which is designed to be transported by means of a mechanically propelled vehicle (as defined in the Act of 1961);

'Skip Operator' means a person who hires skips to others or who owns or operates a skip hire business;

'Skip Operator's Licence' means a licence issued by Waterford City and County Council to a Skip Operator pursuant to these bye-laws;

'Skip Permit' means a permit issued by Waterford City and County Council to a Hirer of a skip for use on a public road pursuant to these bye-laws.

4. These bye-laws apply to the administrative area of Waterford City and County Council.

PART 2

PROHIBITIONS AND RESTRICTIONS RELATING TO PLACING OF SKIPS ON PUBLIC ROADS

5. Subject to Bye-Law 7 of these bye-laws, a skip shall not be placed, or allowed to remain:
- a. on that side of a section of roadway along the edge of which traffic sign number RRM 008 (double yellow lines) has been provided;
 - b. on a section of roadway where traffic sign number RUS 019 (No Parking sign) has been provided, during the period indicated on the information plate accompanying such traffic sign;
 - c. on a section of roadway within 5 metres of a road junction;
 - d. on a section of roadway with less than 3 traffic lanes and where traffic sign number RRM 001 (continuous white line) has been provided;
 - e. 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;
 - f. 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 or a Garda station;
 - g. 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;
 - h. within 15 metres (on the approach side) or 5 metres (on the side other than the approach side) of a section of roadway where any of the following traffic signs have been provided:-
 - (1) traffic sign number RPC 001 (Pedestrian Crossing); or
 - (2) traffic sign number RPC 002 (Pedestrian Crossing Complex); or
 - (3) traffic sign numbers RTS 001, RTS 002, RTS 003 or RTS 004 (Traffic Lights).
 - i. on a footway, a grass margin or a median strip;
 - j. on a part of a roadway which is a casual trading area, during hours of trading;
 - k. in a manner in which it will interfere with the normal flow of traffic or which obstructs or endangers traffic;
 - l. where traffic sign RUS 031 (Bus Stop) or RRM 030 (Stopping Place or Stand) has been provided;

- m. on a motorway;
- n. in a parking place;
- o. on a section of a roadway where traffic sign number RRM 010 (Stopping prohibition at school entrances) is provided;
- p. on a section of a roadway where traffic sign number RRM 015 (Disabled Persons Parking Bay) is provided;
- q. on a cycle track;
- r. within a Loading Bay.

6. Subject to Bye-Law 7 of these bye-laws, a skip shall not be placed during a period which is indicated on an information plate:
- (a) on a 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;
 - (b) on a part of the roadway which is a clearway or on a public footway adjoining that clearway;
 - (c) on that side of a section of roadway along the edge of which traffic sign number RRM 007 (Single Yellow Line) has been provided;
 - (d) on a section of roadway where traffic sign number RRM 009 (Loading Bay) is provided;
 - (e) on a section of roadway where traffic sign number RUS 018 (Restricted Parking) is provided;
 - (f) on a public road, a portion of a public road, or an area at the entrance to which traffic sign number RUS 021 (Pedestrianised Street or Area) is provided;
 - (g) on a cycle track.
7. Notwithstanding the provisions of Bye-Laws 5 and 6 of these bye-laws, an Authorised Person may issue a permit to place a skip on a part of the public road specified in Bye-Laws 5 or 6 of these bye-laws.

PART 3
SKIP OPERATOR

8. Any **Skip Operator** who provides skips for hire and/or for use on any public road within the City of Waterford shall have a valid Skip Operator's Licence issued pursuant to Part 5 of these bye-laws.
9. A Skip Operator, in providing a skip for use on a public road within the City and County of Waterford, shall comply, inter alia, with the following Conditions:
- (1) A skip shall not be placed in such a manner that would contravene any of these bye-laws, save as provided for in Bye-Law 7 of these bye-laws.
 - (2) He / She shall be satisfied that a valid Skip Permit has been granted to the Skip Hirer. If the Skip Operator is unable to satisfy himself/herself that the Skip Hirer is in possession of a valid Skip Permit, the Skip Operator shall not hire a skip to that person.
 - (3) In the event of Waterford City and County Council becoming aware that a skip belonging to a Skip Operator has been placed in a public place, in respect of which no Skip Permit has been issued, and the Skip Hirer has subsequently refused an instruction by an Authorised Person to obtain said permit within one working day from the date of said instruction, the Skip Operator, on receipt of an instruction from an Authorised Person, shall remove said skip within one working day from the time and date of said instruction to the Skip Operator.
 - (4) No skip shall be placed or loaded in such a manner that it would constitute a hazard to a member of the public.
 - (5) No skip shall be placed in such a manner that it would interfere with the normal flow of traffic or would obstruct or endanger traffic;
 - (6) No skip shall be placed closer than 1 metre to a drainage gully.
 - (7) If placed on a roadway, a skip shall be placed 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.
 - (8) If placed on a footway or margin, a skip shall be placed 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.

- (9) A skip shall not, at any time, be placed or left on a public where the residual width of footway available for pedestrians is less than 1.8 metres, unless appropriate traffic management provision for pedestrians is provided around the skip.
- (10) Each 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 half-way between the top and 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.
- (11) Each skip shall be marked on all sides with the name, address, telephone number and licence number of the Skip Operator in clearly legible indelible lettering at least 125 millimetres high.
- (12) No skip shall be painted in any colour likely to decrease visibility at night.
- (13) A secure cover shall be in place on the skip when the skip is fully loaded or skip is being transported.
- (14) No skip shall be loaded higher than a point 1 metre above the upper edge of the skip.
- (15) No skip shall be used for the disposal of any hazardous or noxious material.
- (16) A skip shall be removed by the Skip Operator:
 - (i) within 24 hours of being fully loaded; or
 - (ii) not more than 1 hour after a request to the Skip Operator, from an Authorised Person, that said skip be removed; or
 - (iii) not later than the expiry date indicated on the Skip Permit.
- (17) No skip shall incorporate any feature which may constitute a hazard to a member of the public. An Authorised Person may direct the Skip Operator to make modifications to any skip so as to ensure removal of said hazard and such direction must be complied with. When a direction for a modification is made by an Authorised Person, neither the skip requiring modification nor any similar skip may be placed on a public road by the Skip Operator until the necessary safety modification(s) have been completed to the satisfaction of the Authorised Person.
- (18) When transporting a loaded skip, the Skip Operator shall ensure that said skip is not loaded in such a manner which would constitute a hazard to members of the public.

PART 4

SKIP HIRER

10. A Hirer of a skip may not cause a skip to be placed on any public road within the City and County of Waterford where restrictions under byelaw 5 and 6 apply unless he/she is in possession of a valid Skip Permit issued by the Council and said permit must at all times be available on site for inspection by an Authorised Person.
11. In applying for a Skip Permit, the Hirer shall provide all of the following information to Waterford City and County Council:
- (1) The name and address of the Hirer and contact telephone number of the Hirer and (if applicable) that of his/her agent.
 - (2) The name, address, contact telephone number and licence number of the Skip Operator who is providing the skip to the Hirer.
 - (3) The precise proposed location of the skip.
 - (4) The date at which it is proposed to place the skip at the location.
 - (5) The date at which it is proposed to remove the skip from the location.
 - (6) The maximum dimensions (length, breadth and height) of the unloaded skip.
12. **Fee for a Skip Permit:**
- (i) Where it is intended to place a skip on a public road where pay parking is in operation, a fee equal to the sum of the parking charges current at the date of issue of the Skip Permit, plus an administration charge, is payable.
 - (ii) Where it is intended to place a skip on a public road **other than a road where pay parking is in operation**, an administration charge is payable.
 - (iii) The administration charges in respect of sub-sections (i) and (ii) of this bye-law shall be as follows:
 - (a) One week or less: €20.
 - (b) More than one week but less than one month: €40.
 - (c) Greater than one month: €60 per month.

13. A Skip Permit shall not be granted to a Hirer if the Skip Operator, indicated in accordance with Bye-Law 12 sub-section (2) of these bye-laws, is not the holder of a valid Skip Operator's Licence.
14. The Hirer, inter alia, shall comply with all of the following:
 - (1) No skip shall be placed in such a manner that would contravene any of these bye-laws, save as provided for in Bye-Law 7 of these bye-laws.
 - (2) No skip shall be placed or loaded in such a manner that it would constitute a hazard to a member of the public;
 - (3) No skip shall be placed in such a manner that it would interfere with the normal flow of traffic or would obstruct or endanger traffic;
 - (4) No skip shall be loaded higher than a point 1 metre above the upper edge of the skip.
 - (5) No skip shall be used for the disposal of any hazardous or noxious material.
 - (6) A secure cover shall be placed on the skip when the skip has been fully loaded.
 - (7) No skip shall be placed closer than 1 metre to a drainage gully.
 - (8) If placed on a roadway, a skip shall be placed 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.
 - (9) If placed on a footway or margin, a skip shall be placed 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.
 - (10) A skip shall not, at any time, be placed or left on a public where the residual width of footway available for pedestrians is less than 1.8 metres, unless appropriate traffic management provision for pedestrians is provided around the skip.
 - (11) No skip shall be placed in a manner which violates any of these bye-laws.
 - (12) A skip shall be removed:
 - (i) within 24 hours of being fully loaded; or
 - (ii) not more than 1 hour after a request from an Authorised Person that said skip be removed; or
 - (iii) not later than the expiry date indicated on the Skip Permit.

PART 5

LICENSING OF SKIP OPERATOR

15. Any Skip Operator who provides skips for hire and/or for use on any public road within the City and County of Waterford shall have a valid Skip Operator's Licence issued by Waterford City and County Council pursuant to these bye-laws. Licences shall be valid for a period of one year from the date of issue.
16. A Skip Operator who is not the holder of a valid Skip Operator's Licence shall not place a skip on any public road within the City and County of Waterford.
17. In applying for a Skip Operator's Licence, a Skip Operator shall comply with the following Conditions:
 - (1) the production of satisfactory evidence that the Skip Operator is the holder of a current valid Public Liability Insurance Policy with an approved insurance company, fully indemnifying himself/herself and Waterford City & County Council in respect of any and all claims by third parties arising from the transport, placing, use or removal of any skip on or from any public road within the City & County of Waterford. The limit of indemnity shall be at least €6.5 million for any one accident.
 - (2) the payment to Waterford City and County Council of an annual fee of €300;
 - (3) the provision of the following information by the Skip Operator:
 - (i) Name of Operator.
 - (ii) Address of Operator.
 - (iii) Daytime and night-time telephone numbers of the Skip Operator or his/her agent.
 - (4) the submission of a Safety Statement by the Skip Operator to Waterford City and County Council.
18. A Skip Operator's Licence may be renewed subject to an Authorised Person being satisfied that the Skip Operator has complied during the previous year with:
 - (i) the provisions of these Bye-Laws; and

(ii) any other specific licence conditions.

19. In considering the Skip Operator's compliance with these bye-laws, the Authorised Person shall have regard to the number of Violation Notices issued to the Skip Operator, if any, and the reasons for such issue.

PART 6

OFFENCES AND MISCELLANEOUS

20. If a skip is placed on a public road by a Skip Operator in contravention of any of these bye-laws, an Authorised Person may, in addition to issuing a Violation Notice to the Skip Operator,
- (i) direct the Skip Operator to remove or reposition the skip, or
 - (ii) arrange to have the skip removed or repositioned by Waterford City & County Council or its agent(s).
21. Notwithstanding the provisions of these bye-laws or of a Skip Operator's Licence issued pursuant to said bye-laws, an Authorised Person may arrange to have a skip removed or repositioned which he/she considers presents a hazard to persons using a public road.
22. Where a skip is removed or repositioned by Waterford City and County Council or its agents pursuant to Bye-Law 21 of these bye-laws, the Skip Operator shall pay to Waterford City and County Council the amount of the expenditure incurred by Waterford City and County Council in removing and storing the skip.
23. Where an Authorised Person observes non-compliance with any of these bye-laws relating to the Skip Operator, Waterford City and County Council may issue a Violation Notice to the Skip Operator, specifying, inter alia:
- (a) the nature of the alleged non-compliance;
 - (b) the action of the Skip Operator necessary to remedy the situation;
 - (c) the period of time allowed to the Skip Operator to execute the instructions;
 - (d) any other relevant matter(s).

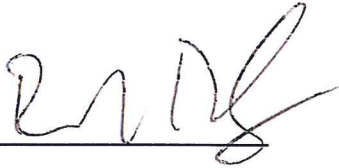
24. Where an Authorised Person observes non-compliance with any of these bye- laws relating to the Skip Hirer, Waterford City and County Council may prosecute the Skip Hirer for said non-compliance.
25. Under Section 72(6) of the Roads Act, 1993, these bye-laws shall be deemed to be Penal Bye-Laws and any person who shall contravene any of these bye-laws 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 or, at the discretion of the Court, to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
26. Where Waterford City and County Council refuses to issue or renew either (a) a Skip Operator's Licence or (b) a Skip Permit to a Hirer, it shall not be liable in any way for any claims arising there from, whether directly or indirectly occasioned by the refusal to issue or renew the said Licence or Permit.

Made and adopted under the Common Seal of Waterford City and County Council this day of 2016.

Present when the Common Seal of Waterford City and County Council was affixed hereto:

A handwritten signature in blue ink, appearing to read "John Cummins", written over a horizontal line.

Cathaoirleach

A handwritten signature in black ink, appearing to read "R. D. G.", written over a horizontal line.

A/Director of Services

Roads, HR and Emergency Services.

