

BRAY TOWN COUNCIL

***BYE LAWS
TO CONTROL
SKIPS ON PUBLIC ROADS***

MADE UNDER

***THE ROADS ACT, 1993
SECTION 72***

Bye-Laws made by Bray Town Council, after consultation with the Commissioner of the Garda Síochana, on the 12th day of December, 2000 under Section 72 of the Roads Act, 1993 affecting the control of Skips on Public Roads.

PART 1

Preliminary

- Short title. 1. These Bye-Laws may be cited as the Bray Town Council Control of Skips Bye-Laws.
- Commencement Bye-Laws. 2. These Bye-Laws shall come into operation from the 1st. day of June 2009.
- Definitions. 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 1961” means the Road Traffic Act, 1961
- “Authorised Person” means – either
- (a) an officer of Bray Town Council authorised by Bray Town Council.
- (b) a member of the Garda Síochana
- “**cycleway**” means a public road or proposed public road reserved for exclusive use of pedal cyclists **or/and** pedal cyclists and pedestrians;
- “**footpath**” means a road **over** which there is a public right of way for pedestrians only, not being a footway;
- “**footway**” means the portion of any road associated with a roadway which is provided primarily for use by pedestrians;
- “**public road**” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority;
- “**road**” has the meaning assigned to it by Roads Act, 1993;
- “**roadway**” means that portion of a road which is provided primarily for the use of vehicles;
- “**road inset**” means any part of a road locally inset behind its normal line;
- “**skip**” means a container used for containing, prior to disposal, builder’s materials, rubble, waste, rubbish or any other materials and which is designed to be

normally 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.

4. These Bye-Laws apply to the administrative area of Bray Town Council.

PART II

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

Parts of Public Roads where skips may not be sited at any time.

5. A skip shall not, at any time, be placed or allowed to remain on a public road -
 - (a) at a taxi stand;
 - (b) in any place, position or manner that **may** result in the skip obstructing, delaying or interfering with the entrance to/or the exit from a fire station or a Garda Station.
 - (c) in any place, position or manner that **may** result in the skip obstructing an entrance for vehicles to premises, except when the hirer of the skip who is an occupier of such premises consents;
 - (d) on a pedestrian crossing, or at pedestrian lights, or within 15 metres (on the approach side), or 5 metres (on the side other than the approach side) of a pedestrian crossing or pedestrian lights or any part of a pedestrian crossing complex;
 - (e) within 40 metres (on the approach side) or within 10 metres (on side other than the approach side), of a signal controlled junction;
 - (f) either wholly or partly on a median strip;
 - (g) in any location likely in the opinion of an **Authorised Person** to cause a hazard to any road user or to a member of the public;
 - (h) in any location prohibited by an **Authorised Person**;
 - (i) on a cycleway;

(j) at a bus stop.

- Parts of Public roads where the siting of skips is restricted or prohibited at certain times or where the prior written approval of Bray Town Council is required.
6. A skip shall not be placed or allowed to remain on a public road -
- (a) on a bus lane during the periods when the bus lane is in operation;
 - (b) in any location at a time prohibited by an **Authorised Person**.
 - (c) Skips may only be placed in parking meter bays, disc parking areas, pay and display areas or multi bay parking meter areas with the prior written approval of **Bray Town Council** and subject to the prior payment to **Bray Town Council** of the appropriate fee as determined by **Bray Town Council**.
- Parts of footways where skips may not be sited at any time
7. A skip shall not, at any time, be placed or left on a public footway-
- (a) where the residual width of footway available for pedestrians is less than 1.8 metres.
 - (b) Where in the opinion of an **Authorised Person** it would give rise to a hazard.
- Parts of footway where the siting of skips is restricted at certain times.
8. A skip shall not be placed, removed or filled on a public footway-
- (a) adjoining a bus lane during the periods of operation of that bus lane.
- Conditions for the siting of skips and their size, markings, modification
9. (1) Each skip placed or left on a public road shall-
- (a) have permanently attached horizontal reflective markings of a type clearly visible to road users which –
 - (i) are at least 150 millimetres high, and
 - (ii) extend along the full length of all sides, approximately half-way between the top and bottom of the skip; and
 - (b) be marked 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; and

- (c) not be painted in any colour likely to decrease visibility at night ; and
- (2) A skip placed or allowed to remain on a public road shall not be placed closer than 1 metre to a drainage gully.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Skip Operators shall ensure that skips are not used for the disposal of any hazardous or noxious material and shall include such a condition in any contract for hire of a skip to a third party.
- (7) 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.**
- (8) Skip Operators shall ensure that skips are removed –
- (a) within 24 hours of being fully loaded;**
- (b) not more than 2 hours after an emergency request, from an Authorised Person, that the skip be removed.**
- (9) An **Authorised Person** may restrict the capacity, or the dimensions, length and/or width of a skip at a particular location. Any direction from an **Authorised Person**, to remove a skip or replace it with a smaller skip, shall be complied with within 24 hours, or any lesser time as may be ordered.
- (10) Skips not removed in accordance with paragraphs (8) or (9) above may be moved/removed by **Bray Town Council** or its agents. In such cases

the full costs of:

- (a) loading/unloading
- (b) dumping of the contents
- (c) transport and storage of the skip(s)
- (d) all administrative and other costs or liabilities arising from same as certified by the Finance Officer of Bray Town Council shall be charged against the Skip Operator and payable within 7 days by the Operator.

(11) 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 Persons**, a hazard to the public may arise and such direction must be complied with.

(12) When a direction for a modification(s) is made by Bray Town Council neither the skip requiring modification nor any similar skip may be deposited by the Skip Operator within the administrative area of Bray Town Council until the necessary safety modification(s) have been completed to the satisfaction of Bray Town Council.

PART III

Licensing of Skip Operators

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| Requirements to have a licence. | 10. All Skip Operators who provide skips for hire and/or for use on public roads within the Urban District of Bray are required to have a valid licence issued by Bray Town Council. Licences shall be for a period of one year and must be renewed within one year of the date of issue or last renewal. An Operator without a valid licence is liable to prosecution and may not place any skips on public roads, footways or footpaths within the administrative are of Bray Town Council |
| Licence conditions. | 11. An annual licence may be issued to a Skip Operator subject to – <ul style="list-style-type: none">(a) The payment to Bray Town Council of the appropriate annual fee of €250.00.(b) the Skip Operator holding, throughout the licence period, a current valid Public Liability Policy with an approved insurance company, completely indemnifying the company and Bray Town Council in respect of all claims by third parties. The limit of |

indemnity shall be at least €6,500,000 for any one accident.

- (c) the Skip Operator provide the following information:

Name of Company
Address of Company
Daytime Telephone & Fax Numbers
Night time Address & Fax Numbers
Contact Name Day and Night
Name of Directors of Company
Number and type of Lifting Devices operated
Number of skips operated
A list showing the identification number and relevant size of each skip to be used.

- (d) the skip operator providing a Safety Statement

Application for
Skip Permit

12. All skip operators shall apply for a skip permit, to Bray Town Council, on behalf of the hirer of the skip. This application shall provide the following information:

The location of the skip
The location of the work
The proposed dates of the skip permit
application fee of €25.00. This fee will be reviewed annually.

It should be noted that:

- (1) The skip operator shall notify Bray Town Council of its intentions to hire out a skip on each occasion. In the case of skip bags the operator shall notify Bray Town Council of the name and address of the hirer or in the case of promotional distribution, the location.

In the event that promotional skip bags are used, the operator will accept responsibility on behalf of the user.

- (2) The skip operator must have a valid Skip operator licence in accordance with section 10, Part III.

Licence Renewal

13. A licence renewal may be issued subject to-
- (a) the payment of the fee specified in paragraph (11) (a) above; and

- (b) the holding of Insurance as required in paragraph (11) (b) above; and
- (c) the Skip Operator having satisfactorily complied during the proceeding year with –
 - (i) these Bye-Laws
 - (ii) the specified licence conditions and
 - (iii) section 72 of the Road Act of 1993

Refusal of Licence

14. Bray Town Council may refuse to renew a licence if in the immediately proceeding licence period. –
- (i) any item listed in paragraph (13) above, has not been complied with; or
 - (ii) the number and type of violation notice(s) issued in the previous licence period is in the opinion of an **Authorised Person** unsatisfactory.

PART IV

Offences and Miscellaneous

Functions of Authorised Person.

15. An **Authorised Person** may –
- (a) remove or reposition a skip which contravenes these Bye-Laws.
 - (b) notwithstanding the provision of these Bye-Laws or of a licence issued under them, remove or reposition a skip which he considers presents an immediate and serious hazard to persons using a public road.

Violation Notices

16. Where non-compliance, with licence conditions or these Bye-Laws, has been observed Bray Town Council may issue Violation Notices specifying –
- (a) the nature of the alleged non-compliance; and
 - (b) the remedial measures that must be immediately undertaken

The number and type of Violation Notices issued in respect of a Skip Operator shall be considered when determining whether or not to renew the licence of that Operator.

Infringements
of Bye-Laws

17. 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 or, at the discretion of the Court, to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.**
18. In the event of a refusal to issue or to renew a licence Bray Town Council shall not be liable in any way for any claims, monies etc., directly or indirectly occasioned by the refusal to issue or renew a licence.

PRESENT when the Common Seal
of **BRAY TOWN COUNCIL** was affixed
hereto:

CATHAOIRLEACH

Approved Officer

**Council Official
Bray Town Council,
Civic Offices,
Main Street,
Bray, Co. Wicklow.**

**SIGNED SEALED AND DELIVERED
by the said
in the presence of:-**