

DROGHEDA BOROUGH COUNCIL



Skip Licence Bye-Laws, 2003

PART I

PRELIMINARY

1. These Bye-Laws may be cited as the Drogheda Borough Council Control of Skips Bye-Laws, 2003.
2. These Bye-Laws shall come into operation from_____.
3. In these Bye-Laws “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 Drogheda Borough Council or any other person authorised by the Local Authority to carry out functions under these Bye-Laws;

“appointed stand” has the meaning assigned to it by Section 84 (as amended by Section 6 of the Act of 1968) of the Act of 1961;

“approved person” means a person employed by Drogheda Borough Council approved in writing by the Council for the purposes of these Bye-Laws and Section 72 of the Act of 1993.

“Authorised person” means:-

- (a) a person authorised in writing by Drogheda Borough Council for the purpose of Section 72 of the Act of 1993;
- (b) a member of the Garda Siochana;
- (c) an approved person.

“Business hours” means the periods of operation of any time restricted parking areas and/or any pay parking area.

“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;

“The Council” means the Drogheda Borough Council;

“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 place or a public road where parking time restrictions apply and/or pay parking operates;

“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;

“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 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 areas delineated in Drawing No. R383, Drogheda Town Centre – Parking Control Area (Including Road Markings), attached to these bye-laws.

PART II

PROHIBITIONS, RESTRICTIONS AND CONDITIONS RELATING TO THE PLACING OF SKIPS ON PUBLIC ROADS

5. Subject to Bye-Laws 7 and 8 a skip shall not, at any time, be sited:
 - (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 or 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 or 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:-

(i) traffic sign number RPC 001 (Pedestrian Crossing);

(ii) traffic sign number RPC 002 (Pedestrian Crossing Complex); or

(iii) 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, unless the skip is for the time being in use for the purposes of casual 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 during business hours;

(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.

6. Subject to Bye-Laws **8** and **9** a skip shall not be sited during a period that may be 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 a 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 road, a portion of a road, open area at the entrance to which traffic sign number RUS 021 (Pedestrianised Street or Area) is provided;
- (g) on a cycle track.

PART III

SKIP PERMIT

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**.
8. Where the 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 the Council for a skip permit. A skip permit may be granted on the recommendation of an approved person subject to compliance with the following to the satisfaction of the Council.
 - (a) The hirer must provide all information required by the Council including:-
 - (i) the name and address of the hirer.
 - (ii) the name and address of the operator who will provide the skip.
 - (iii) the exact location where it is proposed to site the skip.
 - (iii) the date and times at which 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.
 - (b) In any location specified in Bye-Laws **5** or **6**, payment of a fee per day or part thereof as determined by the Council, for each 5 metres or part thereof on public road on which it is proposed to site a skip. If a skip is less than 5 metres in length the minimum charge of per day as determined by the Council would apply.
9. A skip permit shall not be granted to a hirer if the operator indicated in accordance with Bye-Law **8** Subsection (a)(ii) is not the holder of a skip licence.
10. The skip permit shall include the following information:
 - (i) the name and address of the hirer.
 - (ii) The name and address of the operator who will provide the skip.
 - (iii) The exact location where it is proposed to place the skip.

- (iv) The date and times at which the skip may be placed at the location indicated under Subsection (iii).
- (v) The date and times by which the skip must be removed.
- (vi) The maximum dimensions of the skip which is to be placed at the location.
- (vii) Any other conditions imposed by an authorised person.
- (viii) The words Drogheda Borough Council on.
- (ix) The signature of the person granting the licence.

PART IV

SITING AND USE OF SKIPS

- 11.** A skip may not be sited on a part of the public road specified in Bye-Laws **5** or **6** unless the hirer is the holder of a valid skip permit and that permit is at all times available on site for immediate inspection by an authorised person.
- 12.** The hirer shall ensure that the following conditions shall be complied with in relation to any skip sited on the public road at his/her request:
 - (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:-
 - (i) 24 hours of the skip being fully loaded
 - (ii) not more than 1 hour after a request from an authorised person for its removal
 - (iii) where a skip permit is granted, at a time not later than the expiry date and time indicated on the permit, whichever is the earlier, and the hirer shall include such conditions on any contract for the hirer of a skip.
 - (e) Any other conditions imposed under Section (vii) of Bye-Law **10**.
- 13.** An operator may not site 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 permit has been granted to the hirer by the Council authorising the placing of a skip at that time and at that location.

(b) where the hirer holds a valid skip permit the operator shall ensure that the skip shall be sited in accordance with the conditions specified in that permit.

(c) The skip shall:-

(i) have permanently attached horizontal reflective markings of a type clearly visible to road users which are at least 150mm high, and extend along the full length of all sides, approximately half-way between the top and bottom of the skip; and

(ii) 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 mm high; and

(iii) not be painted in any colour likely to decrease visibility at night.

(iv) be marked on sides of skip with a reference number individual to each skip.

(d) a skip on a public road shall not be placed closer than 1 metre to a drainage gully;

(e) 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 the inner or near side, a maximum of 225 mm from the kerb face, but without obstructing the drainage channel which must at all times be kept clear of spoil or rubbish being loaded.

(f) 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 mm from the edge of the kerb face.

(g) 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.

(h) 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.

(i) 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.

(j) Skip operators shall ensure that the skips are removed:-

(i) within 24 hours of being fully loaded;

(ii) not more than 1 hour after an emergency request, from an authorised person, that the skip be removed.

14. (a) If a skip is sited on a public road in contravention of these Bye-Laws an authorised person may in addition to issuing a violation notice (i) arrange to have skip removed or repositioned or (ii) 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, 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 by The Council or its agents in accordance with these bye-laws the skip operator shall pay to The Council the amount of the expenditure incurred in removing and storing the skip.
16. The design of skips shall not incorporate any feature that 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 The Council, neither the skip requiring modification nor any similar skip may be sited on a public road by the skip operator within the Borough of Drogheda until the necessary safety modification(s) have been completed to the satisfaction of The Council.

PART VI

LICENSING OF SKIP OPERATORS

18. All skip operators who provide skips for hire and/or for use on public roads within the Borough of Drogheda are required to have a valid licence issued by this 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.
19. An operator who is not the holder of a valid licence may not place a skip on public roads, footways or footpaths within the Borough of Drogheda.
20. A licence may be granted to a skip operator subject to: -
 - (a) the payment to The Council of the appropriate annual fee as determined by the Council.
 - (b) the production of satisfactory evidence that the skip operator is the holder of a current valid Public Liability Policy with an approved insurance company, fully indemnifying himself and The Council in respect of all claims by third parties.
The limit of indemnity shall be as required by Drogheda Borough Council.

(c) the provision of the following information by the skip operator:

Name of Operator
Address of Operator
Daytime Telephone and Fax Numbers
Night time Address and Fax Number
24 Hour Contact Name

(d) the provision of a Safety Statement.

- (e) the production of a V.A.T. Number.
- 21.** A licence may be renewed subject to: -
- (a) compliance with paragraphs 1(a) (b) and (c) of Bye-Law **20**
(b) an authorised person being satisfied that the operator has complied during the previous year with: -
- (i) the provisions of these Bye-Laws;
(ii) the specific licence conditions; and
(iii) Section 72 of the Act of 1993.
- 22.** In considering the operators compliance in accordance with Bye-Law **21(b)(i)(ii)** and (iii) the authorised person shall have regard to the number of violation notices issued and the reasons for their issue.
- 23.** A licence shall be granted or renewed for a period of one year.

PART VII

OFFENCES AND MISCELLANEOUS

- 24.** Where non-compliance with licence conditions or these Bye-Laws has been observed, the Council may issue Violation Notices specifying:-
- (a) the nature of the alleged non-compliance; and the measures necessary to remedy that 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 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.
- 26.** In the event of a refusal to issue or to renew a licence, the 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.
- 27.** Notwithstanding the remedy provided for in Bye-Law **25**, The Council may, pursuant to Section 41 of the Local Government Act, 1994, serve a fixed payment notice (within the meaning of the S. 41 aforesaid) on any person committing an offence by virtue of a contravention of these Bye-Laws. Such fixed payment notice shall specify the amount of the fixed payment and the period within which the fixed payment must be paid in order to avoid prosecution and shall be in the general form of the notice set out in “the first schedule to the Local Government Act, 1994 (Bye-Laws) Regulations, 1995 - S.I. No. 360/1995 (or as provided for in any amending regulations) but subject to such alterations thereto as The Council may consider appropriate in the case of these Bye-Laws. The amount of the fixed payment applicable to the fixed payment notice shall be €65.00.

PART VIII

EXEMPTIONS

28. Drogheda Borough Council are exempt from Rules 8 and 18 while carrying out any statutory undertakings.

**MADE AND ADOPTED UNDER THE COMMON SEAL OF THE COUNCIL
THIS DAY OF 2003.**

**PRESENT WHEN THE COMMON SEAL OF THE BOROUGH COUNCIL WAS
AFFIXED THERETO: -**

MAYOR

TOWN CLERK

COUNTY MANAGER