

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

BYE-LAWS

made under

THE ROADS ACT, 1993

Bye-Laws made by Dún Laoghaire-Rathdown County Council, after consultation with the Commissioner of the Garda Síochána, on the 1st day of December, 1998 under Section 72 of the Roads Act, 1993 affecting the control of Skips on Public Roads.

Part I

Preliminary

Short Title

1. These bye-laws may be cited as the Dún Laoghaire-Rathdown County Council bye-laws for the control of Skips

Commencement of bye-laws

2. These bye-laws shall come into operation from the 1st Day of December , 1998.

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 1961” means the Road Traffic Act, 1961, the “Act of 1993” means the Roads Act, 1993

“Authorised Person” means -

- (a) An officer of Dún Laoghaire-Rathdown County Council authorised by Dún Laoghaire-Rathdown County Council
or

- (b) a member of the Garda Síochána;

“Cycleway” means a public road or proposed public road reserved for exclusive use of pedal cyclists or / and pedal cycles 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 the 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 Dún Laoghaire-Rathdown County Council.
5. Section 44 (2) of the Dublin Area Traffic and Parking Bye-Laws, 1986, is hereby revoked.

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

6. A skip shall not, at any time, be placed on 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 an ambulance station or a hospital or a Garda Station or a railway 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 on any part of a pedestrian crossing complex;
 - (e) within 40 metres (on the approach side) (or within 10 metres (on the 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 Dún Laoghaire Rathdown County Council is required.

- 7. A skip shall not be placed or allowed to remain on a public road-
 - (a) on a part which is a casual trading area, during hours of trading;
 - (b) on a clearway during the periods when the clearway is in operation;
 - (c) on a bus lane during periods when the bus lane is in operation;
 - (d) in any location prohibited by an Authorised Person.

Parts of footways where skips may not be sited at any time

- 8. 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 footways where the siting of skips is restricted at certain times.

- 9. A skip shall not be placed, removed or filled on a public footway -
 - (a) adjoining a clearway or bus lane during the periods of operation of that clearway or bus lane.

Conditions for the siting of skips and their size, markings modifications

- 10. (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 halfway between the top and bottom of the skip; and
 - (b) be marked on all sides with the name, address and 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 or footway 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 - lengths 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 in excess of 2 hours that may be ordered.
- (10.) Skips not removed in accordance with paragraph (8) or (9) above may be moved and/or removed by Dún Laoghaire-Rathdown County Council or its agents. In such cases the full cost of:
- (a) loading and/or unloading;
 - (b) the dumping of the contents;
 - (c) the transport and storage of the skip(s) and
 - (d) all administrative and other costs shall be charged against the operator in accordance with the charges as set out in the Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations 1983 to 1991.
- (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 Person a hazard to the public may arise and such direction must be complied with
- (12.) When a direction for a modification is made by Dún Laoghaire-Rathdown County Council neither the skip requiring modification nor any similar skip may be deposited by the skip operator within the administrative area of Dún Laoghaire-Rathdown County Council until the necessary safety modification(s) have been completed to the satisfaction of Dún Laoghaire-Rathdown County Council.

Part III

Licensing of Skip Operators

Requirements to have a licence

11. All skip operators who provide skips for hire and/or for use on public roads within the administrative area of Dún Laoghaire-Rathdown County Council are required to have a valid licence issued by the Roads and Traffic Department of Dún Laoghaire-Rathdown County 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 Dún Laoghaire-Rathdown County Council area.

Licence conditions

12. (1) An annual licence may be issued to a skip operator subject to -
- (a) the payment to the Roads and Traffic Department, of the appropriate annual fee of €634.
 - (b) the skip operator holding, throughout the licence period, a current valid Public Liability Policy with an approved insurance company, completely indemnifying himself and Dún Laoghaire-Rathdown County Council in respect of all claims by third parties. The limit of indemnity shall be at least €6,348,690 for any one accident.
 - (c) The skip operator providing the following information:
Name of Company
Address of Company
Daytime Telephone & Fax Numbers
Night - time Address & Fax Number
Contact Name Day and Night
 - (d) the skip operator providing a Safety Statement

Licence Renewal

- (2.) A licence renewal may be issued subject to -
- (a) the payment of the fee specified in paragraph (1) (a) above; and
 - (b) the holding of Insurance as required in paragraph (1) (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 Act of 1993

Refusal of Licence

- (3.) Dún Laoghaire-Rathdown County Council may refuse to renew a licence if in the immediately proceeding licence period -
- (i) any item listed in paragraph (2) 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

13. An Authorised Person may -
- (a) remove or reposition a skip which contravenes these bye-laws.
 - (b) notwithstanding the provisions 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

14. Where non-compliance with licence conditions or these bye-laws has been observed Dún Laoghaire-Rathdown County Council may issue Violation Notices specifying -
- (a) the nature of the alleged non-compliance; and
 - (b) the remedial measures that must be immediately undertaken.
 - (c) 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.

15. 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 €1,269 or, at the discretion of the Court, to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
16. In the event of a refusal to issue or to renew a licence Dún Laoghaire-Rathdown County Council shall not be liable in any way for any claims, monies etc., directly or indirectly occasioned by the refusal to issue or to renew a licence.

**DUN LAOGHAIRE RATHDOWN
COUNTY COUNCIL**

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

MADE UNDER

**THE ROADS ACT 1993
SECTION 72**



PRESENT when the Common Seal
of **DÚN LAOGHAIRE-RATHDOWN**
COUNTY COUNCIL was affixed hereto:

Cathaoirleach na Chomhairle Chontae
Dhún Laoghaire-Ráth an Dúin

Approved Officer

County Council Official
County Hall, Dún Laoghaire

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