

CODE OF PRACTICE FOR THE PLACEMENT OF WASTE BINS ON ROADSIDES

January 2001



Code of practice for the placement of waste bins on roadsides

This Code of Practice provides guidelines for the safe placement and use of waste bins on footpaths, nature strips and roads and in public places. It is endorsed by the Victorian Waste Management Association, the Municipal Association of Victoria, LGPro and VicRoads.

Designed as a reference document for the supplier, driver, hirer and Council, the Code provides information on the following aspects of hired waste bins :

- safe placement;
- visibility, including the use of retroreflective marking;
- identification;
- relevant regulations; and
- responsibilities for waste bins.

The Code contains guidelines which are common to all municipalities. It should be noted however that each Council may have additional policies, conditions and local laws relating to waste bins. An example is the " *Skips and Bins Booklet, Melbourne and Geelong Municipalities*", June 1997.

DEFINITIONS

Waste bin (also referred to as a waste skip or a waste container) - is a container designed to be transported and placed within private property, a road reserve or on other land for the disposal of builders' rubble, waste, tree loppings, household and other rubbish or earth.



A typical waste bin.

A waste bin is not a household rubbish bin or a mobile garbage bin, which is used for the collection of recyclable material, garden and household waste.

Supplier of Waste bins (supplier) - an individual or organisation who owns, leases, rents or otherwise provides and is responsible for a waste bin, and hires it to the public.

Hirer of Waste bins (hirer) - an individual or organisation, who requests a supplier to deliver a waste bin to a location for a specified period of time.

Driver/Transporter (driver) - an individual who delivers a waste bin or picks up a waste bin from the premises on behalf of a supplier, either as an employee of a supplier or as a sub-contractor.

Retroreflective Tape: a strip of retroreflective material (RRM) designed to reflect the light from vehicle headlights back to the driver, thus enabling the material to be highly visible at night.

LEGAL REQUIREMENTS

The most pertinent regulations which protect road users from dangers arising out from things or objects placed on roads are:

Road Safety (Road Rules) Regulations 1999, Section 603 which reads:

"A person must not:

- (a) throw, drop, place, leave, or
- (b) cause or permit to be thrown, dropped or placed - on a road, destructive or injurious material or a substance or thing, likely to endanger a person, animal or vehicle".

Local Government Act 1989, Schedule 11, Clause 5 which reads:

A Council may -

- (a) move any thing that encroaches or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on the road under clause 10 or 11);
- (b) require any person responsible for, or in control of, the thing to move it.

Other regulations relating to waste bins include:

- Health Act;
- Disability Discrimination Act 1992, Section 23: and
- Council local laws

GUIDELINES FOR THE PLACEMENT OF WASTE BINS ON ROADSIDES

The requirements relating to the use of waste bins on roads are detailed below under the following headings:

- General
- Location
- Visibility
- Accreditation Schemes

General

Waste bins should only be placed on roads, streets or in public places (council land, reserves, open spaces, shopping centres and car parks) when there is insufficient space or access for the placement of the bin within the hirer's premises, and after Council's written permission has been obtained.

Council may permit placement of waste bins on footpaths, nature strips or road verges provided that the Council considers that it is impracticable to place the bin within the hirer's property, or the Council agrees it is desirable for any other reasons, and:

- adequate provision is made for the safe movement of pedestrians, (including those having disabilities), cyclists, and horse riders, and
- the footpath, verge, and public utility assets are adequately protected from potential damage; and
- adequate passage is available for motor vehicles (including service vehicles such as garbage collection vehicles); and
- access is not unduly or unreasonably obstructed; and
- the waste bin is adequately delineated.



The waste bin should be placed so that vehicle access is not affected.

Location

The following points must be considered prior to placing a waste bin:

- whether the placement will obstruct the passage of any vehicle, cyclists or pedestrians;
- whether the motorists' view will be obscured by the waste bin;
- whether the waste bin presents a physical hazard; and
- the length of time proposed for the placement on site.

The consent of any resident immediately affected, and whose access would be restricted by the placement of a waste bin, must be obtained.

If a supplier or driver is in doubt about a proposed bin location, advice should be obtained from the responsible authority, primarily the relevant Council.

Points that must be considered when placing waste bins include:

- waste bins should not be located in high volume pedestrian and vehicle traffic areas, unless there is no other alternative;
- clear access to laneways and right of ways (or cul-de-sacs) must be maintained at all times;
- reasonable access to, or egress from private driveways, must be maintained;
- waste bins are not permitted to be located where they would cause an obstruction to delivery vehicles;
- waste bins should not be placed in any area where the stopping of motor vehicles is prohibited under the Road Rules - Victoria, such as:
 - on a length of road or area to which a 'No Stopping' or 'No Parking' sign applies;
 - within 20 m of an intersection with traffic lights, and within 10 m of an intersection without traffic lights;
 - within 20 m before and 10 m after a school crossing, pedestrian crossing or bus stop;
 - within 10 metres before a tram safety zone or tram stop, and within 10 metres after a tram safety zone;
 - within 20 m either side of a railway crossing;
 - in a 'Clearway', in a taxi or bus zone, or in a loading zone; or
 - on a median strip or traffic island.

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- all parking regulations, other than restrictions on timed parking, are to be complied with unless signs indicate otherwise.
- where a waste bin is placed on a roadway, it must be positioned as close to, and parallel to, the kerb as practicable;
- waste bins are not permitted in locations which obstruct access to utility service manholes or devices which require servicing (eg traffic signal boxes, telephone boxes, post boxes and fire hydrants or plugs etc);
- waste bins are not to be positioned on a hill or curve where the view of the waste bin is not clear for at least 100 metres along the road approaches.

Visibility

For some time it has been normal practice, and generally a Council requirement, that a yellow flashing light be placed on the corner of a waste bin when it is left on a nature strip or road. The light was provided as a safety measure for motorists, pedestrians and cyclists, to indicate the presence of the bin between sunset and sunrise.

A suitable alternative, is the use of *yellow* retroreflective tape, placed on the corners of waste bins. This is considered to be a satisfactory, if not superior, alternative to attaching lights, as it is less likely to be stolen or damaged and requires no power source.



Retroreflective tape improves waste bin visibility.

Adequate visibility (or illumination) of waste bins will be obtained by the use and maintenance of retroreflective tape which complies with the Standard referred to in Appendix 1. This material must be fixed to designated areas or points of the waste bin in such a manner as to provide enhanced visibility and early recognition and identification of bins during hours of darkness, particularly for vehicle drivers.

Retroreflective tape must be kept clean and be subject to regular frequent inspection by the supplier. Damaged tape must be replaced to ensure adequate visibility is maintained.

Council may require the placement of flashing lights on the waste bin, in addition to the retroreflective tape: where a supplier fails to maintain the retroreflective tape; where special conditions exist, or where Council considers a flashing light to be advantageous to more clearly identify the hazard potential; such as:

- in a heavily trafficked area;
- where vertical or horizontal curves of a road reduce visibility;
- where background lighting conditions reduce the effectiveness of the tape;
- in narrow streets; or
- in unlit areas.

Waste bins should be bright in colour, so that they are easily seen during hours of daylight and darkness.

Accreditation Schemes

A number of Councils have adopted the Victorian Waste Management Association/Council permit and accreditation scheme. The basis of the scheme is an "accreditation process" requiring the supplier to obtain a permit or enter into a contract with a Council subject to conditions, including public liability insurance. Refer to Appendix 2 for standard forms.

This system requires a supplier to seek and obtain a permit where approval is sought to place a waste bin on a road reserve (ie open road, footpath, crossing, nature strip, lane etc). The permit system protects the legal position of the parties indicated below:

- Councils who are responsible for local roads and the safe placement of temporary obstructions;
- suppliers who require a permit to lawfully place an obstruction on a roadway;
- hirers who require waste bins to be lawfully and safely placed;
- drivers who place the waste bins on behalf of the supplier; and
- the public who expect all parties to exercise their duty of care in undertaking their business.

RESPONSIBILITIES

Supplier

The supplier shall :

- ensure that the waste bin is maintained in good order, and that the company name and telephone number are clearly visible. A Council will not allow bins without adequate identification to be placed on public streets.
- ensure that the specified retroreflective material is affixed to the waste bin to ensure its visibility at all times, in particular the hours of darkness, and when required by Council, ensure that a flashing light is attached to the waste bin;
- seek accreditation from Council, where such a scheme exists;
- provide proof of public liability insurance to a value specified by a Council;
- obtain a permit from a Council for the placement of the waste bin;
- comply with Council provisions for the placement of waste bins in streets, roads, lanes or public places;
- ensure that the hirer is aware of the type of waste that may be placed in the waste bin and their responsibility to reduce litter;
- instruct the hirer to load the bin in such a way to prevent the escape of wind-blown litter;
- ensure that the driver is aware of the need to place waste bins in accordance with this Code;
- ensure that the vehicle depositing the waste bin does not deposit hydraulic or engine oil on the roadway or leave loose waste;
- ensure that the waste bin is removed within the allowable period to avoid overloading by unauthorised persons; and



A waste bin loaded correctly.

- rectify damage to assets (including the road reserve, nature strip or other assets) as a consequence of placement or pickup of bins.

Driver

The driver shall ensure that:

- permit authorisation from Council has been obtained to place the waste bin in the agreed location, prior to accepting the waste bin for delivery;
- the waste bin is placed in accordance with permit conditions and general conditions outlined in Appendix 3 of this Code of Practice;
- all parking restrictions in relation to intersections, driveways, clearway hours etc are observed, unless alternative written permission has been granted by Council;
- the waste bin is appropriately located from a road safety aspect, as detailed on the permit and in this Code of Practice;
- advice is given to the supplier if it is not possible to place the waste bin in accordance with this Code and the permit conditions;
- the conditions of the permit are explained to, and understood by the hirer;
- the waste bin is not in an overloaded state at any time, or in a state which permits spillage, while in transport.



An incorrectly loaded waste bin.

Hirer

The hirer of the waste bin shall, where possible, ensure that:

- the waste bin is placed off-road;
- the waste bin does not cause an obstruction;
- all waste placed in bins is secured and cannot be readily dislodged;
- the waste bin is not left in an overloaded state; and
- the waste bin is made safe and removed when directed by Council or the responsible authority.



A waste bin may be placed on nature strips provided that it does not affect pedestrian access.

Council

The Code does not preclude a Council from:

- including any relevant provision in any local law;
- issuing permits and conditions for waste bins; and
- engaging in any inspection and auditing of the placement of waste bins.

PERMIT FEES

Any permit fee is to be determined by Council.

ENDORSEMENT

Following extensive consultation with industry and Councils, this Code of Practice is endorsed by :

Victorian Waste Management Association

Municipal Association of Victoria

LGPro

VicRoads

For further information, contact
Manager, Traffic Management Services
VicRoads,
60 Denmark St
KEW VIC 3101
Tel (03) 9854 2256
Fax (03) 9854 2918

APPENDIX 1

REFLECTIVE MARKING OF WASTE BINS

Material requirements

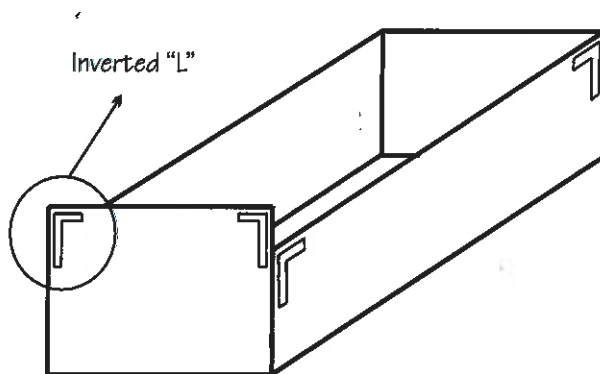
The material to be used shall be microprismatic retroreflective yellow material, bearing the European "E" marking on "C" class material. "C" class material is used for contour/strip marking and has specific retroreflective properties.

The material shall be pressure sensitive and applied in accordance with manufacturer's specifications and instructions.

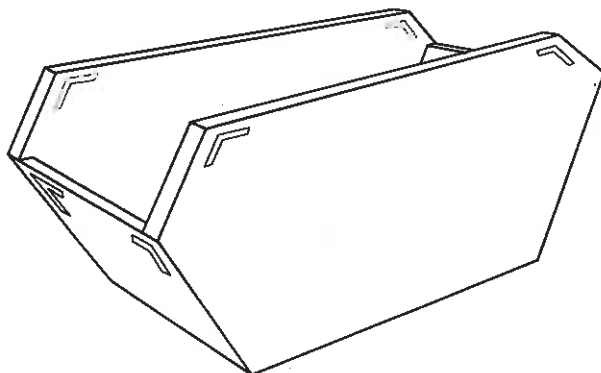
Pattern of material to be placed on waste bins

The pattern to be used is an inverted "L" located as close as practical to each top corner of the bin to identify its length, width and height.

Markings at opposite ends of each side shall be placed at the same relative height.



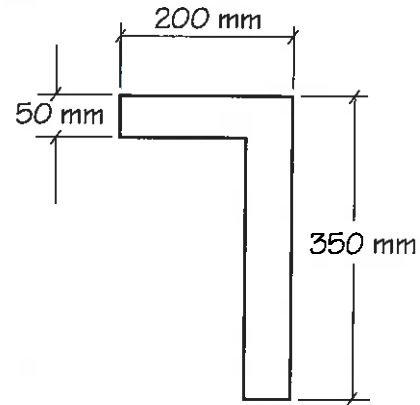
The inverted "L" allows an approaching driver to ascertain the bin orientation and placement.



The tape may be placed at angles other than 90 degrees to enhance the general appearance of the waste bin.

The material must be:

- at least 50 mm wide, and
- a minimum horizontal length of 200 mm and 350 mm high.



The horizontal stem of the "L" is to face inwards.



All sides of the bin are to be delineated.

Waste bins are not required to have rear red/yellow marking plates or "Do Not Overtake Turning Vehicle" signs. These marking plates appear on the vehicles transporting the bins.

The inclusion of such plates on a bin does **not** remove the onus on the hirer to attach retroreflective tape as described above. If rear red/yellow marking plates are already incorporated on bins, then placement of the bin on the roadway shall be in the correct direction relative to passing traffic (ie red/yellow marking plates are to the left of passing vehicles).

APPENDIX 2

VICTORIAN WASTE MANAGEMENT ASSOCIATION ACCREDITATION FORM

Application for accreditation as a supplier of bins and skips for placement in public streets / thoroughfares / road reserves

Application to City of

1. NAME OF APPLICANT (Supplier)
2. ADDRESS
3. TELEPHONE FAX
4. AFTER HOURS CONTACT (NAME)
5. AFTER HOURS TELEPHONE
6. DATE ESTABLISHED BINS HIRED (C.M)
7. TRADE REFERENCES (for establishment of credit account at Councils that offer this facility - note that only some Councils are prepared to offer credit terms)
Company
Telephone Contact
- Company
Telephone Contact
8. In consideration of Accreditation being granted to (the Supplier), the Supplier hereby covenants with the City of (the Council) that the Supplier will indemnify the Council against any loss or damage arising out of the placement usage of the bin and in default will pay and make good to the Council on demand all losses, damages and costs incurred by the Council as a result of such default.

SIGNED

POSITION IN COMPANY

DATE

ATTACHMENT: Copy of Public Liability Certificate of Currency (Minimum \$5 million)

Policy No

Expiry Date

Note: Most Councils will request that Liability insurance specifically includes the Council as one of the parties in the policy.

APPENDIX 3

VICTORIAN WASTE MANAGEMENT ASSOCIATION APPLICATION FORM

Application for placing of bins and skips in public streets

Fax to: City of

Fax number

Date:

Sketch map of location relative to address being serviced

BIN AND SKIP DETAILS

1. ADDRESS BIN / SKIP IS SERVICING
.....
2. PROPOSED SITING OF BIN / SKIP (circle location)
On roadway On nature strip In ROW Other (show on sketch)
3. CONTACT ON SITE
Name Telephone
4. BIN / SKIP SIZE AND NUMBER
Sizecub. metre Number of proposed bins
5. PROPOSED PLACEMENT DATE
6. PROPOSED COLLECTION DATE
7. MAIN TYPE OF WASTE BEING COLLECTED (circle one only)
Household Renovation Household Garden waste Household Other Building Construction Commercial Industrial

CONTRACTOR DETAILS

8. BIN CONTRACTOR DETAILS
Name Telephone
Address Telephone (AH)
Fax Number
9. SIGNATURE OF APPLICANT
..... Date

COUNCIL USE ONLY

1. Council Accreditation Yes / No Expiry
2. Liability Insurance Yes / No
3. Fees Charged \$
4. Fee Payment (circle) Cash Account Prepayment Other (specify)
5. Advice of permit given to
6. Permit Number Permit Date
7. Authorising Officer Signature of Authorising Officer
8. Date faxed to Bin Contractor



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VicRoads Publication Number 00623



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