

LIMERICK COUNTY COUNCIL



Waste Management Act, 1996

BYE-LAWS FOR THE PRESENTATION, STORAGE AND SEGREGATION FOR THE PURPOSE OF AND IN THE COURSE OF THE COLLECTION OF HOUSEHOLD AND COMMERCIAL WASTE 2011

Limerick County Council, in exercise of the powers conferred on it by Section 35 of the Waste Management Act, 1996 and in accordance with Part 19 of the Local Government Act 2001, hereby makes the following bye-laws relating to the presentation, storage, and segregation for the purpose of and in the course of the collection of household waste and certain ancillary, consequential and related waste management matters.

PART I

1. CITATION AND COMMENCEMENT

- 1.1 These Bye-Laws may be cited as the Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011. They were adopted by resolution of Limerick County Council, dated 24th October 2011.
- 1.2 These Bye-Laws will come into operation on 9th January 2012
- 1.3 The Bye-Laws known as the **Limerick County Council (Presentation and Collection of Household and Commercial Waste) Bye Laws, 2004, will be repealed in**

full from the date of coming into force of these Bye-Laws

2. INTERPRETATION

- 2.1 Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say: -
- (a) 'Appropriate waste container' means a waste container authorised by the Council for the collection of the appropriate fraction of waste, (i.e. dry recyclable waste, organic waste or residual waste) and shall consist of:
 - (i) a wheeled bin - this means a receptacle which complies with the standards for mobile waste containers (wheeled bins) which are specified in the CEN standard entitled IS EN 840 (Parts 1-6) which is used for the purposes of presenting household and commercial waste for collection and disposal and shall be deemed to include a reference to any microchip provided therefore, fitted or retrofitted at any time; or
 - (ii) another appropriate waste container used for the presentation for collection of household waste, as authorised by the Council; or
 - (b) "Authorised Facility" means a facility that has been granted a waste/site authorisation in the form of a waste licence, a waste facility permit or a certificate of registration and in the case of a facility to be used for biological treatment of organic waste containing animal by-products has received appropriate approval under EC No.1774/2002 from the Dept. of Agriculture, Fisheries and Food; and complies with Planning requirements:-
 - (i) an exemption from planning permission has been issued for the facility through declaration by a planning authority under Section 5 of the Planning & Development Act of 2000, or
 - (ii) The facility does not constitute an unauthorised structure within the meaning of section 2 of the Act of 2000.
 - (c) 'Authorised person' means a person who is authorised in writing by Limerick County Council for the purpose of Section 204 of the Local Government Act 2001 or a member of An Garda Síochána.
 - (d) 'Authorised waste collector' means a holder of a waste collection permit that is in force;
 - (e) Bring Banks: these are a conveniently-situated selection of material specific receptacles to which members of the public can bring their various recyclables waste material such as glass and cans for subsequent collection and delivery to material recovery facilities.
 - (f) 'Collection Route' means any public road within 200m of a dwelling serviced by an authorised collector or local authority on regular and frequent basis e.g. weekly, fortnightly, three weekly or monthly. etc.
 - (g) 'Council' means the County Council of the County of Limerick.
 - (h) 'Commercial Premises' for the purposes of these Bye-Laws means a premises used wholly or mainly for the purposes of trade or

business or for the purposes of sport, recreation, healthcare, education, community facilities and entertainment.

- (i) 'Designated collection day' means such day or days of the week as may be fixed from time to time by an authorised waste collector or the local authority for the collection of waste from a household or commercial premises. The designated collection day or days in force at the date of commencement of these Bye-Laws shall continue until notification is served on the "responsible person" setting out a revised collection schedule.
- (j) 'Designated collection time' means such hours of the day on designated collection days as may be fixed from time to time by an authorised waste collector or the local authority for the collection of waste from a household or a commercial premises in accordance with the provisions of Part II of these Bye-Laws.
- (k) 'Door to door collection service' means a collection service for household waste, separated at source, which is provided or required to be provided by a local authority or an authorised waste collector on a regular basis. It includes a service to households where appropriate waste containers are provided on a communal or group basis.
- (l) "Dwelling" For the purpose of these bye laws a dwelling is a place of residence on a collection route which is accessed directly from a road and is serviced by a permitted refuse collector or a local authority and lies within 200m of the centre of the road and includes apartments.
- (m) 'Fixed payment notice' is the notice provided for in Part III of these Bye-Laws for the purpose of section 206 of the Local Government Act 2001.
- (n) 'Footpath' means a road over which there is a public right of way for pedestrians only, not being a footway, as defined in Section 2 (1) of the Roads Act 1993.
- (o) 'Footway' means that portion of any road associated with a roadway which is provided primarily for use by pedestrians, as defined in Section 2 (1) of the Roads Act 1993
- (p) 'Glass packaging' refers to glass containers (bottles and jars), which are discarded after their contents have been used or consumed.
- (q) 'Gravity Lock" means a lock that is locked while the bin is in the upright position and is unlocked when the bin is upturned during discharge to the refuse collection vehicle.
- (r) 'Microchip' includes any electronic device capable of being implanted in or attached in any way to a wheeled bin and which is used for the purposes of recording, storing, sorting, calculating, migrating and/or using data of a business or technical nature concerning use of the wheeled bin in which it is implanted or to which it is attached.
- (s) 'Notification' for the purpose of these Bye-Laws means any document, poster, notice, bill, sticker, device or representation printed, published or displayed by an authorised waste collector for the purpose of advertising or announcing days and times for

the collection of waste from household premises.

- (t) 'Occupier' includes in relation to any premises, the owner, a lessee, any person entitled to occupy the premises and any other person having, for the time being control of the premises;
- (u) 'Person' shall, unless the contrary intention appears, be construed as a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons as well as an individual.
- (v) 'Premises' includes any building, vessel, structure or land (whether or not there are structures on the land and whether or not the land is covered with water) and any plant or vehicles on such land, or any hereditament of any tenure, together with any out-buildings and curtilage.
- (w) 'Prescribed place' in relation to any premises means -
 - (i) a convenient place immediately outside the entrance to any premises or on the kerbstone or outer edge of the footpath or footway immediately in front of any premises but not in a position so as to cause an obstruction or safety risk to users of such footpath or footway;
 - (ii) in the absence of a footpath, a convenient place on the roadway immediately in front of any premises but not in a position so as to cause an obstruction or safety risk to users of such roadway; or
 - (iii) in relation to a particular premises, a place outside or on such premises in such conveniently accessible position as the authorised waste collector shall from time to time agree with the occupier of any premises; or
 - (iv) in areas of restricted vehicular access, a place at the entrance to the roadway; or a location other than those referred to at (i), (ii), and (iii) above, subject to the approval of the Council
- (x) 'Public place' means any outdoor area to which at the material time members of the public have or are permitted to have access, whether as of right or as a trespasser or otherwise, and which is used for public recreational purposes,
or
any premises or other place to which at the material time members of the public have or are permitted to have access, whether as of right or by express or implied permission, or whether on payment or otherwise.
- (y) '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;
- (z) 'Responsible person' means –

- (i) in the case of any rented dwelling including apartments, the occupying tenant and/or the landlord/owner of the rented dwelling ;
- (ii) in the case of accommodation used for residential purposes (guesthouse, boarding school, religious institution or hostel), the occupier; and
- (iii) In the case of all other dwellings and or commercial premises, the responsible person is the owner/householder/occupier of the commercial premises and the controller of the commercial waste.

(aa) 'Roadway' means that portion of a road which is provided primarily for the use of vehicles, as defined in Section 2 (1) of the Roads Act 1993.

(bb) 'Separation at source' means the sorting of waste, which shall take place at a household or commercial premises into a dry recyclable fraction, an organic fraction and a residual fraction, in accordance with Schedule 1.

(cc) 'Waste' has the following meanings:

- (i) "Bulky waste" means heavy waste materials including furniture, carpets and rubble.
- (ii) "Dry recyclable waste" means waste suitable for collection for recycling and recovery operations. (See Schedule 1.)
- (iii) "Household waste" means waste produced from within the curtilage of the building or self-contained part of a building used for the purpose of living accommodation
- (iv) "Organic Waste" also known as putrescible waste or biowaste, means any waste capable of undergoing anaerobic or aerobic decomposition through a biological treatment process, such as food and garden waste.
- (v) "Residual waste" means that fraction of municipal waste remaining after the source separation of organic and dry recyclable waste.
- (vi) "Commercial Waste" for the purposes of these bye-laws includes dry recyclables waste, organic waste and residual waste collected at commercial premises and excludes household, agricultural or industrial waste.
- (vii) "Hazardous waste" means any waste displaying one or more of the properties listed in Annex III of Council Directive 2008/98/EC of 19th December 2008.

'Hazardous waste' includes but is not confined to batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weed killer and fluorescent tubes.

3. AREA OF APPLICATION

3.1 These Bye-Laws apply, in respect of the presentation, storage and segregation for the purpose of and in the course of the collection of dry recyclable waste, organic waste and residual waste, to the functional

PART II

4. GENERAL OBLIGATIONS IN RELATION TO WASTE MANAGEMENT

- 4.1** The holder of household waste at a dwelling or the holder of commercial waste, at a commercial premises shall enter into a contract, singly or jointly with another waste holder, with a permitted waste collector or a local authority for the collection of that waste unless otherwise agreed with Limerick County Council.
- 4.2** The requirement for 4.1 above does not apply to waste holders that demonstrate to the satisfaction of the Local Authority that they have access to a Waste Collection Service contracted by another householder and provide the necessary documentary evidence that shall include a separate declaration by each party involved.
- 4.3** For apartment blocks or combined living/working spaces and complexes where a management company exists, it must:
- 1) provide separate receptacles of adequate size and number and approved by Limerick County Council for the proper segregation, storing and collection of dry recyclable household waste, organic waste (where appropriate) and residual household waste both within the individual apartments and at the central waste areas .
 - 2) Commercial waste generated from combined working and living spaces shall be kept separately from the household waste produced by the occupiers of the apartments,
 - 3) Ensure that the central waste areas are in a secure location within the site and are accessible at all times to the tenants and occupiers but not accessible to non-residents of the apartment complex
 - 4) Provide adequate information in relation to requirements for tenants to segregate waste and provide this information in the most appropriate languages for the tenants of the apartment blocks
 - 5) Ensure that a waste collector, authorized under the Waste Management (Collection Permit) Regulations, 2007 & Waste Management (Collection Permit)(Amendment) Regulations, 2008 (and as amended from time to time) , or a Local Authority is engaged to service these receptacles.
 - 6) Ensure that the segregated waste receptacles are presented for collection on a regular basis.
 - 7) Ensure that adequate access and egress is available for refuse freighters collecting waste from such a complex.
- 4.4** Any waste management measures undertaken by the holder of household waste who is not availing of a regular waste collection service shall
- 1) ensure that segregation at source of the household waste takes place in accordance with Section 6 of these Bye-Laws
 - 2) ensure that the dry recyclable fraction is taken to an approved waste recycling centre or treatment facility;
 - 3) ensure that organic waste is composted within the curtilage of

the household or taken to an approved biological recycling centre or treatment facility; and

- 4) Provide for the disposal of residual waste to an approved waste treatment or disposal facility.

4.5 All commercial waste shall be presented for collection by a waste collector or a Local Authority and shall not be deposited at Local Authority Bring Banks.

5. STORAGE & PREPARATION FOR COLLECTION OF WASTE

5.1 A responsible person shall store household/commercial waste in an appropriate waste container(s) within the curtilage of the premises.

5.2 A responsible person shall maintain all waste containers in such condition and state of repair so that the waste placed therein shall not be a source of nuisance or litter and so that the waste may be conveniently collected. Where a waste container provided by an authorised waste collector or local authority is lost, stolen, destroyed or damaged, the responsible person shall forthwith arrange with the said collector to have the waste container replaced or repaired.

5.3 A responsible person shall not place or put in a waste container any liquid matter, hot ashes or other waste matter likely to damage the waste container or cause injury to any person.

5.4 A responsible person presenting household waste shall be responsible for proper care of the waste container.

5.5 A holder shall not cause or permit the storage of waste to endanger health, create a risk of injury to pedestrians or traffic, harm the environment or create a nuisance through noise, odours or litter.

5.6 Household waste shall only be presented for collection in an appropriate waste container.

5.7 Gravity locks or another form of security must be installed on commercial bins presented in central commercial areas and on household bins presented at communal collection area.

6. SEPARATION AT SOURCE OF WASTE

6.1 Where appropriate a responsible person shall separate the waste into a residual container, a dry recyclable container and an organic container in accordance with the provision of Schedule 1. Commercial waste shall be separated into appropriate streams in accordance with the packaging regulations, food waste regulations and any relevant future regulations in relation to any waste streams.

6.2 Where separate containers are provided by an authorized waste collector or local authority for the collection of household glass, the responsible person must place the glass in that container in accordance with the requirements stipulated by waste collector or alternatively deposit at a bring centre/civic amenity centre and **not** in the residual container or co-mingled in the dry recyclable container or organic container.

7 PRESENTATION OF WASTE FOR THE PURPOSE OF AND IN THE COURSE OF COLLECTION

- 7.1 The responsible person shall, at the designated time and day and in the prescribed place, present household waste for collection (by the authorised waste collector or local authority providing the service of the collection of waste to such person) wholly contained within appropriate container(s).
- 7.2 The responsible person shall comply with whatsoever directions are given to him or her or given generally by public notification or otherwise, by such authorised waste collector or local authority providing to such person the service as to identification marks or other marks, badges, labels, tags, discs or other things to be attached or affixed to or displayed upon the waste container.
- 7.3 The responsible person presenting household/commercial waste for collection shall not present such waste for collection to any person other than an authorised waste collector or local authority.
- 7.4 The responsible person or any other person shall not deposit a waste fraction for collection in a waste container other than the fraction of waste applicable to that container.
- 7.5 All waste containers presented for collection shall not be overloaded and shall be securely closed. The responsible person presenting household waste for collection shall keep the appropriate waste container in proper condition and repair.
- 7.6 The responsible person shall not present for collection a commercial waste container containing commercial waste comprising any product or substance or packaging in contravention of regulations made under Section 29 of the Waste Management Act, 1996.
- 7.7 The responsible person shall not cause or permit waste to be presented for collection in a manner that would endanger health, create a risk to traffic, harm the environment or create a nuisance
- 7.8 Unless otherwise approved in writing by Limerick County Council the responsible person presenting household/commercial waste for collection shall **not** present for collection any household/commercial waste in:

- 1) plastic refuse sacks or bags of any sort unless such plastic refuse sacks or bags are contained fully within an appropriate waste container provided by the authorised waste collector;
or
 - 2) any type of refuse bin, receptacle or container or bags, boxes or other packaging other than in a waste container provided by the authorised waste collector, unless otherwise approved by Limerick County Council;
- 7.9 The responsible person shall present all dry recyclable waste, organic waste and residual waste for collection at the designated time and day in a prescribed place in the appropriate waste container.
- 7.10 The Council may designate a specific collection point, other than a prescribed place, for the presentation of waste by the holder and where such designation is given, the holder shall only present waste for collection at the designated time and day at the designated collection point only.
- 7.11 Litter inadvertently created from containers/bins shall be cleaned up by the responsible person as soon as possible.

8. DESIGNATED COLLECTION/PRESENTATION TIMES

8.0 Without prejudice to the general requirements of Section 7 the following restriction shall apply in the administrative area of Limerick County Council:-

(i) Household/Commercial waste shall not be presented for collection before 6.00 p.m. on the day before the designated collection day waste is scheduled for collection.

(ii) Any approved waste containers shall be removed from the prescribed place not later than 9.00pm on the designated waste collection day.

(iii) Any uncollected waste must be removed from a public place not later than 9.00 p.m. on the designated collection day that waste is scheduled for collection.

9. GENERAL

9.1 It shall be an offence for a person to interfere with waste presented by another person, for collection by the approved waste collector or a local

authority.

- 9.2 It shall be an offence for any person, other than staff of an authorised waste collector or a local authority, to deposit household/commercial waste in a refuse collection vehicle.
- 9.3 A person shall not willfully obstruct, disturb, interrupt or interfere with any employee of an authorised waste collector or a local authority engaged in the removal of household or commercial waste or any person or servant of any person employed by an authorised waste collector in the removal of household or commercial waste.

PART III

10. ENFORCEMENT

- 10.1 An authorised person may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from such contravention.
- 10.2 If any person contravenes any provision of these Bye-laws, the Council may, pursuant to Section 206(1) of the Local Government Act 2001, serve on such person a Fixed Payment Notice (see Schedule 2), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment is €60 and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice if such person is to avoid a prosecution.
- 10.3 Any person served with a Fixed Payment Notice is entitled to disregard such Notice and defend a prosecution of the alleged contravention in court.
- 10.4 A person who contravenes any provision of these Bye-laws shall be guilty of an offence under section 205 of the Local Government Act 2001 and shall be liable on summary conviction to a fine not exceeding €1,905.
- 10.5 A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised person by Part 19 of the Local Government Act 2001, shall be guilty of an offence under section 204(3)(a) of the said Act.
- 10.6 Where an authorised person is of the opinion that a person is committing or has committed an offence under these Bye-laws, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence under section 204(3)(b) of the said Act.
- A person who is convicted of an offence under section 204(3) of the said Act shall be liable on summary conviction to a fine not exceeding €1,905.
- 10.7 **WARNING:** Where a contravention of a provision of these Bye-laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €126 per day under section 205(2) of the Local Government Act 2001

SCHEDULE 1

SEPARATE WASTE COLLECTION SYSTEM – HOUSEHOLD

The following waste mixtures shall be separated at the dwelling and shall be placed in the relevant appropriate waste containers as detailed below *(This schedule may be modified from time to time to consider technological advances in collection systems or future legislation and will be notified to the public)*

<u>Dry Recyclable Waste Container</u> <u>(Blue Bin/Blue Lid)</u> <u>ALL CONTAINERS TO BE CLEAN & DRY</u>	<u>Organic Waste Container (Brown Bin)</u> <u>Applicable where service is provided</u>	<u>Residual Waste Container</u> <u>(Grey/Black/Green Bin)</u>
RECYCLABLE WASTE	FOOD/KITCHEN WASTE	RESIDUAL WASTE
PLASTIC	FOOD SCRAPS	Being that fraction of the waste remaining after the waste mixtures which must be placed in the Dry Recyclable and Organic Waste containers have been removed.
Plastic drink bottles (with tops removed)	Meat, Poultry, Fish	
Plastic milk / juice containers	Shellfish & bones	
Shampoo bottles	Egg & Dairy Products	
Other plastic containers	Plate scrapings & table Scraps	
Plastic Wrapping	Fruit & Vegetables	
PAPER & CARDBOARD	Bread, dough, Pasta & Grains/Cereals	
Newspapers	Coffee Grounds, filters & tea Bags	
Magazines	FOOD SOILED PAPER	
Telephone directories	Kitchen Paper Towels	
Junk mail/catalogues	Paper Napkins	
Printing/writing paper	Wet Cardboard & Paper	
Paper bags including shopping bags	Compostable plates, cups & utensils	
Cereal boxes	FOOD & GARDEN WASTE (where designated by the service provider)	
Biscuit boxes	Plants & Flowers	
Cardboard packaging	Hedge Clippings	
Toilet roll inserts		
Washing tablet boxes		
Frozen food boxes (Clean)		
Tetra Packs(cardboard only- no plastic caps)		
METAL		
Aluminium Cans		
Steel Cans		

Notes on Schedule 1: Household Waste

1. Glass packaging shall be placed in any separate waste container if provided by collectors. It may also be deposited in a local bring centre/civic amenity centre. It should **NOT** be placed in a dry recyclable, organic or residual bin.

on the date of this notice you may pay the sum of €60 accompanied by this notice, at the offices of the local authority named in this notice located at

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €60 is paid during that period, no prosecution will be instituted at any time.

Signed Date
(Authorised Person)

IMPORTANT: Payment will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques, etc. should be made payable to – Limerick County Council.

A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

PRESENT when the Official Seal

Limerick County Council was affixed hereto:

Dated 24th October

2011

CATHAOIRLEACH/NOMINATED MEMBER

_____ **Dated 24th October 2011**

DIRECTOR OF SERVICES, ENVIRONMENT, AND EMERGENCY SERVICES.

_____ **Dated: 24th**

October 2011

COUNTY SECRETARY