

**Storage, Presentation and Collection of Household and Commercial Waste
Bye-Laws 2009**

DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

WASTE MANAGEMENT ACTS 1996-2005

LOCAL GOVERNMENT ACTS 1925 to 2001

LOCAL GOVERNMENT ACT 2001 (BYE-LAWS) REGULATIONS 2006

*BYELAWS FOR THE STORAGE, PRESENTATION AND COLLECTION OF
HOUSEHOLD AND COMMERCIAL WASTE USING WHEELED BINS AND
PLASTIC BAGS*

WHEREAS Dun Laoghaire-Rathdown County Council considers that, for the purposes of the proper management of waste within its functional area and for the prevention and control of environmental pollution, it is necessary to regulate and control the storage, presentation and collection of household and commercial waste and that Bye-Laws should be made for these purposes

NOW Dun Laoghaire-Rathdown County Council in the exercise of the powers conferred on it by Section 35(1) of the Waste Management Act, 1996 as amended and Part 19 of the Local Government Act, 2001 **HEREBY MAKES THE FOLLOWING BYE-LAWS:**

PART 1

1. TITLE

These Bye-Laws may be cited as the Dun Laoghaire-Rathdown County Council Storage, Presentation and Collection of Household and Commercial Waste Bye-Laws 2009.

2. AREA OF APPLICATION

These Bye-Laws apply to the functional area of Dun Laoghaire-Rathdown County

Council and apply to waste collection services provided by Dun Laoghaire-Rathdown County Council and any service provider providing ordinary household and commercial waste collection services.

3. COMMENCEMENT DATE

These Bye-Laws shall come into effect on 1st July 2009.

4. INTERPRETATION

In these Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:-

'Appropriate waste container' means a wheeled bin, plastic bag or Eurobin complying with EN 840 whether or not fitted or retrofitted with a micro-chip provided by or approved by the Council for the storage of a particular waste fraction.

'Approved time' such days and such hours of the day as may be fixed from time to time by a service provider for the collection of waste from household premises and commercial premises and notified to occupiers in one of the following ways:

- (i) by public advertisement in a newspaper circulating in the Council's functional area
- (ii) by notice served on occupiers by leaving such notice at or upon the premises
- (iii) by displaying such information on the service provider's website.

'Approved waste treatment or disposal facility' means a facility or landfill site which is licensed by the Environmental Protection Agency.

'Authorised person' means a person authorised in writing under Section 204 of the Local Government Act 2001 by Dun Laoghaire-Rathdown County Council for the purposes of these Bye-Laws and a member of An Garda Síochána.

'Biological waste' includes biodegradable kitchen waste and light green garden waste (such as grass, leaves, trimmings and hedge clippings) which complies with the requirements of an approved waste treatment facility.

'Bulky waste' includes large, cumbersome or heavy waste materials such as furniture, carpets, fridges, rubble, soil, wood and green garden waste.

'Bring centre or recycling treatment facility ' means a facility approved by the Council for the acceptance of specified recyclable waste.

'Council' means the County Council of the County of Dun Laoghaire-Rathdown.

'Commercial premises' for the purpose of these Bye-Laws means a premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation, education or entertainment but does not include in use for residential, agricultural, horticultural or industrial purposes.

'Commercial waste' means waste produced in a commercial premises and includes dry recyclable waste, residual waste and biological waste (where a door-to-door biological waste collection service is provided) but does not include agricultural waste, hazardous waste, industrial waste, bulky waste, bulky and cumbersome green garden waste, construction and demolition waste.

'Dry Recyclable Waste' for the purposes of these bye-laws includes the following materials or such other materials (including glass packaging) as may be notified by the Council from time to time

- paper
- light card
- fibreboard/cardboard
- steel cans
- aluminum cans

- plastic bottles and plastic packaging
- 'tetrapak' cartons

'Excepted person' means a holder of household waste who by reason of a physical disability, advanced years or infirmity is unable to use an appropriate waste container for the presentation of waste.

'Fixed Payment Notice' is the Notice provided for in Part III of these Bye-Laws for the purposes of Section 206 of the Local Government Act 2001.

'Footpath' means a road over which there is a public right of way for pedestrians only, not being a footway.

'Footway' means that portion of any road associated with a roadway which is provided primarily for use by pedestrians.

'Functional Area' includes the administrative area of Dun Laoghaire-Rathdown County Council and any part of the foreshore and coastal waters within and adjoining that Functional Area.

'Glass Packaging' includes bottles and jars commonly used as packaging for drinks and food but does not include lead crystal glassware, pyrex or plate glass.

'Green garden waste' includes waste such as grass clippings, dead flowers, leaves, twigs and other organic waste arising in a garden.

'Hazardous waste' has the meaning assigned to it by section 4 of the Waste Management Act, 1996.

'Holder' means in relation to waste the owner, the occupier, person in charge or any other person (including a management company or a formally constituted Residents

Association or a group of householders with a waste collection agreement) having for the time being possession or control of waste.

'Household premises' for the purpose of these Bye-Laws means any building or self-contained part of a building used for the purpose of living accommodation or the curtilage of any such building but not a hotel or a hostel and "household" shall be construed accordingly.

'Household waste' means waste produced in a household premises but does not include bulky waste, construction and demolition waste, soil, rocks, stones, bulky and cumbersome green garden waste and other similar waste.

'Micro-chip' includes any electronic device capable of being implanted in or fitted in any way to an appropriate waste container and which is used for the purposes of recording, storing, sorting, calculating, migrating or using data concerning the content and use of the said container in which it is implanted or fitted.

'Ordinary household and commercial waste collection' means a regular door-to-door waste collection service provided by a service provider.

'Person' shall, unless the contrary intention appears, be construed as importing a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons as well as an individual.

'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.

'Prescribed place' in relation to any premises means (i) a convenient place immediately outside the entrance to a household premises or commercial premises or as close as practicable to such entrance, but not a place which would cause an

obstruction to users of a roadway, footway or footpath or (ii) a particular location, close to, or on a particular premises, as agreed with or approved by the Council.

'Public Place' means any place to which the public has or is permitted access, whether as of right, or by express or implied invitation, permission or otherwise and whether subject to or free of charge or which is in the control or management of the Council.

'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.

'Residual waste' means that fraction of waste remaining after the dry recyclable waste fraction and the biological waste fraction (where a door-to-door biological waste collection service is provided) have been removed.

'Roadway' means that portion of road which is provided primarily for the use of vehicles.

'Separation-at-source' means the sorting of waste into a dry recyclable fraction (or separate dry recyclable fractions) and a residual fraction and, where a door-to-door biological waste collection service is provided, includes the sorting of waste into a biological waste fraction.

'Separate door-to-door collection' means a source-separated household and commercial waste collection service provided by a service provider.

'Service provider' means Dun Laoghaire-Rathdown County Council or any holder of a waste collection permit that authorises the collection of household waste and/or commercial waste within the functional area of the Council.

PART II

5. STORAGE OF HOUSEHOLD WASTE

(a) A holder shall store waste in an appropriate waste container in a place within the curtilage of a premises.

(b) A holder shall maintain all appropriate 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 contained therein may be conveniently collected.

(c) A holder shall not deposit or store in an appropriate waste container any liquid matter, hot ashes or other waste material likely to damage the waste container or to cause injury to any person or the environment.

(d) Where an appropriate waste container provided by a Service Provider is lost, stolen or destroyed, the householder shall arrange with the Service Provider to have the waste container replaced and shall pay any charge due for any replacement waste container provided.

(e) 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.

6. SEPARATION AT SOURCE

(a) A holder shall separate at source waste to facilitate the door-to-door collection of dry recyclable waste and shall store the dry recyclable waste fraction separately in an appropriate waste container.

(b) A holder shall separate at source waste to facilitate the door-to-door collection of biological waste, where such collection service is provided, and shall store the biological waste fraction separately in an appropriate waste container.

(c) After separation-at-source takes place in accordance with Bye-Law 6(a) and, if appropriate, Bye-Law 6(b) a holder shall store the residual waste fraction separately in an appropriate waste container.

(d) A service provider who is providing household premises with a door-to-door collection service for residual waste shall make available to such premises a separate door-to-door collection service for dry recyclable waste.

(e) A service provider who is providing household premises with a door-to-door collection service for residual waste shall make available to such premises a separate door-to-door collection service for biological waste upon being notified by the Council that an approved waste treatment facility for biological waste is available.

(f) A service provider who is providing commercial premises with a collection service for residual waste shall make available to such premises a separate door-to-door collection service for dry recyclable waste.

(g) A service provider who is providing commercial premises with a collection service for residual waste shall make available to any such premises holding biological waste a separate door-to door collection service for such waste when notified by the Council that an approved waste treatment facility for biological waste is available.

7. PRESENTATION OF WASTE FOR COLLECTION

(a) A holder shall not present waste for collection before 6 p.m. on the day before the approved time.

(b) A holder shall not present residual waste for collection other than in an appropriate waste container provided for such fraction of waste by the service provider unless the provisions of Byelaw 7(i) apply.

(c) A holder shall not present dry recyclable waste for collection other than in an appropriate waste container provided for such fraction of waste by the service provider unless the provisions of Byelaw 7(i) apply. (Refer to Appendix A)

(d) A holder shall not present biological waste for collection other than in an appropriate waste container provided for such waste by the service provider unless the provisions of Byelaw 7(i) apply. (Refer to Appendix A)

(e) A holder shall present residual waste, dry recyclable waste and biological waste for collection in a prescribed place in appropriate waste containers or in any other manner approved by the Council.

(f) Notwithstanding paragraphs (b), (c), (d) and (e) above a holder who is an excepted person may present waste for collection in secure plastic bags or other approved waste containers not exceeding three in number with a prepaid bag label affixed to each bag or in a prepaid bag or in some other approved container with a prepaid label attached; each such bag or container not to exceed a maximum capacity of 15 kilogrammes.

(g) A holder shall not compact waste in a waste container to such an extent that such waste cannot be conveniently and efficiently emptied from the waste container.

(h) A holder shall not present bulky waste, construction and demolition waste, soil, rocks, stones, bulky green garden waste or other similar waste types for ordinary household and commercial waste collection.

(i) In areas where the Council has deemed the use of wheeled bins to be impractical, a holder shall present waste for collection in secure plastic bags or other approved waste containers not exceeding three in number with a prepaid label affixed to each bag or in a prepaid bag or in some other approved container with a prepaid label attached; each such bag or container not to exceed a maximum capacity of 15 kilogrammes.

(j) A holder shall not place in an appropriate waste container or present for collection any waste that is mechanically bound or baled in any manner.

(k) A holder shall ensure that the lid of an appropriate waste container is firmly closed when that container is presented for collection.

(l) A holder shall not overload waste containers presented for ordinary household and commercial waste collection. For the avoidance of doubt, a waste container presented for collection which exceeds the following weight limits shall be regarded for the purpose of this Byelaw to be overloaded:

140 litre waste container :	35 kilogrammes
240 litre waste container:	60 kilogrammes
1100 litre Eurobins:	275 kilogrammes

(m) For the purpose of these Byelaws waste presented for collection on the top of, or at the side of, a waste container is deemed to be a contravention of Byelaw 7(b), 7(c) or 7(d) by the holder of such waste.

(n) A holder shall be responsible for the security of a waste container at all times including any microchip affixed thereto.

8. COLLECTION OF WASTE

(a) The approved times for ordinary household and commercial waste collections which are in operation at the Commencement Date of these Bye Laws shall continue until a revised schedule is notified by the service provider.

(b) A service provider shall not collect waste between the hours of 9 p.m. and 6 a.m. without the prior written agreement of the Environment Department of the Council.

(c) A service provider shall not collect overloaded waste containers.

(d) A service provider shall collect only household waste from household premises.

(e) A service provider shall collect only commercial waste from commercial premises.

(f) A service provider shall return an emptied waste container to the footpath (where practical) within 3 metres of the location where it was left by the householder for collection in a manner that ensures that pedestrians, wheelchair users and traffic can move safely.

(g) A management company of an apartment complex shall ensure that adequate numbers of waste containers are available for use by holders of waste in such complex for residual waste, dry recyclable waste and biological waste (where a collection service for such waste fraction is provided).

(h) A management company of an apartment complex shall ensure that adequate access and egress is available for refuse freighters collecting waste from such complex.

(i) A Service Provider who wishes to add an additional waste material stream, not listed in Appendix A, to their Dry Recyclable Waste Collection shall obtain Council approval prior to collecting the additional waste stream. When requested, the Service Provider shall satisfy the Council that appropriate arrangements are in place to recycle such material to a level acceptable to the Council, or if recycling is not possible, to recover such material to a level acceptable to the Council.

9. GENERAL

(a) In these Byelaws every word importing the singular shall, unless the contrary intention appears, be construed as if it also imported the plural, and every word importing the plural shall, unless the contrary intention appears, be construed as if it also imported the singular.

(b) A service provider shall, if requested to do so by the Council, furnish information in writing in a format required by the Council regarding measures taken or to be taken to collect dry recyclable waste and biological waste.

(c) A holder of waste when disposing of waste other than by the ordinary household and commercial waste collection service shall ensure that

(i) dry recyclable waste is taken to a bring centre or a recycling treatment facility.

(ii) biological waste is composted within the curtilage of the premises or taken to an approved waste treatment or disposal facility .

(iii) residual waste is disposed of at an approved waste treatment or disposal facility.

(d) All appropriate waste containers and any uncollected waste shall be removed by the holder from a public place not later than 10.00 a.m. on the day following the approved time (i.e. the day following normal collection day).

(e) A person shall not interfere with waste presented by another person for collection.

(f) A person shall not remove, damage or destroy a bin microchip or prepaid label from a waste container presented by another person for collection.

(g) A holder presenting waste for collection in an appropriate waste container shall allow a service provider to fit or replace a microchip on a waste container and shall pay a fee to the service provider for a replacement microchip, if requested.

(h) When a waste container is presented for collection a service provider has the authority to download information from the microchip fitted to such container.

(i) A holder shall maintain a microchip fitted or replaced in an appropriate waste container intact in a clean and undamaged condition.

(j) A person shall not remove, damage, destroy, render inoperative or otherwise interfere with a microchip in an appropriate waste container.

PART III

10. ENFORCEMENT

(a) 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.

(b) A person shall not obstruct or impede or refuse to comply with a request of an authorised person acting in the exercise of the powers conferred on such authorised person by these Bye-Laws.

(c) A person shall not prevent, attempt to prevent or encourage or incite another person to prevent or attempt to prevent an authorised person from exercising his or her powers under these Bye-Laws.

(d) A person shall not prevent or encourage or incite another person from complying with a request made by an authorised person under Bye-Law 10(a).

(e) Where an authorised person is of the opinion that a person is contravening or has contravened a provision of these Bye-Laws, the authorised person may demand the name and address of such person.

(f) The Council may, pursuant to Section 206 (1) of the Local Government Act 2001, serve a Fixed Payment Notice on any person who contravenes any provision of these Bye-Laws as an alternative to a prosecution for such contravention. The amount of the fixed payment is €75.00 and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Fine for such person to avoid prosecution.

(g) Any person served with a Fixed Payment Notice is entitled to disregard such Notice and to defend a prosecution of the alleged contravention of the Bye-Laws in court.

WARNING

Any person who contravenes any provision of these Bye-Laws commits an offence under section 205(1) of the Local Government Act 2001 and is liable on summary conviction in the District Court to a fine not exceeding €1,904.00. Where a contravention of any provision of these Bye-Laws is continued after conviction, a further offence is committed under section 205(2) of the Local Government Act 2001 and the offender is liable on summary conviction to a fine not exceeding €126 per day.

Appendix A

Types of Materials that can be placed in Approved Waste Containers

A-Green Bin	B - Brown Bin	C- Black/Grey Bin
Paper and Light Card Fibreboard/Cardboard Steel Cans, Aluminum Cans Plastic Bottles and Plastic Packaging Tetrapak Cartons Collection of additional waste streams may be provided by a service provider in accordance with Section 8(i).	Biodegradable kitchen waste Light green garden waste (such as grass leaves, trimmings and hedge clippings).	Residual Household Waste
Note: 1a) Collection of glass packaging may be	Note:1b) Timber, plant prunings greater than 25 mm (1 inch) in	Note:

<p>provided by a service provider in accordance with Section 8(i).</p>	<p>diameter, clay or stones must not be presented for collection in Brown Bins.</p> <p>2b) Putrid material must not be presented for collection in Brown Bins and should be disposed of with residual waste.</p> <p>2c) Kitchen waste may be wrapped in paper but must not be wrapped in plastic as this material causes contamination of biological waste.</p>	<p>1c) Waste that should be disposed of in the Green bin or the Brown Bin or that can be brought to a Civic Recycling Centre should not be placed in the Black/Grey Bin.</p> <p>2c) Waste Electrical and Electronic Equipment must not be placed in Black/grey bin.</p> <p>3c) Bulky Waste must not be presented for collection in Black/grey Bins.</p> <p>4c) Construction and demolition waste such as clay stone, concrete and similar materials must not be placed in Black/grey bin but should be brought to a Civic Amenity Centre accepting such waste.</p>
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