



***DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
(SEGREGATION, STORAGE AND PRESENTATION OF HOUSEHOLD
AND COMMERCIAL WASTE) BYE-LAWS, 2019***

Final Document

Title

Dún Laoghaire-Rathdown County Council (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2019.

Statutory Basis of the Bye-law

Dún Laoghaire-Rathdown County Council, pursuant to Section 35(1) of the Waste Management Act 1996 and Section 199(1) of the Local Government Act 2001 and in accordance with Part 19 of the Local Government Act 2001, hereby makes the following bye-laws:

Citation

These bye-laws may be cited as the Dún Laoghaire-Rathdown County Council (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2019.

Date of Commencement

These bye-laws shall enter into force on the 1st of February 2020.

Geographical area of application

These bye-laws shall apply to the functional area of Dún Laoghaire-Rathdown County Council.

Revocations

These bye-laws repeal the Dún Laoghaire-Rathdown County Council (Storage, Presentation and Collection of Household and Commercial Waste) Bye-laws dated 2009.

Scope of this Bye-law: Waste Types and Controlled Activities

Unless the following bye-laws indicate to the contrary, these bye-laws apply to both household and commercial waste.

1. Interpretation and Definitions

In these bye-laws, these words and phrases have the following meanings:

“appropriate waste container” means a plastic bag or waste container suitable for the collection of kerbside waste and which is a receptacle that complies with the standards for mobile waste containers (wheeled bins) which are specified in the CEN standard entitled IS EN 840 (Parts 1-6);

“authorised person” means a person authorised by Dún Laoghaire-Rathdown County Council in accordance with Section 204 of the Local Government Act 2001 or a member of an Garda Síochána;

“authorised waste collector” means a person authorised in accordance with Section 34 of the Waste Management Act, including any regulations made thereunder, for the collection of the type of waste being collected;

“authorised waste facility” means a waste recovery or disposal facility:

(a) which is authorised under the Waste Management Act, under the Environmental Protection Agency Act, under any regulations stemming from either of these Acts or under regulations made under the European Communities Act 1972 relating to the control of waste management activities; and

(b) where the authorisation of that facility permits the acceptance of the waste being referred to in the particular part of these bye-laws;

“bring facility” means an authorised waste facility comprising one or more purpose-built receptacles in which segregated recyclable household waste may be deposited by the public for the purposes of the recovery of that waste;

“commercial kerbside waste” means commercial waste that is kerbside waste;

“commercial waste” means waste from 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 household, agricultural or industrial waste;

“designated waste collection day” shall mean the day designated by an authorised waste collector for the collection of kerbside waste, and different days may be designated for commercial kerbside waste and household kerbside waste;

“designated bag collection area” is an area designated by Dún Laoghaire-Rathdown County Council in accordance with Article 20 of the Waste Management (Collection Permit) Regulations 2007 where waste can be collected in bags or sacks;

“fixed payment notice” means a notice provided for by these bye-laws and by Section 206 of the Local Government Act 2001 which is issued to a person in respect of a contravention of these bye-laws and which, as an alternative to prosecution, requires that person to pay a specified fixed payment by a specified time;

“food waste” means waste food that is household waste or, as the case may be, commercial waste, and shall have the same meaning as that applying to Regulation 7 of the Waste Management (Food Waste) Regulations 2009 (SI 508 of 2009) or, as the case may be, to Regulation 6 of the European Union (Household Food Waste and Bio-Waste) Regulations 2015 (SI 430 of 2015);

“Food Waste Regulations”: see “national legislation on food waste”;

“holder” means the waste producer or the person who is in possession of the waste and “holder of commercial waste” and “holder of household waste” shall be interpreted accordingly;

“household kerbside waste” means household waste that is kerbside waste;

“household waste” means waste produced within the curtilage of a building or self-contained part of a building used for the purposes of living accommodation;

“kerbside waste” means that fraction of commercial or household waste presented for collection from a premises and which is to be collected by an authorised waste collector, with the exception of wastewater, construction and demolition waste and bulky waste more suitable for collection in a skip or other such receptacle (including heavy waste such as waste furniture, carpets and rubble), as well as hazardous waste and other streams of household or commercial waste which are required to be collected in another appropriate manner, such as waste electrical and electronic equipment and waste batteries;

“national legislation on food waste” means the Waste Management (Food Waste) Regulations 2009 (SI 508 of 2009) and the European Union (Household Food Waste and Bio-Waste) Regulations 2015 (SI 430 of 2015);

“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;

“person” shall, for the purposes of these bye-laws, include an individual, company (whether limited, incorporated or not), partnership, co-operative or other similar body within the meaning of the definition contained in the Interpretation Act 2005;

“recyclable kerbside waste” means the fraction of kerbside waste that comprises recyclable waste and which includes but is not limited to the materials set out in Schedule 1¹;

“residual kerbside waste” means the fraction of kerbside waste remaining after that waste has been separated from the fractions of:

(a) recyclable kerbside waste,

(b) food waste where food waste is required to be segregated under the national legislation on food waste or by these bye-laws,

(c) if subject to separate collection by an authorised waste collector, biodegradable garden waste, and

¹ At the end of this appendix

(d) if subject to separate collection by an authorised waste collector, glass packaging waste.

Unless the contrary is indicated, for the avoidance of doubt and in accordance with Section 19 of the Interpretation Act 2005, the definitions in the Waste Management Act 1996 apply to these bye-laws, including to the following terms:

“facility”, “disposal”, “hazardous waste”, “premises”, “recovery”, “recycling”, “separate collection”, “waste”, “waste producer”.

Where it is necessary, the Interpretation Act 2005 shall apply in construing any provision of these bye-laws.

2. Obligation to Participate in a Waste Collection Service

“(a) Subject to paragraph (b), kerbside waste that arises from the premises where such waste is produced shall not be presented to any person other than to an authorised waste collector.

(b) Paragraph (a) does not apply where such waste:

- (i) is deposited in an appropriate waste container provided under a contract by an authorised waste collector to another person for the management of that waste and where that other person has consented to the receipt of that waste, or*
- (ii) is delivered directly by the holder to an authorised waste facility.*

(c) Documentary evidence, such as receipts, statements or other proof of payment, demonstrating compliance with this bye-law shall be presented to an authorised person within a time specified in a written request from either that person or from another authorised person employed by Dún Laoghaire-Rathdown County Council.

3. Location for appropriate waste container storage

Other than on the day before and the designated waste collection day, appropriate waste containers used for the presentation of kerbside waste shall be held within the curtilage of the premises where the waste is produced. They shall not be stored on a roadway, footway, footpath or any other public place unless the location has been expressly authorised in writing by an authorised person.

4. Use of Waste Containers on Collection Day

(a) Subject to paragraph (b), kerbside waste shall only be presented for collection in an appropriate waste container. The container shall not be over-loaded and the lid shall be securely closed. No waste shall be presented on the top of the lid or adjacent to the waste container.

(b) Paragraph (a) shall not apply where waste is collected in bags or sacks in an area designated by Dún Laoghaire-Rathdown County Council as a designated bag collection area. No waste shall be presented on the top of or adjacent to the bags or sacks.

(c) Subject to paragraph (d) all appropriate waste containers should not be put in a place which would cause an obstruction to users of a roadway, footway or footpath.

(d) Paragraph (c) shall not apply where an occupier places a waste container on a roadway, footway or footpath outside a premises to facilitate the collection of waste by an authorised waste collector if there is not within the road frontage of that premises, any place at which the occupier can leave such waste containers so as to ensure pedestrians, wheelchair users and traffic can move freely provided the occupier has taken all reasonable steps to minimise any obstruction caused to pedestrians, wheelchair users and traffic and to remove the waste container from the roadway, footway or footpath as soon as reasonably possible after the waste has been collected.

5. Collection Times and Container Removal

Kerbside waste presented for collection shall not be presented for collection earlier than 6.00 pm on the day immediately preceding the designated waste collection day.

All appropriate waste containers used for the presentation of kerbside waste and any uncollected waste shall be removed from any roadway, footway, footpath or any other public place no later than 10:00am on the day following the designated waste collection day, unless an alternative arrangement has been approved in accordance with bye-law 3.

6. Prohibited Waste Types

Household waste that comprises of hazardous waste or waste electrical and electronic equipment shall not be placed in an appropriate waste container for kerbside collection.

7. Segregation of Kerbside Waste and Contamination Prevention

Kerbside waste shall be segregated into residual kerbside waste, recyclable kerbside waste and compostable waste (food waste and/or biodegradable garden waste), with these fractions being stored separately. Such separated recyclable waste shall not be deposited into a container designated for residual kerbside waste or for compostable waste; separated compostable waste shall not be deposited into a container designated for residual kerbside waste or recyclable kerbside waste. Residual kerbside waste shall only be deposited into a container designated for residual kerbside waste.

8. Additional Provisions for Householders not availing of a Kerbside Collection Service

Where an occupier of a dwelling is not participating in a kerbside waste collection service, that person shall ensure that:

- (a) recyclable kerbside waste segregated in compliance with bye-law 7 is taken to an authorised waste facility and is deposited there in a manner that allows it to be recycled or otherwise recovered,*
- (b) residual kerbside waste segregated in compliance with bye-law 7 is taken to an authorised waste facility,*
- (c) compostable waste (biodegradable garden waste and/or food waste) segregated in compliance with bye-law 7 is taken to an authorised waste facility, or subjected to home composting, and*
- (d) documentation, including receipts, is obtained and retained for a period of no less than one year to provide proof that any waste removed from the premises has been managed in a manner that conforms to these bye-laws, to the Waste Management Act and, where such legislation is applicable to that person, to the European Union (Household Food Waste and Bio-Waste) Regulations 2015.*

Documentation required to be obtained and retained by this bye-law, or copies of it, shall be presented to an authorised person within a time period specified in a written request from either that person or from another authorised person employed by Dún Laoghaire-Rathdown County Council.

9. Provisions affecting Multi-user Buildings, Apartment Blocks, etc.

A management company, or an other person if there is no such company, who exercises control and supervision of residential and/or commercial activities in multi-unit developments, mixed-use developments, flats or apartment blocks, combined living/working spaces or other similar complexes shall ensure that:

- (a) separate receptacles of adequate size and number are provided for the proper segregation, storage and collection of recyclable kerbside waste, residual kerbside waste and food waste,*
- (b) the receptacles referred to in paragraph (a) are located both within any individual apartment and at the place where waste is stored prior to its collection,*
- (c) any place where waste is to be stored prior to collection is secure, accessible at all times by tenants and other occupiers and is not accessible by any other person other than an authorised waste collector,*
- (d) written information is provided to each tenant or other occupier about the arrangements for waste separation, segregation, storage and presentation prior to collection,*

- (e) *an authorised waste collector is engaged to service the receptacles referred to in this section of these bye-laws, with documentary evidence, such as receipts, statements or other proof of payment, demonstrating the existence of this engagement being retained for a period of no less than two years. Such evidence shall be presented to an authorised person within a time specified in a written request from either that person or from another authorised person employed by Dún Laoghaire-Rathdown County Council,*
- (f) *receptacles for kerbside waste are presented for collection on the designated waste collection day,*
- (g) *adequate access and egress onto and from the premises by waste collection vehicles is maintained.*

10. Interference with Orderly Waste Collection

- (a) *Employees of an authorised waste collector or of Dún Laoghaire-Rathdown County Council involved in the removal of waste shall not be wilfully obstructed, disturbed, interrupted or otherwise interfered with in the course of their engagement in waste collection.*
- (b) *Unless the following activities have been subject to approval by the authorised waste collector responsible for the container, a microchip attached to an appropriate waste container or any non-time expired identification mark, badge, label, tag, disc or other thing attached to that container or to a refuse bag or to another container shall not be removed, damaged, destroyed, tampered with or otherwise rendered inoperative.*
- (c) *Waste stored or presented for the purposes of collection shall not be:*
 - (i) *supplemented by waste added by another person unless that person has been authorised to do so by the person storing or, as the case may be, presenting the container of waste for collection;*
 - (ii) *otherwise interfered with by another person.*
- (d) *Waste shall not be deposited into a refuse collection vehicle by any person other than by an employee of an authorised waste collector or a local authority.*

11. Additional Provisions for Commercial Waste

Commercial waste shall not be deposited at any bring facility provided by or on behalf of Dún Laoghaire-Rathdown County Council.

12. Enforcement Provisions/Fixed Payment Notices.

- (a) *Subject to paragraph (b), a person found guilty of the contravention of these bye-laws shall be liable to the penalty of no more than €2500.*
- (b) *Paragraph (a) shall not apply where a fixed payment notice has been issued in accordance with the Local Government Act 2001 (Bye-Laws) Regulations 2006 and where a full payment has been made by the person subject to that notice.*
- (c) *Where the contravention of any provision of these bye-laws continues after a person has been subject to the fine referred to in paragraph (a), a person found guilty of an offence relating to this continued contravention shall be liable to a penalty of no more than €500 per day for each day the contravention continues after that conviction.*
- (d) *A fixed payment notice may be issued requiring a person found to have contravened or be contravening these bye-laws to make a payment of €75. Payment of this notice shall be made within 21 days of the date of the notice in order to avoid the person subject to this notice being prosecuted for the contravention of these bye-laws.*

SCHEDULE 1. Kerbside Waste

Recyclable Kerbside Waste	Glass Packaging Waste	Compostable Kerbside Waste	Residual Kerbside Waste
<p>Paper Newspapers, Magazines, Books, Junk mail, Envelopes, Paper, Phone books, Egg boxes, Catalogues, Tissue boxes, Sugar bags, Calendars, Diaries, Computer paper, Letters, Holiday brochures, Paper potato bags, Used beverage & juice cartons, Milk cartons.</p> <p>Aluminium Cans Drink cans, Soda & Beer cans.</p> <p>Steel cans Pet food cans, Food cans, Biscuit tins and Soup tins.</p> <p>Plastic Bottles (PET 1) Mineral bottles Water bottles Mouthwash bottles Salad dressing bottles</p> <p>Plastic Bottles (HDPE2) Milk bottles, Juice bottles, Cosmetic bottles, Shampoo bottles, Bathroom bottles, Household cleaning bottles, Laundry detergent bottles, Window cleaning bottles.</p> <p>Cardboard Food boxes, Cereal boxes, Kitchen towel tubes and Parcel boxes.</p> <p>Plastic Pots, Trays & Tubs Yogurt pots Margarine tubs Rigid food trays Fruit trays/cartons Liquid soap containers.</p>	<p>Bottles and jars used as packaging for drinks and food.</p>	<p>Food waste</p> <p>Light biodegradable garden waste (such as grass, leaves, trimmings and hedge clippings).</p>	<p>The fraction of waste remaining after recyclable and compostable waste fractions has been removed.</p>
<p>Note: All Recyclable Kerbside Waste should be clean or rinsed.</p>	<p>Note: Glass packaging can be brought to a Civic Recycling Centre, bottle bank or may be collected as a separate collection by a service provider.</p> <p>Collection of Glass Packaging provided by a Service Provider as a separate recyclable stream must not include lead crystal glassware, pyrex or plate glass.</p>	<p>Note: Timber, plant prunings greater than 25 mm (1 inch) in diameter, clay or stones must not be presented for collection.</p> <p>Putrid material must not be presented for collection and should be disposed of with residual waste.</p> <p>Food waste may be wrapped in paper but must not be wrapped in plastic as this material causes contamination of compostable waste.</p>	<p>Note: Recyclable Kerbside Waste or Compostable Kerbside Waste or waste that can be brought to a Civic Recycling Centre must not be placed in the Residual Waste Bin.</p> <p>Waste Electrical and Electronic Equipment must not be placed in the Residual Waste Bin.</p> <p>Construction and demolition waste such as clay, stone, concrete and similar materials must not be placed in the Residual Waste bin but should be brought to a Civic Amenity Centre accepting such waste.</p>

A Service Provider who wishes to add an additional waste material stream, not listed in Schedule 1, to their Recyclable Kerbside 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.