

COMHAIRLE CONTAE ATHA CLIATH THEAS



SOUTH DUBLIN COUNTY COUNCIL

SOUTH DUBLIN COUNTY COUNCIL STORAGE,
PRESENTATION AND COLLECTION OF
HOUSEHOLD WASTE
BYE-LAWS 2007

BYE LAWS

MADE BY

South Dublin County Council pursuant to Section 35(1) of the Waste Management Act, 1996 (as amended) and in accordance with Part 19 of the Local Government Act, 2001.

PART I

1. TITLE

These Bye-Laws may be cited as the South Dublin County Council (Storage, Presentation and Collection of household Waste) Bye-Laws 2007.

2. INTERPRETATION

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) 'Approved bring centre' is a location provided by or authorized by the Council for the reception of specified recyclable materials
- (b) 'Apartment' means a self contained dwelling unit in a building or campus that comprises a number of such units
- (c) 'Appropriate waste container' means a waste container provided by or authorised by the Council for the collection of the appropriate fraction of waste i.e. either dry recyclable waste, bio-waste or residual waste.
- (d) 'Approved waste disposal facility' means a facility/landfill site which is licensed by the Environmental Protection Agency.
- (e) 'Approved waste treatment facility' means a materials recovery facility, biological treatment plant or waste to energy plant which is licensed by the Environmental Protection Agency or has been authorized by permit by a Local Authority.
- (f) 'Authorisation Label' means a label supplied by the Council or by an authorized waste collector from time to time for attachment to a waste container.
- (g) 'Authorised person' means a person who is authorised in writing by South Dublin County Council for the purpose of Section 204 of the Local Government Act, 2001 or a member of An Garda Siochana.

- (h) 'Authorised waste collector' means South Dublin County Council or a waste collector who is the current holder of a permit under the Waste Management (Collection Permit) Regulations 2001 as amended, which permits the said collector to collect household waste.
- (i) 'Biowaste' means source segregated (household) waste of an organic or putrescible character such as kitchen waste (for example food, vegetable and fruit waste) and light garden waste (for example grass, leaves and hedge clippings).
- (j) 'Bin Tag' means a tag purchased by a holder from an agent appointed by South Dublin County Council or supplied to a holder for attachment to a waste container for the purpose of collection of waste by the Council or by an authorised waste collector
- (k) 'Bulky waste' includes heavy waste materials such as furniture, carpets and rubble.
- (l) 'Council' means South Dublin County Council.
- (m) 'Designated collection day' means such day or days of the week as may be fixed from time to time by an authorised waste collector for the collection of waste from household premises.
- (n) '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 for the collection of waste from household premises in accordance with the provisions of Part II of these Bye-Laws.
- (o) 'Door to door collection service' means a separated at source household waste collection service which is provided or required to be provided by an authorised waste collector. It includes a service to households where waste containers are provided on a communal or group basis.
- (p) 'Dry recyclable waste' means non-biowaste notified by South Dublin County Council as suitable for collection for recycling and recovery operations. (First Schedule)
- (q) 'Fixed Payment Notice' is the Notice provided for in Part III of these Bye-Law for the purposes of section 206 of the Local Government Act 2001.
- (r) 'Footpath' means a road over which there is a public right of way for pedestrians only, not being a footway.
- (s) 'Functional Area' means the administrative area of South Dublin County Council.
- (t) 'Footway' means that portion of any road associated with a roadway which is provided primarily for use by pedestrians.

- (u) 'Garden waste' includes such waste as grass clippings, flowers, leaves, twigs and other waste arising in a garden.
- (v) 'Glass packaging' means empty glass containers (bottles and jars) which are discarded after their contents have been used / consumed.
- (w) 'Hazardous waste' means hazardous waste for the time being mentioned in the list prepared pursuant to Article 1 (4) of Council Directive 91/689/EEC of 12 December, 1991, being either –
 - (i) Category I waste that has any of the properties specified in Part III of the Second Schedule to the Waste Management Act, 1996, or
 - (ii) Category II waste that –
 - (A) contains any of the constituents specified in Part II of the Second Schedule to the Waste Management Act, 1996, and
 - (B) has any of the properties specified in Part III of the Second Schedule to the Waste Management Act, 1996,
 - (iii) such other waste, having any of the properties specified in Part III of the Second Schedule to the Waste Management Act, 1996, as may be prescribed for the purposes of the statutory definition.

(A copy of the European Waste Catalogue and Hazardous Waste List may be obtained from the Environmental Protection Agency)

'Hazardous waste' includes batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weedkiller and fluorescent tubes.
- (x) 'Holder' means in relation to a household, the owner, the occupier, responsible person or any other person having, for the time being, possession or control of the household waste
- (y) 'Household' means any dwelling/ house, flat, apartment, building or part of a building used for occupation as a residence but does not include a hotel or a hostel and 'household premises' shall be construed accordingly
- (z) 'Household waste' means waste produced from within the curtilage of a building or self-contained part of a building used for the purposes of living accommodation and includes dry recyclable waste, bio-waste and residual waste generated by a household but excludes hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.

- (aa) 'Kitchen Waste' includes fruit, vegetable waste, tea bags and coffee filters and such like.
- (bb) 'Management Company' means a company established for the management of an apartment complex or other groups of dwellings, houses or flats
- (cc) 'Microchip' includes any electronic device capable of being implanted in or attached in any way to a waste container and which is used for the purposes of recording, sorting, calculating, migrating, and/or using data of a business or technical nature concerning use of the waste container in which it is implanted or to which it is attached.
- (dd) '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
- (ee) 'Organic waste' means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process.
- (ff) 'Premises' includes all premises situate in the County of South Dublin and also a part of any premises let or occupied as separate premises whether or not the person to whom it is let or the person who occupies it share with any other person any accommodation, amenity or facility in connection therewith or any other portion of the premises.
- (gg) '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.
- (hh) 'Prescribed place' in relation to any premises means
 - (a) A convenient place immediately outside the entrance to a household or as close as practicable thereto but not such as to cause an obstruction to users of the roadway, footpath or footway.
 - (b) A particular location, close to or on a particular premises, as agreed with or approved by an authorised waste collector.
- (ii) 'Public Place' is any place to which the public has access whether as a right or by permission and subject to a fee or free of charge.
- (jj) 'Responsible Person' shall mean
 - (a) in the case of private rented dwellings, the occupying tenants including the landlord(s)/ owner(s)

- (b) In the case of accommodation used for residential (guesthouses, hospitals, hostels, hotels or office), retail, assembly and recreation, industrial or storage purposes, the occupier
- (c) In the case of apartment blocks or complexes, the management company or the owner of the property,
- (d) In all other cases, the owner/ householder
- (kk) 'Residual waste' means that fraction of household waste remaining after the dry recyclable waste fraction has been removed and, in respect of household premises provided with a door-to-door collection service for biowaste, that fraction of household waste after the dry recyclable waste fraction and the biowaste fraction have been removed. 'Residual waste' does not include hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.
- (ll) 'Roadway' means that portion of road which is provided primarily for the use of vehicles.
- (mm) 'Separation at source' means the sorting of waste at household premises into a dry recyclable fraction and a residual fraction. In respect of household premises provided with a collection service for bio-waste, 'separation at source' means the sorting of waste into a dry recyclable fraction, a bio-waste fraction and a residual fraction and the expression 'separate at source' shall be construed accordingly.
- (nn) 'Waste' shall have the meaning as defined by the Waste Management Act 1996 as amended.
- (oo) 'Waste container' means a waste container provided by or authorised by the Council for the collection of the appropriate fraction of waste i.e. either dry recyclable waste, bio-waste or residual waste.

3. AREA OF APPLICATION

These Bye-Laws apply to the functional area of South Dublin County Council.

PART II

4. STORAGE OF WASTE

- (a) A holder shall not place or put in a waste container any liquid matter, hot ashes or other waste matter likely to damage the container or cause injury to any person.
- (b) A holder of household waste shall be responsible for proper care of the waste container and in default may be requested to pay a charge for a replacement container if it is damaged due to fire, abuse or is lost or stolen.
- (c) A holder 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. Lids of waste containers shall be securely closed.
- (d) Where a waste container provided by an authorised waste collector is lost, stolen, destroyed or damaged, the holder shall forthwith arrange with the said collector to have the waste container replaced/ repaired.
- (e) Where practicable waste containers shall not be stored at the front of a house or other premises.
- (f) Waste containers must not be stored on a public footpath or in any other public place.

5. TYPES OF WASTE WHICH MAY BE COLLECTED

- (a) Household waste only may be collected from a household.
- (b) Bulky waste shall not be collected in the ordinary household waste collection
- (c) Glass or other types/ categories of waste as designated in First Schedule hereto must be disposed of at an approved bring centre/ waste facility and shall not be presented for collection in a manner specified in Bye-Law No. 6; unless specifically provided for in a waste collection system, or other receptacles, provided by or approved by the Council for use in a separate door to door collection system.

6 SEPARATION OF WASTE AT SOURCE

- (a) A holder shall separate at source such dry-recyclable waste as defined in the Second Schedule hereto. Where such a collection service is provided, the dry recyclable fraction shall be stored separately by the holder in an appropriate waste container.

- (b) A holder shall separate at source such bio-waste as defined in the Third Schedule hereto if a door-to-door collection service of such waste is available. Where such a collection service is provided, the bio-waste fraction shall be stored separately in an appropriate waste container.
- (c) Any authorised waste collector providing a household with a door-to-door collection service for waste shall make available to that household such separate door-to-door collection services as are defined in the Fourth Schedule hereto.
- (d) After the separation at source takes place in accordance with Bye-Law 6(a) and/or Bye-Law 6(b), a holder shall ensure that residual waste, except waste as defined in the Fifth Schedule hereto, is stored separately in an appropriate waste container.

7. PRESENTATION OF WASTE FOR COLLECTION

- a) Waste must not be presented for collection before 6.00 am on the designated collection day.
- b) A holder shall present waste for collection by an authorised waste collector only.
- c) A holder shall present waste for collection in an appropriate waste container only and shall deposit no other waste for collection in a waste container other than that fraction of waste applicable to that container.
- d) A waste container presented for collection shall not be overloaded and the lid shall be securely closed. Waste presented at the side or on top of the waste container will not be collected and the presentation of such waste in this manner shall be deemed to be a breach of these Bye-Laws by the holder
- e) A holder 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.
- f) A holder shall present all residual waste, dry recyclable waste and bio-waste for collection in a prescribed place in appropriate waste containers or in another manner approved by the Council.
- g) 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 collection point.
- h) Waste presented by the holder for collection shall not exceed the following weight limits in respect of the stated waste containers:

140 litre wheeled bin: 25 kilogrammes

240 litre wheeled bin:	40 kilogrammes
1100 litre Eurobins:	200 kilogrammes

- i) Compaction of waste in a waste container that prevents the efficient emptying of the container is strictly prohibited.
- j) Household waste may only be presented for collection in a prescribed place/designated specific collection point at designated collection times.
- k) A holder presenting waste for collection is obliged to allow the approved waste collector to fit or replace a microchip on a waste container. A fee may be charged for replacing a microchip.
- l) When the waste container is presented for collection the authorised waste collector has the authority to download information from the microchip inserted in the container
- m) A holder shall be responsible for the security of a waste container at all times including any authorisation label bin tag or microchip affixed thereto.
- n) An approved waste container shall be removed by the holder from the prescribed place within 12hrs of the designated collection time
- o) The storing of approved waste containers on a footpath, footway, public road, roadway or other public place is prohibited
- p) Any uncollected waste shall be removed by the holder from a public place within 12 hours after the approved designated collection time.

8. COLLECTION OF WASTE

- (a) The existing designated collection days for the collection of waste which are in operation at the 'commencement' date of the Bye Laws shall continue until a revised schedule comes into force.
- (b) An authorized waste collector shall not collect overloaded waste containers.
- (c) An authorized waste collector shall return an emptied waste container to the boundary of the premises or to the designated collection point from which it was collected.
- (d) Management companies of apartment complexes or other dwellings shall ensure that adequate numbers of waste containers are available for use by holders of waste in the complex or other dwellings, for residual, recyclable and for bio waste where such a collection service is provided.

- (e) Management companies of apartment complexes or other dwellings shall ensure that adequate access and egress is available for refuse freighters servicing the complex or other dwellings.

9. GENERAL

- (a) The Council may require a management company or an authorized waste collector to supply information in writing to the Council in a format required by the Council regarding measures taken to collect dry recyclable waste and/ or bio-waste as the case may be. Failure to provide the information requested shall be an offence.
- (b) Any waste disposal measures undertaken by the holder of household waste must
 - (i) ensure that the dry recyclable portion is taken to an approved recycling collection or treatment facility
 - (ii) ensure that the garden waste is composted within the curtilage of the household or taken to an approved recycling collection or treatment facility.
 - (iii) provide for the disposal of residual waste to an approved waste treatment or disposal facility.
- (c) It shall be an offence for a person to interfere with waste presented by another person, for collection by the approved waste collector.
- (d) It shall be an offence for a person, other than an authorised waste collector, to remove or interfere with an authorization label, bin tag or microchip attached to a waste container of a third party
- (e) It shall be an offence for any person, other than staff of an authorised waste collector to dispose of household waste in a refuse collection vehicle.
- (f) It shall be an offence for any person to obstruct, disturb, interrupt or prevent the collection of household waste by the approved waste collector.
- (g) Unauthorised burning of waste is strictly prohibited.
- (h) These Bye-Laws repeal the South Dublin County Council (Storage, Presentation and Collection of Waste) Bye-Laws 2004.

PART III

10. ENFORCEMENT

- (a) 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 €1,904.60
- (b) 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 €126.97 per day under section 205(2) of the Local Government Act 2001.
- (c) 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 Fourth Schedule hereto), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment shall be €75 and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice for such person to avoid a prosecution.
- (d) Notice of the Fixed Payment (as described in subsection C) shall be in the general form of the notice set out in the Fourth Schedule of these Bye-Laws
- (e) Any person served with a Fixed Payment Notice is entitled to disregard such Notice and defend a prosecution of the alleged contravention in court.
- (f) 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.
- (g) Where an authorised person is of the opinion that a person is committing or has committed an offence to which this section relates, 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 2001 Act.
- (h) 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 2001 Act.
- (i) A person who is convicted of an offence under section 204(3) of the said 2001 Act shall be liable on summary conviction to a fine not exceeding €1,904.60

11. COMMENCEMENT

These Bye-Laws shall commence on the 8th November 2007

PART IV

FIRST SCHEDULE

Waste excluded from Collection for the purposes of Section 5 (c)

Glass

Hazardous waste

Hazardous waste' includes batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weedkiller, and fluorescent tubes.

Waste electrical and electronic equipment (weee)

Waste electrical and electronic equipment means electrical and electronic Equipment, which is waste within the meaning of article 1(a) of council Directive 75/442/eec of 15 july 1975 on waste, including all components, Subassemblies and consumables which are part of the product at the. Time of discarding

Bulky waste

Bulky waste includes heavy waste materials such as furniture, carpets. And rubble

Note: This list may vary by written Order of the Council from time to time.

SECOND SCHEDULE

Dry Recyclable (Green Bin)

**The following materials may
be placed in the dry recyclable bin**

Paper
Magazines

Light Cardboard Packaging
Milk/Juice Cartons
Aluminium Cans
Steel Cans
Plastic Bottles
Heavy Cardboard*

**The following materials are not
accepted in the dry recyclable bin**

Glass
Plastics other than plastic
bottles
Textiles
Food Waste
Gardening Waste
Corrugated Cardboard

*** Heavy cardboard must be broken into small pieces**

Note: This list may vary by written Order of the Council from time to time.

THIRD SECHDULE

Bio-Waste (Brown) Bin

Bio-waste includes:

Kitchen food scraps/ fruit &
Vegetables

Meat, fish, poultry & bones

Tea bags, coffee grinds & paper
Filters

Breads, cakes & biscuits

Soups & sauces, eggs & dairy
Products - out of date foods
(cheese, yoghurt etc. - no plastic packaging)

Paper napkins & paper towels
Food soiled in light cardboard
Or paper (no coated paper please)

Grass clippings, leaves & plant
Trimmings (up to finger sized twigs)
Cut flowers, old plants, moss
& weeds - no weed killer please

Bio-waste does NOT include:

plastics of any kind

metal of any kind

glass of any kind or
crockery

tin foil, sweet & crisp wrappers

newspaper/ cardboard -
except when used for
lining & wrapping - see hints
below

light bulbs, batteries,
electrical goods or
furniture.

No clothes or shoes

oils of any kind -
fryer/cooking

milk/juice cartons

rubber gloves

toileteries/ medicines/
nappies/sanitary items
(razors, tubes of toothpaste etc)

ashes, coal, rocks etc.
weed killer & weeds sprayed
with it.

Note: This list may vary by written Order of the Council from time to time.

FOURTH SCHEDULE
DOOR TO DOOR WASTE COLLECTION SERVICES TO BE PROVIDED

Dry-Recyclable Waste Collection (Green Bin)
Residual Waste Collection (Black/Grey Bin)

Note: This list may vary by written Order of the Council from time to time.

FIFTH SCHEDULE
Black/Grey Bin
Waste not allowed includes

Hazardous waste

Hazardous waste' includes batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weedkiller, and fluorescent tubes.

Dry recyclables (see first schedule)

Paper, magazines, light cardboard packaging, aluminium cans, steel cans,
Milk/juice cartons, furniture no clothes or shoes,

Bio-waste (see second schedule) where service is provided

Kitchen food scraps/ fruit & vegetables

Meat, fish, poultry & bones tea bags, coffee grinds & paper filters

Breads, cakes & biscuits

Soups & sauces, eggs & dairy

Products - out of date foods

(cheese, yoghurt etc. - no plastic packaging)

Grass clippings, leaves & plant trimmings (up to finger sized twigs) cut

Flowers, old plants, moss & weeds - no weed killer please

Animal or bird faeces

Waste electrical and electronic equipment (weee)

Waste electrical and electronic equipment means electrical and electronic

Equipment, which is waste within the meaning of article 1(a) of council

Directive 75/442/eec of 15 July 1975 on waste, including all components,

Subassemblies and consumables which are part of the product at the

Time of discarding

Bulky waste

Bulky waste includes heavy waste materials such as furniture, carpets.

And rubble

Note: This list may vary by written Order of the Council from time to time.

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

Note: This Notice may vary by written Order of the Council from time to time.