

DUBLIN CITY COUNCIL

WASTE MANAGEMENT ACT 1996

LOCAL GOVERNMENT ACT 2001

LOCAL GOVERNMENT ACT 2001 (BYE-LAWS) REGULATIONS 2006

**BYE-LAWS FOR THE STORAGE, SEPARATION AT SOURCE AND
PRESENTATION FOR COLLECTION OF COMMERCIAL WASTE**

WHEREAS Dublin City Council considers that, for the purpose of the proper management of waste within its functional area, it is necessary to regulate and control the storage, separation at source and presentation for collection of commercial waste and that Bye-Laws should be made for this purpose

NOW DUBLIN CITY COUNCIL in the exercise of the powers conferred on it by Section 35(1) of the Waste Management Act, 1996 and Part 19 of the Local Government Act, 2001 **HEREBY MAKE THE FOLLOWING BYE-LAWS: -**

PART 1

Preliminary

- Short Title: These Bye-Laws may be cited as the Dublin City Council Commercial Waste Bye-Laws 2006.
- Area of Application: These Bye-Laws apply to the functional area of Dublin City Council.
- Date of Commencement: These Bye-Laws shall come into force on 15th January 2007 and the existing "Bye-Laws For The Collection, Storage And Presentation Of Commercial Waste And Certain Related Waste Management Matters" shall be repealed with effect from that date.
- Definitions: In these Bye-Laws:-

'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, biowaste or residual waste.

'Authorised person' means a person who is authorised in writing by Dublin City Council for the purpose of Section 204

of the Local Government Act, 2001 or a member of An Garda Siochana.

'Authorised waste collector' means Dublin City 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 commercial waste as defined in these Bye-Laws within the functional area of Dublin City Council.

'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).

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

'Central Commercial District' means the area coloured yellow on the map in Appendix A.

'Commercial premises' for the purpose 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, health care, education, community facilities or entertainment.

'Commercial waste' for the purpose of these Bye-Laws includes dry recyclable waste, biowaste and residual waste generated on a commercial premises but excludes hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.

'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 commercial premises. The designated collection day or days in force at the date of commencement of these Bye-Laws shall continue until notification is given to the holder/holders of commercial waste setting out a revised collection schedule.

'Designated collection time' means such hours of the day between 6.00 am and 12 midnight on designated collection days as may be fixed from time to time by an authorised waste collector for the collection of waste from commercial premises in accordance with the provisions of Part II of these Bye-Laws. The designated collection times in force at the

date of commencement of these Bye-Laws shall, provided they conform with the provisions of Part II of these Bye-Laws, continue until notification is given on the holder/holders of commercial waste setting out a revised collection schedule.

'Door to door collection service' means a separated at source commercial waste collection service which is provided or required to be provided by an authorised waste collector.

'Dry recyclable waste' means non-biowaste specified by Dublin City Council as suitable for collection for recycling and recovery operations, for example paper, newspapers, magazines, cardboard, aluminum cans, steel cans and beverage cartons.

'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 Dublin City Council and any part of the foreshore and coastal waters within and adjoining that Functional area.

'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.

‘Holder’ means in respect of a commercial premises, the owner, the occupier, the person in charge or any other person having, for the time being, possession or control of the commercial waste.

‘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 commercial premises.

‘Organic waste’ means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process.

‘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.

‘Prescribed place’ in relation to a commercial premises means a convenient place immediately outside the entrance to such premises or as close as practicable to the entrance, but not a place which would cause an obstruction to users of a roadway, footway or footpath.

‘Public place’ means any place to which the public has access whether as of right or by permission, or whether subject to payment or free of charge.

‘Residual waste’ means that fraction of commercial waste remaining after the dry recyclable waste fraction has been removed and, in respect of commercial premises provided with a door-to-door collection service for biowaste, that

fraction of commercial waste remaining after the dry recyclable waste fraction and biowaste fraction have been removed. 'Residual waste' excludes hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.

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

'*Separation at source*' means the sorting of waste at the commercial premises into a dry recyclable fraction and a residual fraction. In respect of commercial premises provided with a door-to-door collection service for biowaste, '*separation at source*' means the sorting of waste into a dry recyclable fraction, a biowaste fraction and a residual fraction and the expression "separate at source" shall be construed accordingly.

'*The Council*' means Dublin City Council

'*Waste Container*' means a wheeled bin, a bag, a communal Eurobin or other appropriate waste container used for the presentation, storage and collection of commercial waste.

PART II

Obligations on the Holders and Collectors of Commercial Waste

1. STORAGE OF WASTE.

- 1.1 A holder shall store waste in an appropriate waste container within the curtilage of a commercial premises or such other place as has been approved in writing by the Council.
- 1.2 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.
- 1.3 A holder shall not deposit or store in a waste container liquid matter, hot ashes or other waste matter likely to damage the container or cause injury to any person.

1.4 Where a waste container provided by an authorised waste collector is lost, stolen, destroyed or does not comply with Bye-Law 1.2, the holder shall forthwith arrange with the said collector to have the waste container replaced.

1.5 A holder shall not cause or permit the storage of waste to endanger health, harm the environment or create a nuisance through odours or litter.

2. SEPARATION AT SOURCE OF WASTE.

2.1 A holder shall separate at source dry recyclable waste. The dry recyclable fraction shall be stored separately by the holder in an appropriate waste container.

2.2 An authorised waste collector who is providing a commercial premises with a door-to-door collection service for residual waste shall make available to that premises a separate door-to-door collection service for dry recyclable waste.

2.3 A holder shall separate at source biowaste if a door-to-door collection service for such waste is provided. Where such a collection service is provided, the biowaste fraction shall be stored separately by the holder in an appropriate waste container.

2.4 After separation at source takes place in accordance with Bye-Law 2.1 and, if appropriate, Bye-Law 2.3 a holder shall store residual waste separately in an appropriate waste container.

3. PRESENTATION OF WASTE FOR COLLECTION

3.1 A holder shall only present waste for collection by an authorised waste collector.

3.2 A holder shall only present waste for collection in an appropriate waste container and shall deposit no other waste for collection in any appropriate waste container other than that fraction of waste applicable to that container.

3.3 All waste containers presented for collection shall not be overloaded and shall be securely closed.

3.4 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 through odours or litter.

3.5A holder shall present all dry recyclable waste, residual waste and, if appropriate, biowaste for collection in a prescribed place in appropriate waste containers or in another manner approved by the Council.

3.6 The Council may designate in writing 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.

3.7 Waste presented by the holder for collection shall not exceed the following weight limits in respect of the stated waste containers:

Bag:	15 kilogrammes
140 litre wheeled bin:	25 kilogrammes
240 litre wheeled bin:	40 kilogrammes
1100 litre Eurobins:	200 kilogrammes

3.8A holder within the Central Commercial District shall not present waste for collection before 5.00 pm on the designated collection day, unless otherwise authorised in writing by the Council.

3.9A holder within the Central Commercial District shall remove from a public place any waste container and any uncollected waste no later than 10.00am on the day following the designated collection day, unless otherwise authorised in writing by the Council.

3.10 An authorised waste collector shall only collect commercial waste between the hours of 6.00 am and 12 midnight on the designated collection day, unless otherwise authorised in writing by the Council.

3.11 An authorised waste collector shall not collect commercial waste within the Central Commercial District before 7.00 pm on the designated collection day, unless otherwise authorised in writing by the Council.

3.12 A holder in areas other than the Central Commercial District shall not present waste for collection earlier than 15 hours before the designated collection time, unless otherwise authorised in writing by the Council.

3.13 A holder in areas other than the Central Commercial District shall remove all waste containers and any uncollected waste from a public place no later than 2 hours after the designated collection time, unless otherwise authorised in writing by the Council or unless the designated collection time is after 4.00 pm on the designated collection day. Where the designated collection time is after 4.00 pm on the designated collection day, a holder shall remove all

waste containers and any uncollected waste no later than 10.00 am on the day following the designated collection day.

PART III

Enforcement

- 4.1 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.
- 4.2 If any person contravenes any provision of these Bye-laws, the Council may, pursuant to Section 206 of the Local Government Act 2001, serve on such person a Fixed Payment Notice, specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment is €75 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.
- 4.3 Any person served with a Fixed Payment Notice is entitled to disregard such Notice and defend a prosecution of the alleged contravention in court.

WARNING

A person who contravenes any provision of these Bye-Laws shall be guilty of an offence under Section 205(1) of the Local Government Act 2001 and shall be liable on summary conviction to a fine not exceeding €1,904.60.

If the contravention of a provision of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence on each day on which the contravention continues and shall be liable on summary conviction for each such offence to a fine not exceeding €126.97 per day under Section 205(2) of the Local Government Act 2001.

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.

Where an authorised person is of the opinion that a person is committing or has committed an offence to which Section 204 or Section 205 of the Local Government Act 2001 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.

A person who is convicted of an offence under Section 204(3) of the Local Government Act 2001 shall be liable on summary conviction to a fine not exceeding €1,904.60.

Dated this day of 2006.

Present when the Common Seal of DUBLIN CITY COUNCIL was affixed hereto.