

DUBLIN CITY COUNCIL

BYE-LAWS FOR THE STORAGE, PRESENTATION AND COLLECTION OF HOUSEHOLD AND COMMERCIAL WASTE

Waste Management Act, 1996
Local Government Act, 2001
Local Government Act, 2001 (Bye-Laws Regulations, 2006)



Comhairle Cathrach
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Dublin City Council

DUBLIN CITY COUNCIL

STORAGE, PRESENTATION AND COLLECTION OF HOUSEHOLD AND COMMERCIAL WASTE – BYE-LAWS 2013

Dublin City 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* hereby makes the following Bye-Laws.

Part I

1. TITLE

These Bye-Laws may be cited as the **Dublin City Council (Storage, Presentation and Collection of Household and Commercial Waste) Bye-Laws 2013**.

2. INTERPRETATION

(a) 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:-

- ‘apartment’ means a self contained dwelling unit within a building.
- ‘appointed person’ means a person who is authorised in writing by the Council for the purpose of these Bye-Laws.
- ‘approved facility’ means a landfill site or other facility which is licensed or registered for the disposal of waste by the Environmental Protection Agency (‘EPA’) or a Local Authority within the meaning of the 2001 Act.
- ‘authorised person’ means a person who is authorised in writing by the Council for the purpose of *Section 204* of the 2001 Act or a member of An Garda Síochána.
- ‘authorised waste collector’ means the Council or a waste collector who is the current holder of a permit under the *Waste Management (Collection Permit) Regulations 2007*, which permits the said collector to collect household waste or commercial waste.
- ‘bin tag’ means a tag provided to a holder by or on behalf of an authorised waste collector for attachment to a waste container for the purpose of the collection of waste by an authorised waste collector.
- ‘bio-waste’ means source segregated household waste or commercial waste of an organic or putrescible character such as

kitchen waste (for example food, vegetable and fruit waste) and light garden waste (grass clippings, flowers, leaves, twigs and other such bio-waste arising in a garden).

- 'bye-laws' means these bye-laws.
- 'Central Commercial District' is that area coloured green on the enclosed map in **Appendix A** to these Bye-Laws.
- 'commercial premises' 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 or entertainment, or for purposes other than as a household premises.
- 'commercial waste' means waste produced within a commercial premises.
- 'Council' means Dublin City Council.
- 'designated collection day' means such day or days of the week (including public holidays) as may be fixed from time to time by the Council for the collection of household waste or commercial waste and different days may be designated for household waste and commercial waste and for collection within and outside the Central Commercial District.
- 'designated collection time' means those hours of a designated collection day as may be fixed from time to time by the Council for the collection of household waste or commercial waste as set out in bye law 7 (c) for the area outside the Central Commercial District and those hours as set out in bye law 7 (d) for the area within the Central Commercial District.
- 'door-to-door collection service' means a separated-at-source waste collection service for recyclable waste, bio-waste & residual waste which is provided by or required to be provided by an authorised waste collector.
- 'Fixed Payment Notice' is the Notice provided for in Part III of these Bye-Laws for the purposes of *section 206* of the 2001 Act in the general form of the notice set out in the **Second Schedule** of these Bye-Laws.

- **'footpath'** means a path over which there is a public right of way for pedestrians only, not being a footway.
- **'footway'** means that portion of a road which is provided primarily for use by pedestrians.
- **'functional area'** means the administrative area of the Council.
- **'holder'** means, the owner (including a landlord or a management company), lessee, tenant or occupier of a premises, the agent of any of the foregoing, or any person having possession or control of the waste produced within that premises.
- **'household premises'** means any house, apartment, building or other structure or part thereof used for occupation as a single private residential dwelling whether permanent, temporary, occasional or otherwise but does not include a hotel or a hostel.
- **'household waste'** means waste produced within a household premises.
- **'2001 Act'** means the *Local Government Act, 2001*.
- **'management company'** means a company (and its managing agent) established for the management of a multi-unit residential, commercial or mixed use development and **'multi-unit development'** shall be construed accordingly.
- **'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, and the subsequent use of any pronoun in place of a further use of 'person' shall be read accordingly.
- **'premises'** includes all premises situated in the functional area 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 shares with any other person any accommodation, amenity or facility in connection therewith or any other portion of the premises.

- **'prescribed place'** in relation to any premises means
 - (i) A convenient place immediately outside the entrance to the premises or as close as practicable thereto but not such as to cause an obstruction to users of the roadway, footway or footpath.
 - (ii) A particular location, close to or on a particular premises, approved by an appointed person.
- **'public place'** is any place to which the public has access whether as a right or by permission and whether subject to the payment of a fee or free of charge.
- **'recyclable waste'** means that fraction of dry non bio-waste specified by the Council or an authorised waste collector as suitable for collection for recycling and recovery operations for example paper, newspapers, magazines, cardboard, aluminium cans, steel cans and beverage cartons.
- **'residual waste'** means that fraction of waste remaining after the recyclable, bio-waste, hazardous waste, glass packaging, electrical and electronic and bulky waste (e.g. furniture, carpets and rubble) fractions have been removed.
- **'roadway'** means that portion of road which is provided primarily for the use of vehicles.
- **'waste'** shall have the meaning as defined by the *Waste Management Act 1996*.
- **'waste container'** means a waste container provided by or authorised in writing by the Council for the collection of an appropriate fraction of waste i.e. either recyclable waste, bio-waste or residual waste.

(b) The following provisions apply to the construction of these Bye-Laws

- i. ***Singular and plural.*** A word importing the singular shall be read as also importing the plural, and a word importing the plural shall be read as also importing the singular;

- ii. **Gender.** A word importing the masculine gender shall be read as also importing the feminine gender, and a word importing the feminine gender shall be read as also importing the masculine gender;
- iii. **Series Description.** Where a consecutive series is described by reference to the first and last in the series, the description shall be read as including the first and the last in the series;
- iv. **Marginal and shoulder notes, etc.** None of the following shall be taken to be part of these Bye-Laws or be construed or judicially noticed in relation to the construction or interpretation of these Bye-Laws:
 - (A) a marginal note placed at the side, or a shoulder note placed at the beginning, of a section or other provision to indicate the subject, contents or effect of the section or provision,
 - (B) a heading or cross-line placed in or at the head of or at the beginning of a Part, Chapter, section, or other provision or group of sections or provisions to indicate the subject, contents or effect of the Part, Chapter, section, provision or group;
- v. **Periods of time.** Where a period of time is expressed to begin on or be reckoned from a particular day, that day shall be deemed to be included in the period and, where a period of time is expressed to end on or be reckoned to a particular day, that day shall be deemed to be included in the period;
- vi. **Time.** Where time is expressed by reference to a specified hour or to a time before or after a specified hour, that time shall be determined by reference to the *Standard Time (Amendment) Act 1971*;
- vii. **Offences by corporations.** A reference to a person in relation to an offence (whether punishable on indictment or on summary conviction) shall be read as including a reference to a body corporate.

3. AREA OF APPLICATION

These Bye-Laws apply to the functional area.

Part II – Obligations on Holders and Collectors of Household and Commercial Waste

4. STORAGE OF WASTE

- a. A holder shall not place any waste in a waste container that is likely to damage the container or cause injury to any person.
- b. A holder shall be responsible for the proper care of the waste container.
- 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, litter or odours and so that the waste may be conveniently collected.
- d. Where a waste container provided by an authorised waste collector is lost, stolen, destroyed or damaged, the holder shall arrange with the said collector to have the waste container replaced or repaired.
- e. Waste containers shall be stored within the curtilage of a building.
- f. Waste containers must not be stored on a roadway, footway or footpath or in any other public place unless expressly otherwise authorised in writing by an appointed person.
- g. A management company shall ensure that adequate numbers of waste containers are available for use by holders in a multi-unit development.

5. SEPARATION OF WASTE AT SOURCE

- a. The categories of waste designated in the **First Schedule** hereto must be disposed of at an approved facility and shall not be presented for collection in a manner specified in these bye-laws unless specifically provided for in a special door-to-door waste collection system approved by an appointed person.

- b. A holder shall separate at source such recyclable waste as prescribed by the approved waste collector employed by the holder and this fraction of waste shall be stored separately by the holder in a waste container.
- c. A holder of household waste shall separate at source bio-waste in accordance with the *European Union (Household Food Waste and Bio-Waste) Regulations, 2013 (S.I. 71/2013)* and this fraction of waste shall be stored separately by the holder in a waste container.
- d. A holder of commercial waste shall separate at source bio-waste in accordance with the *Waste Management (Food Waste) Regulations 2009 (S.I. 508/2009)* and this fraction of waste shall be stored separately by the holder in a waste container.
- e. After the separation at source takes place in accordance with (a) to (d) above, a holder shall ensure that residual waste is stored separately in a waste container.
- f. A holder shall prioritise the use of wheeled waste containers for the presentation of waste for collection in the following order:
 - (i) In cases where only 1 wheeled bin is feasible – brown bin (bio-waste)
 - (ii) In cases where only 2 wheeled bins are feasible – (1) brown bin (bio-waste) and (2) black/grey bin (residual waste)
 - (iii) In cases where 3 wheeled bins are feasible – (1) brown bin (bio-waste), (2) black/grey bin (residual waste) and (3) green bin (recyclable waste).

The appointed person shall have an absolute discretion to determine the prioritising of the use of wheeled waste containers for the presentation of waste for collection.

6. PRESENTATION OF WASTE FOR COLLECTION

- a. Outside the Central Commercial District a holder shall not present waste for collection before 6:00pm on the day prior to the designated collection day unless otherwise approved in writing by an appointed person.
- b. Within the Central Commercial District a holder shall not present waste for collection before 5:00pm on the designated collection day, unless otherwise approved in writing by an appointed person.
- c. A holder shall present waste for collection in a prescribed place in a waste container containing only the fraction of waste appropriate to that waste container.
- d. A waste container presented for collection shall not be overloaded. The lid shall be securely closed. The presentation of waste adjacent to or on top of a waste container shall be deemed to be in breach of these Bye-Laws.
- 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, odour or litter.
- f. The Council may designate a specific collection point, other than a prescribed place, for the presentation of waste and the holder shall comply with any such designation.
- g. Waste must be presented in such a manner that the holder and the authorised waste collector are clearly identified from the waste container. In the case of a bag collection each bag must clearly identify the authorised waste collector who in turn must be able to identify the holder presenting the waste for collection.
- h. Waste presented for collection by a holder shall not exceed the following weight limits in respect of the indicated waste containers:

Bag	15 Kilogrammes
140 litre wheeled bin	40 Kilogrammes
240 litre wheeled bin	40 Kilogrammes
1100 litre Eurobins	200 Kilogrammes

7. COLLECTION OF WASTE

- a. An authorised waste collector shall not collect waste from overloaded waste containers.
- b. An authorised 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 insofar as practicable.
- c. An authorised waste collector shall only collect household waste or commercial waste outside the Central Commercial District on the designated collection day between the hours of 6:00am and 9:00pm Monday to Friday, and 8.00am to 8.00pm on Saturdays, Sundays and Bank Holidays, unless otherwise approved in writing by an appointed person.
- d. An authorised waste collector shall only collect household waste or commercial waste within the Central Commercial District on the designated collection day between the hours of 7.00pm to 12.00 midnight, unless otherwise approved in writing by an appointed person.
- e. An authorised waste collector shall provide a door-to-door collection service unless otherwise authorised in writing by an appointed person.
- f. An authorised waste collector shall only collect household waste within the Central Commercial District if:
 - (i) The authorised waste collector is also collecting commercial waste within the Central Commercial District and they provide the same level of door-to-door collection service for household waste as they provide for commercial waste, or
 - (ii) The authorised waste collector collects household waste within the Central Commercial District on every day.
- g. In cases where an authorised waste collector refuses to collect waste from a waste container presented for collection by a holder, the authorised waste collector shall, place a notice on that waste container indicating the reason for such refusal or directing the holder to contact the authorised waste collector, to establish the reason for the refusal.

8. GENERAL

- a. An authorised waste collector, when requested, shall provide details to an authorised person of the dates and collection times and any ancillary information for waste collections by that authorised waste collector from premises within the Council's functional area.
- b. A holder or an authorised waste collector shall, when requested to do so, provide information in writing to an authorised person in a specified format regarding the measures taken by them to collect, store and dispose of waste.
- c. It shall be an offence for any person, other than an authorised person, to interfere with a waste container presented by a holder for collection.
- d. It shall be an offence for any person, other than the staff or agent of an authorised waste collector to dispose of household waste or commercial waste in a waste collection vehicle operated by that authorised waste collector.
- e. A holder 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 approved in writing by an appointed person.
- f. A holder shall take reasonable steps to ensure the security of a waste container including any authorisation label, bin tag or microchip affixed thereto.
- g. The management company of a multi-unit development and its managing agent shall ensure that adequate access and egress is available for the collection of waste from that multi-unit development.

- h. A holder shall enter into a contract with an authorised waste collector for the collection of their household waste or commercial waste, unless otherwise authorised in writing by an appointed person. A holder can show compliance with this Bye-Law by demonstrating to the satisfaction of an authorised person that they hold a current contract as aforesaid or a current authorisation as aforesaid.
- i. These Bye-Laws repeal the *Dublin City Council Storage, Separation at Source and Presentation for Collection of Household Waste Bye-Laws 2006*, and the *Dublin City Council Storage, Separation at Source and Presentation for Collection of Commercial Waste Bye-Laws 2006*.

Part III

9. ENFORCEMENT

- a. A person who contravenes any provision of these Bye-Laws shall be guilty of an offence under *section 205* of the 2001 Act 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 2001 Act.
- c. If any person contravenes any provision of these Bye-Laws, the Council may, pursuant to *Section 206(1)* of the 2001 Act, 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 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 a fixed payment (as described at (c) above) shall be in the general form of the notice set out in the **Second Schedule** of these Bye-Laws.
- e. Any person served with a Fixed Payment Notice is entitled to 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 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 2001 Act shall be guilty of an offence under *section 204(3)(a)* of the 2001 Act.
- i. A person who is convicted of an offence under *section 204(3)* of the 2001 Act shall be liable on summary conviction to a fine not exceeding €1,904.60.

Part IV

10. COMMENCEMENT

These bye-laws shall commence on the 1st July 2013, except, bye-law 7 (f), which shall commence on 1st September 2013 and bye-law 6 (g), which shall comence on 1st January 2014.

Dated this _____ day of _____ 2013.

PRESENT when the Common Seal of Dublin City Council was affixed hereto:

Lord Mayor

City Manager

First Schedule

Waste excluded from Collection (Bye-Law 5)

GLASS PACKAGING

Empty glass containers (bottles and jars) which are discarded after their contents have been disposed of.

HAZARDOUS WASTE

Hazardous waste for the time being mentioned in the list prepared pursuant to *Annex III of Council Directive 2008/98/EC of 19 December, 2008*, on waste, and includes batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weedkiller and fluorescent tubes (a copy of the European Waste Catalogue and Hazardous Waste List may be obtained from the EPA).

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, but is not limited to, heavy waste materials such as furniture, carpets and rubble.

NOTE: This schedule may be amended from time to time by an appointed person.

Second Schedule
Dublin City Council (Storage, Presentation and Collection
of Household and Commercial Waste) Bye-Laws 2013

FIXED PAYMENT NOTICE FOR THE PURPOSES OF SECTION 206
OF THE LOCAL GOVERNMENT ACT, 2001 (BYE-LAW NUMBER 9(C))

NAME OF LOCAL AUTHORITY: _____ Dublin City Council

To: Name: _____

Address: _____

It is alleged that you have contravened the provisions of bye-laws made under *Part 19* of the *Local Government Act, 2001* entitled *Dublin City Council (Storage, Presentation and Collection of Household and Commercial Waste) Bye-Laws 2013* by

.....
(in general terms specify the nature of the contravention) at

..... on

During this period of 21 days beginning on the date of this notice you may pay the sum of €75, 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 €75 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 – Dublin City Council. A receipt will be given. You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

