



**OFFALY COUNTY COUNCIL  
WASTE MANAGEMENT (STORAGE, PRESENTATION, SEGREGATION  
AND COLLECTION OF HOUSEHOLD WASTE) BYE-LAWS, 2009**

**ADOPTED BY**

**OFFALY COUNTY COUNCIL**

Offaly County Council in exercise of the powers conferred on it by Section 35 of the Waste Management Act, 1996 - 2008 and the powers conferred on it by Part 19 of the Local Government Acts 2001 - 2006 hereby makes the following Bye-Laws relating to the storage, collection, segregation and presentation of household waste.

These Bye-Laws were adopted by Offaly County Council at its monthly Council Meeting which was held on the 29<sup>th</sup> April 2009. The Bye-Laws shall become operative with effect from 1<sup>st</sup> June 2009 or such later date as may be deemed appropriate by Offaly County Council.

**Offaly County Council Waste Management (Storage, Presentation, Segregation and  
Collection of Household Waste) Bye-Laws 2009**

## PART I

### 1. TITLE

These Bye-Laws may be cited as the Offaly County Council Waste Management (Storage, Presentation, Segregation and Collection of Household Waste) Bye-Laws 2009.

### 2. COMMENCEMENT

These Bye-Laws shall become operative with effect from 1st May 2009 or such other later date as may be determined by Offaly County Council.

### 3. INTERPRETATION

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions shall be interpreted as having the meaning hereafter respectively assigned to them, that is to say:-

- a) **‘Midlands Region’** means the combined local authority administrative region controlled by Offaly County Council, Laois County Council, Westmeath County Council, Longford County Council and North Tipperary County Council.
- b) **‘Council’** means Offaly County Council.
- c) **‘Designated area’** means any area that has been designated by the County Manager as being an area with regard to which specific conditions will be applied in relation to the collection of household waste by authorised waste collectors.
- d) **‘Approved waste Container’** means a waste container for the storage of the appropriate fraction of waste i.e. either dry recyclable waste, Biowaste or residual waste and, unless otherwise agreed in writing with the Council, shall be a Wheeled bin that complies with standard IS EN840 parts 1-6.
- e) **‘Authorised Facility’** means a facility which has been granted a waste authorisation in the form of a waste license, a waste facility permit or a certificate of registration.
- f) **‘Authorised Person’** means a person who is authorised in writing by Offaly County Council for the purpose of Section 204 of the Local Government Act 2001 or a member of An Garda Síochána.
- g) **‘Authorised Waste Collector’** means a holder of a waste collection permit that is in force.
- h) **‘Biowaste’** means source segregated household waste of an organic or putrescible character such as food waste and garden waste.
- i) **‘Bulky waste’** means heavy waste materials such as furniture, carpets and small quantities of rubble corresponding to the European Waste Catalogue code (EWC code) 20 03 07.
- j) **‘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. The designated collection day or days in force at the date of the commencement of these Bye-Laws shall continue to be the designated collection day or collection days until notification is served on the holders of household waste setting out details of a revised collection schedule.

- k) **'Designated collection time'** means such hours of the day on the 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. The designated collection times in force at the date of the commencement of these Bye-Laws shall, provided they conform with the provisions of Part II of these Bye-Laws, continue in operation until notification is served on the holders of household waste setting out details of a revised collection schedule.
- l) **'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 household waste collection service provided to households where waste containers are provided on a communal or group basis.
- m) **'Dry recyclable waste'** means waste which is considered by Offaly County Council to be suitable for collection, recycling and recovery operations and which does not fall into the Biowaste category. (Schedule 1)
- n) **'Fixed Payment Notice'** is a notice issued by Offaly County Council as provided for in Section 206 of the Local Government Act 2001 and Part III of these Bye-Laws specifying a fixed payment that can be made to the Council, as an alternative to being prosecuted for any breach of these Bye-Laws.
- o) **'Footpath'** means any pedestrian footpath or any road over which there is a public right of way for pedestrians
- p) **'Footway'** means that portion of any road associated with a roadway which is provided primarily for use by pedestrians.
- q) **'Garden waste'** means waste such as grass, hedge clippings, dead flowers, leaves, twigs and other waste of an organic character, arising in a garden.
- r) **'Glass packaging'** refers to glass containers such as bottles and jars which are discarded after the contents have been used or consumed.
- s) **'Hazardous waste'** means 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) Waste such as batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weed killer and fluorescent tubes are classified as being 'Hazardous waste'.

- t) **'Holder of household waste'** means in relation to a household, the owner, the occupier, the person in charge or any other person having, for the time being, possession or control of the household waste
- u) **'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 the term household premises shall be construed accordingly.
- v) **'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.
- w) **'Microchip'** includes any electronic device capable of being implanted in or attached in any way to an approved 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 the use of the approved waste container in which it is implanted or to which it is attached.
- x) **'Notification'** means any document, poster, notice, bill, sticker, device or representation that is 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.
- y) **'Person'** shall mean, unless the contrary intention appears to be meant, any individual or a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons as well as an individual.
- z) **'Prescribed place'** in relation to any premises means a convenient place immediately outside the entrance to a household or as close as practicable thereto but not any place that might be likely to cause an obstruction to users of the roadway, footpath or footway. In general a 'Prescribed place' shall be taken to mean a particular location, close to or on a particular premises, as agreed with or approved by an authorised waste collector.
- aa) **'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.
- bb) **'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.
- cc) **'Roadway'** means that portion of any road which is provided primarily for the use of vehicles.
- dd) **'Separation at source'** means the sorting of waste at household premises into a dry recyclable fraction and a residual waste fraction. In respect of household premises provided with a collection service for Biowaste, 'separation at source' means the sorting of waste into a dry recyclable fraction, a Biowaste fraction and a residual waste.

#### 4. AREA OF APPLICATION

These Bye-Laws are applicable in the functional area of each of the Local Authorities in County Offaly (Offaly County Council, Tullamore Town Council, Edenderry Town Council and Birr Town Council).

## **PART II**

### **5. STORAGE OF WASTE**

- (a) A holder of household waste shall only store the waste in an approved waste container in a place within the curtilage of the household.
- (b) A holder of household waste shall maintain all waste containers in such condition and state of repair so as to ensure that household waste placed therein shall not be a source of nuisance or litter and so that the waste may be conveniently collected.
- (c) A holder of household waste shall not place or put in a waste container any liquid matter, hot ashes or other waste matter that might be likely to damage the container or cause injury to any person or that might cause harm to the environment.
- (d) A holder of household waste shall be responsible for the proper care of the waste container.
- (e) A holder of household waste presenting it for collection is obliged to allow an approved waste collector to fit or replace a microchip or other means of identification on an approved waste container. A fee maybe charged for replacing a microchip or other means of identification.
- (f) Waste will only be collected when it is presented for collection in an approved waste container.

### **6. TYPES OF WASTE WHICH MAY BE COLLECTED**

- (a) Only household waste may be collected from a household.

### **7. SEGREGATION AT SOURCE OF WASTE**

- a) A holder of household waste shall segregate at source dry recyclable waste from other household waste. The dry recyclable fraction shall be stored separately by the holder in an approved waste container.
- (b) An authorised waste collector who is providing a household with a door-to-door collection service for residual waste shall make available to that household a separate door-to-door collection service for dry recyclable waste.

- (c) A holder of household waste shall separate at source Biowaste, if a door-to-door service is provided for the collection of such Biowaste. Where such a collection service is provided, the Biowaste fraction shall be stored separately in an approved waste container.
- (d) An authorised waste collector who is providing a household with a door-to-door collection service, in a designated area, shall make available to that household a separate door-to-door collection service for Biowaste.
- (e) After the separation at source takes place in accordance with Bye-Law 7(a) and, if appropriate, Bye-Law 7(c) a holder of household waste shall ensure that residual waste is stored separately in an approved waste container.

## **8. PRESENTATION OF WASTE FOR COLLECTION**

- (a) A holder of household waste shall only present it for collection by an authorised waste collector.
- (b) A holder of household waste shall only present it for collection in an approved waste container and shall deposit no other waste for collection in a waste container other than that fraction of waste applicable to that container.
- (c) Waste containers presented for collection shall not be overloaded to the extent that the lid cannot properly close.
- (d) Where the approved waste container is a wheeled bin no extra waste should be presented outside of the wheeled bin.
- (e) A holder of household waste shall not cause or permit it to be presented for collection in a manner that would endanger health, create a risk to traffic, harm the environment or create a nuisance to any person.
- (f) A holder of household waste shall present all dry recyclable waste, residual waste and, if appropriate, biowaste for collection in a prescribed place in approved waste containers or in another manner that has been approved by the Council.
- (g) The Council may designate a specific collection point as a prescribed place, for the presentation of household waste by the holder of it and where such designation is given, the holder of household waste shall only present it for collection at the designated collection point.
- (h) Household waste may only be presented for collection in a prescribed place at designated collection times.
- (i) When an approved waste container is presented for collection the authorised waste collector has the authority to download information from any microchip implanted in or attached to the approved waste container which will enable the keeping of records relating to the use of it.
- (j) A holder of household waste must wash approved waste containers that they use and an authorised waste collector is entitled to refuse to empty an approved waste container that is not acceptably presented and maintained.

## **9. DESIGNATED COLLECTION TIMES**

- (a) The existing designated collection days and collection times for the collection of waste will continue to be the designated collection days and collection times unless and until notification is served on the holders of household waste indicating a revised schedule of collection days and collection times.
- (b) Household waste shall not be presented for collection before 6.00 p.m. on the evening before the designated day for the collection of household waste.
- (c) Approved waste containers shall be removed from a prescribed place within the 12 hour period following the designated collection time.
- (d) Any uncollected waste must be removed from a prescribed place within the 12 hour period following the designated collection time.

## **10. WASTE COLLECTION SYSTEM**

- (a) All authorised waste collectors operating a waste collection service within County Offaly or providing a waste collection service to householders in the county shall operate a waste collection system that encourages recycling by ensuring that the collection of residual waste is not made available to householders on a more regular basis than the collection of dry recyclables.
- (b) All authorised waste collectors operating a waste collection service within County Offaly within a 'designated area' shall operate a waste collection system that encourages the appropriate recovery of Biowaste by ensuring that the collection of Biowaste is made available to householders on at least a fortnightly basis.
- (c) All authorised waste collectors operating a waste collection service within County Offaly or providing a waste collection service to householders in the county shall operate a charging regime that is in keeping with the Polluter Pays Principle so as to ensure the optimum segregation of waste that is presented for collection. In order to ensure that the Polluter Pays Principle is promoted, all waste collectors must implement a pay by use system. The following are examples of acceptable pay by use systems, pay by tag, pay by lift or pay by weight. Any pay by use system that is operated must:
  - (i) Encourage recycling by affording householders preferential charges for dry recyclable waste containers and Biowaste waste containers;
  - (ii) Limit fixed household charges to that portion of the overall charge reflecting the fixed rate of providing the waste collection service;
  - (iii) Impose proportionate charges for households of different size and formation; and
  - (iv) Ensure that where the fee in respect of a pay by use system is not paid at the point of collection, households are billed no more than 3 months in advance for the service that is used.

- (d) All responsible persons presenting household waste for collection by authorised waste collectors shall comply with the requirements to segregate waste in accordance with the Waste Collection Permits that are in force at any particular time for the authorised waste collector that the householder engages to dispose of household waste and in accordance with any Bye-Laws relating to the presentation of waste that are in force at the time that household waste is presented for collection.

## **11. GENERAL**

- (a) A holder of household waste who is not using the services of an authorised collector of household waste must ensure:
  - (i) That glass and the dry recyclable fraction of household waste for which they are responsible are taken to an authorised facility such as a Civic Amenity Facility or Bring Bank.
  - (ii) That the Biowaste fraction for which they are responsible, and which is not composted within the curtilage of the household or is not suitable for composting within the curtilage of the household is taken to an authorised facility.
  - (iii) That the residual waste fraction of household waste for which they are responsible is taken to an authorised facility.
- (b) It shall be an offence for a person to interfere with waste presented by another person, for collection by an authorised waste collector.
- (c) It shall be an offence for any person, other than an employee of an authorised waste collector to dispose of household waste in a refuse collection vehicle.
- (d) It shall be an offence for any person to obstruct, disturb, interrupt or prevent the collection of household waste by an authorised waste collector.



## **PART III**

### **12. 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) If any person contravenes any provisions 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) specifying a fixed payment, as an alternative to a prosecution being taken against the offender 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 the service of such Fixed Payment Notice if an offender wishes to avoid prosecution taken against them in respect of such contravention.
- (c) Any person served with a Fixed Payment Notice is entitled to disregard such Notice and defend a prosecution of the alleged contravention in court.
- (d) 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 €1,900.00.
- (e) 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 of a fine not exceeding €125.00 per day under Section 205 (2) of the Local Government Act 2001.
- (f) A person who obstructs or impedes or refuses to comply with a request made by 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.
- (g) Where an authorised person is of the opinion that a person is committing or has committed an offence to which these Bye-Laws relate the authorised person may demand the name and address of the person and if the person refuses to provide the requested information 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) of the said 2001 Act.
- (h) 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 €1,900.00.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2009

**PRESENT** when the Common Seal of  
Offaly County Council was affixed hereto:

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**CATHAOIRLEACH**

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**COUNTY MANAGER/DIRECTOR OF SERVICES**

## **PART IV**

### **FIRST SCHEDULE**

#### **Dry Recyclable Materials**

*This list is for information purposes only and is not a definitive list of what can be collected by an Authorised Waste Collector under this waste type.*

**The following materials are examples of Dry Recyclables which can be placed in the Dry Recyclable Bin**

√	Paper
√	Magazines
√	Cardboard
√	Milk and Juice Tetra Packs
√	Aluminium Cans
√	Steel Cans

**The following materials should not be placed in the Dry Recyclable Bin**

X	Glass
X	Plastic Wrapping
X	Textiles
X	Food Waste
X	Gardening Waste

**When a Dry Recyclables Collection Service is provided householders should check with their waste collection service provider regarding the placing of waste in Dry Recyclable Bins if they have any doubts or questions relating to particular streams of waste. Individual Waste Collectors may impose particular conditions with regard to the collection of Dry Recyclables. The Waste Permit that is issued to the authorised waste collector will make reference to any such conditions that are imposed by the authorised waste collector.**

## **SECOND SCHEDULE**

### **BIOWASTE**

*This list is for information purposes only and is not a definitive list of what can be collected by an Authorised Waste Collector under this waste type.*

#### **Waste Allowed In Your Biowaste Container includes:**

**FOOD SCRAPS  
FRUIT & VEGETABLES  
MEAT, FISH, POULTRY & BONES  
BREADS, CAKES & BISCUITS  
SOUPS & SAUCES, EGGS & DAIRY  
OUT OF DATE FOODS  
SOILED PAPER  
SOILED CARDBOARD  
TEA BAGS, COFFEE GRINDS  
PAPER FILTERS  
PAPER NAPKINS  
PAPER TOWELS  
GRASS CLIPPINGS  
LEAVES & PLANT TRIMMINGS  
CUT FLOWERS  
OLD PLANTS & MOSS  
WEEDS – WEEDS THAT HAVE  
BEEN TREATED WITH WEED  
KILLER SHOULD NOT BE PLACED  
IN THE BIOWASTE BIN**

#### **Waste NOT Allowed in your Biowaste Container includes:**

**ASHES, COAL & CINDERS  
ROCKS AND  
PLASTICS  
METAL  
GLASS & CROCKERY  
TIN FOIL  
SWEET WRAPPERS  
CRISP WRAPPERS  
LIGHT BULBS  
BATTERIES,  
ELECTRICAL GOODS OR  
FURNITURE  
CLOTHES OR SHOES  
OILS OF ANY KIND –  
COOKING OILS  
MILK & JUICE CARTONS  
RUBBER GLOVES  
TOILETRIES  
MEDICINES  
NAPPIES & SANITARY  
ITEMS  
RAZORS  
TOOTH PASTE TUBES**

### **THIRD SCHEDULE**

#### **Residual Waste**

*This list is for information purposes only and is not a definitive list of what can be collected by an Authorised Waste Collector under this waste type.*

**The following types of waste should not be placed in Residual Waste Bins.**

#### **HAZARDOUS WASTE**

HAZARDOUS WASTE' INCLUDES BATTERIES, OILS, ANTI FREEZE, ADHESIVES, MEDICINES, AEROSOL CANS, BLEACHES, PAINTS, WEEDKILLER, AND FLUORESCENT TUBES.

#### **DRY RECYCABLES** (see FIRST SCHEDULE)

PAPER, MAGAZINES, LIGHT CARDBOARD PACKAGING  
ALUMINIUM CANS OR STEEL CANS  
MILK OR JUICE CARTONS  
FURNITURE  
CLOTHES OR SHOES

#### **BIOWASTE** (see SECOND SCHEDULE) (Applicable 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

GRASS CLIPPINGS, LEAVES & PLANT TRIMMINGS

CUT FLOWERS AND OLD PLANTS

MOSS & WEEDS

#### **WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)**

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

#### **BULKY WASTE**

BULKY WASTE INCLUDES HEAVY WASTE MATERIALS SUCH AS TIMBER, CARPETS AND SMALL QUANTITIES OF RUBBLE.

**Note: Individual Authorised Collectors may impose certain restrictions that may vary with regard to the operation of black or grey bin collection services.**

**WASTE MANAGEMENT (STORAGE, PRESENTATION, SEGREGATION AND COLLECTION OF HOUSEHOLD WASTE) BYE-LAWS 2009**

**To:** **Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
\_\_\_\_\_

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