

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

**FINGAL COUNTY COUNCIL STORAGE,
PRESENTATION AND COLLECTION OF
HOUSEHOLD WASTE BYE-LAWS 2006**

These bye-laws were made by Fingal County Council at the December 2006 Council meeting and are set out hereunder. They shall come into force on 1st January 2007.

BYE LAWS

MADE BY

Fingal County Council pursuant to Section 35 of the Waste Management Act, 1996 and in accordance with Part 19 of the Local Government Act, 2001.

PART I

1. TITLE

These Bye-Laws may be cited as the Fingal County Council Storage, Presentation and Collection of Waste Bye-Laws 2006.

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) '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.
- (b) "Approved waste disposal facility" means a facility/landfill site which is licensed by the Environmental Protection Agency.
- (c) "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.
- (d) 'Authorised person' means a person who is authorised in writing by Fingal County Council for the purpose of Section 204 of the Local Government Act, 2001 or a member of An Garda Síochána.
- (e) "Authorised waste collector" means Fingal 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.
- (f) '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).
- (g) 'Bulky waste' includes heavy waste materials such as furniture, carpets and rubble.
- (h) "Council" means the County Council of the County of Fingal.
- (i) '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 commencement of these Bye-Laws shall continue until notification is served on the holder/holders of household waste setting out a revised collection schedule.
- (j) '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. 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 served on the holder/holders of household waste setting out a revised collection schedule.

- (k) '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.
- (l) 'Dry recyclable waste' means non-biowaste notified by Fingal County Council as suitable for collection for recycling and recovery operations. (Schedule 1)
- (m) '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.
- (n) 'Footpath' means a road over which there is a public right of way for pedestrians only, not being a footway.
- (o) 'Footway' means that portion of any road associated with a roadway which is provided primarily for use by pedestrians.
- (p) 'Garden waste' includes such waste as grass clippings, dead flowers, leaves, twigs and other waste arising in a garden.
- (q) Glass packaging refers to glass containers (bottles and jars) which are discarded after their contents have been used / consumed.
- (r) '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.

- (s) 'Holder' 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
- (t) '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
- (u) "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.

- (v) "Microchip" includes any electronic device capable of being implanted in or attached in any way to a wheeled bin 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 wheeled bin in which it is implanted or to which it is attached.
- (w) '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
- (x) 'Organic waste' means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process.
- (y) '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.
- (z) "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.
- (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 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 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 fraction and the expression "separate at source" shall be construed accordingly.
- (ee) "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.

3. AREA OF APPLICATION

These Bye-Laws apply to the functional area of The Council, i.e. County Fingal.

PART II

4. STORAGE OF WASTE

- (a) A holder shall store waste in an appropriate waste container in a place within the curtilage of the household.
- (b) 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. Where a waste container provided by an authorised waste collector is lost, stolen, destroyed or damaged (i.e broken lid / wheels) the holder shall forthwith arrange with the said collector to have the waste container replaced/repaired.
- (c) 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.
- (d) The holder of household waste shall be responsible for proper care of the waste container and in default shall pay a charge for a replacement container if it is damaged due to fire, abuse or is lost or stolen.
- (e) A holder presenting waste for collection is obliged to allow approved waste collector to fit or replace a microchip on a wheeled bin. A fee maybe charged for replacing a microchip.
- (f) Waste will only be collected in appropriate waste containers. (* see interpretation)

5. TYPES OF WASTE WHICH MAY BE COLLECTED

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

6. SEPARATION AT SOURCE OF WASTE

- (a) 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.
- (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 shall separate at source bio-waste, 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.
- (d) 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 bio-waste.
- (e) After the separation at source takes place in accordance with Bye-Law 6(a) and, if appropriate, Bye-Law 6(c) a holder shall ensure that residual waste is stored separately in an appropriate waste container.

7. PRESENTATION OF WASTE FOR COLLECTION

- (a) A holder shall only present waste for collection by an authorised waste collector.
- (b) A holder shall only present waste for collection in an appropriate 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) All waste containers presented for collection shall not be overloaded and shall be securely closed. Where the appropriate waste container is a wheeled bin any extra waste presented outside or on top of the bin will not be collected.
- (d) 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.
- (e) A 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.
- (f) 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.
- (g) 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
- (h) Household waste may only be presented for collection in a **prescribed place/designated specific collection point** at **designated collection times**.
- (i) When the wheeled bin is presented for collection the authorised waste collector has the authority to download information from the microchip inserted in the bin.

8. DESIGNATED COLLECTION TIMES

- (a) The existing designated collection days for the collection of waste will continue unless and until notification is served on the holder/holders of waste indicating a revised schedule.
- (b) Household waste shall not be presented for collection before 6.00 p.m. on the day before the designated collection day waste is scheduled for collection.
- (c) Any approved waste containers shall be removed from the prescribed place within 12hrs of the designated collection time
- (d) Any uncollected waste must be removed from a public place within 12 hours after the approved designated collection time.

9. GENERAL

- (a) Any waste disposal measures undertaken by the holder of household waste must
 - (i) ensure that the dry recyclable fraction 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.
- (b) It shall be an offence for a person to interfere with waste presented by another person, for collection by the approved waste collector.
- (c) 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.
- (d) It shall be an offence for any person to obstruct, disturb, interrupt or prevent the collection of household waste by the approved waste collector.

PART III

10. 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 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), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment is €60 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.
- (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 €1,269.
- (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 to a fine not exceeding €126 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 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.
- (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.

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 €1,269

11. COMMENCEMENT

These Bye-Laws shall come into operation on the 1st of January 2007

Dated this day of 2006.

Present when the Common Seal of Fingal County Council was affixed hereto

PART IV

FIRST SCHEDULE

Dry Recyclable Green Bin

The following materials are to be placed in the dry recyclable bin

The following materials are not accepted in the dry recyclable bin

√	Paper		X	No Glass
√	Magazines		X	No Plastic
√	Light Cardboard Packaging		X	No Textiles
√	Milk/Juice Cartons		X	No Food Waste
√	Aluminium Cans		X	No Gardening Waste
√	Steel Cans		X	No Corrugated Cardboard
√	PET	*		
√	HDPE	*		
√	OTHER PLASTICS	*		

*** When such a service is available and has been notified**

Note: This list may vary upon instruction from the collector of the dry recyclable bin.

SECOND SECHDULE

Bio-Waste (Brown) Bin

Waste Allowed In Your Brown Bin 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**

**Waste NOT Allowed in your Brown bin includes:
(remember if in doubt, leave it out)**

NO PLASTICS OF ANY KIND

NO METAL OF ANY KIND

NO 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.**

THIRD SCHEDULE

Black/Grey Bin (Waste Not Allowed in your bin includes)

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, 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

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 upon instruction from the collector of the black/grey bin.

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

CATHAOIRLEACH/NOMINATED MEMBER

COUNTY MANAGER/DIRECTOR OF SERVICES

