



Leitrim County Council Household Waste Bye-Laws 2013

In exercise of the powers vested in it under Section 35(1) of the Waste Management Acts 1996 to 2012 and Part 19 of the Local Government Act, 2001, Leitrim County Council has made bye-laws to regulate the presentation of Household Waste.

Part I

1. Title

Leitrim County Council Household Waste Bye-Laws 2013

2. Preliminary

Area of Application: These Bye-Laws apply to the functional area of Leitrim County Council.

Date of Commencement: These Bye-Laws shall come into effect on 7th November 2013 and the existing "Leitrim County Council Household Waste Byelaws 2011" shall be repealed with effect from that date.

3. Interpretation

Apartment Blocks or Complexes means buildings designed for use as two or more separate flats, apartments or separate dwelling units on a campus

Approved waste bin means a waste container for the storage of the appropriate fraction of waste i.e. either dry recyclable waste, bio-waste 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

Authorised facility means a facility which has been granted a waste authorization in the form of a waste license, a waste *permit* facility or a certificate of registration and that is *currently valid* within the enforced time limitations if set out.

Authorised person means a person who is authorised in writing by Leitrim County Council for the purpose of Section 204 of the Local Government Act, 2001, or a member of An Garda Síochána.

Authorised Waste Collector means a holder of a waste collection permit in accordance with the Waste Management (Collection Permit) Regulations, 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 that is in force in County Leitrim.

Biowaste i.e. brown bin waste means source segregated household waste of an organic or putrescible character such as food or garden waste.

Bulky Waste means heavy *household* waste materials such as furniture, carpets and small quantities of rubble corresponding to the European Waste Catalogue code (EWC code) 20 03 07.

Collection route means dwellings, which are accessed directly from a public road serviced by a permitted refuse collector and lie within 200m of the centre of the road.

Council means Leitrim County Council

Designated Collection Day means such days of the week fixed 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 Byelaws shall continue to be the designated collection day or collection days until notification is served on the holders of household waste setting out the details of a revised collection schedule.

“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 basis.

Dry Recyclable waste (Blue Bin Waste) means waste such as paper, magazines, cardboard, food tins as outlined in the Second Schedule of these byelaws.

Fixed Payment Notice is a notice issued by Leitrim 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.

Garden Waste means such waste as grass, hedge clippings, dead flowers, leaves, twigs and other waste of an organic character, arising in a garden.

Glass Packaging refers to glass containers such as *clean* bottles and jars which are discarded after the contents have been used or consumed.

Hazardous Waste means waste for the time being 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 of the Waste Management Act, 1996, and
- (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".

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.

Household waste means all waste produced within the curtilage of a building or self-contained part of a building used for the purposes of living accommodation and includes dry recyclable household waste, domestic organic waste and mixed household waste.

Microchip includes any electronic device capable of being implanted in or attached in any way to an approved container and which is used for the purpose 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.

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 the individual.

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 particular premises, as agreed with or approved by an authorised waste collector.

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.

Residual Waste – (Black bin) means that fraction of household waste remaining after the dry recyclable and bio-waste fraction has been removed. "Residual waste" does not include hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.

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

Part II

4. Management & Storage of Household Waste

- 4.1 A holder of household waste shall only store the waste in an approved waste bin in a place within the curtilage of the household.
- 4.2 A holder of household waste shall maintain all waste containers in such condition and 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.
- 4.3 A holder of household waste shall not place or put in an approved waste bin any liquid matter, hot ashes, glass or other matter that might be likely to damage the container or cause injury to any person or that might cause harm to the environment. Household glass shall not be presented for kerbside collection. Household glass shall be washed and disposed of, only in the registered bring bank network servicing County Leitrim.
- 4.4 A holder of household waste shall not use an under sink macerator or similar equipment for the disposal of brown bin/organic waste to the sewer or household waste water treatment system.
- 4.5 A holder of household or municipal 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 bin. A fee may be charged for replacing a microchip or other means of identification.
- 4.6 Waste will only be collected when it is presented for collection in an approved waste bin.
- 4.7 The burning of household waste is prohibited.

5. Presentation of waste for Collection

5.1

- 5.1 (1) The owners of houses, apartment blocks and management companies on a refuse collection route serviced by a permitted collector or collectors shall register annually (See Schedule 4 for the form of registration) with one of the permitted collectors servicing their area for the provision of a pay by weight wheeled refuse bin service (black bin, blue bin and a brown bin). There shall be no charge for registration with the contractor.

- 5.1 (2) The owners of houses, apartment blocks and management companies that are not on a collection route serviced by a permitted collector or collectors shall register annually (See Schedule 5 for the form of registration) with one of the permitted collectors servicing their area for the provision of a pay by weight wheeled refuse bin service (black bin, blue bin and a brown bin). In this case the waste shall be presented in a locked bin uniquely identifiable to the owner at the nearest point on the collection route that meets the approval of the waste contractor and Leitrim County Council. There shall be no charge for registration with the contractor.
- 5.1 (3) Leitrim County Council housing tenants shall register annually with one of the permitted waste collectors servicing their area for the provision of a pay per weight wheeled refuse bin service (black bin blue bin and brown bin). There shall be no charge for registration with the contractor. Each year, each Leitrim County Council housing tenant shall submit confirmation to the Council Housing Authority that they are registered for a waste collection service. This confirmation shall be by way of a copy of the completed registration form stamped by the collector or a letter from the collector confirming the registration process has been completed with that collector.
- 5.2 If a householder wishes to change their permitted waste collection contractor at any stage they shall re-register with the new permitted waste contractor in accordance with Condition 5.1 and shall cancel the registration with the previous contractor. In the case of Condition 5.1 (3), the Local Authority Housing Tenant, shall inform the Local Authority Housing Section in the same manner as outlined in Condition 5.1 (3).
- 5.3 A holder of household waste shall segregate and present, residual waste, dry recyclable waste and bio-waste, for collection by a permitted waste collector on a regular basis. Presentation of bio-waste is not required where the householder can satisfy the Local Authority that he/she has appropriate arrangements in place for the disposal of bio – waste.
- 5.4 A holder of household waste shall only present waste for collection in an approved waste bin and shall deposit no other waste for collection in a waste bin other than that type/category of waste applicable to that container. (Refer to Second Schedule for further guidance)
- 5.5 Any waste bin presented for collection shall not be overloaded to the extent that it cannot be properly closed/sealed so as to prevent littering.

- 5.6 No extra waste should be placed outside the wheeled bin.
- 5.7 A holder of household waste shall not cause or permit it to be presented for collection in a manner that would endanger human health, create a risk to traffic, harm the environment or create a nuisance to any person.
- 5.8 When an approved waste bin is presented for collection the authorised waste collector has the authority to download information from any microchip implanted or barcode or similar device in or attached to the approved waste bin, which will enable the keeping of records relating to the use of it.
- 5.9 A holder of household waste shall ensure that the approved waste refuse bins are kept in a clean state and washed on a regular basis where necessary. The holder of waste is responsible for their bin until it is collected by their contracted permitted waste collector. The holder of household waste shall ensure that when presented, their bin does not cause litter from being overfull or turning over. If waste spills from the bin the holder of such waste shall ensure that it is cleaned up.
- 5.10 Landlords renting houses shall ensure through their tenancy contract that tenants are made aware of and manage their waste in accordance with the requirements of these Byelaws. (The property owner is responsible for the initial registration of a new tenant with the permitted waste collector).
- 5.11 The use of plastic bags for the presentation of waste is prohibited.

6. Apartment Blocks or Complexes on a Refuse Collection Route

- 6.1 In the case of apartment blocks or complexes, the owner or where they exist the management company or resident's association shall comply with the following conditions:
- (1) Register annually (See Schedule 4 for the form of registration) with one of the permitted collectors servicing their area for the provision of a pay by weight wheeled refuse bin service (black bin, blue bin and a brown bin. There shall be no charge for registration with the contactor.
 - (2) Conditions 5.2 and 5.3 shall also apply to the owners or where they exist the management companies or resident's associations managing apartment blocks.
 - (3) The occupiers of such apartments, flats or dwelling units shall segregate all their dry recyclable household waste, domestic organic waste and mixed household waste and place it in the appropriate

receptacle as provided by the owner or where they exist the management company, or residents association.

- (4) Provide or cause to provide separate receptacles of adequate size and number and approved by Leitrim County Council for the proper segregation, storing and collection of dry recyclable household waste, domestic organic waste and mixed household waste when available.
- (5) Ensure that a permitted waste collector is engaged to service these receptacles.
- (6) Ensure that the approved waste receptacles are housed in a secure location within the site and are accessible at all times by the tenants and occupiers but not accessible by non-residents of the apartment complex.
- (7) Ensure that the segregated waste receptacles are presented for collection on a regular basis.
- (8) Ensure that a rodent bait program is in place to control rodent nuisance.

7. Designated Collection Times

7.1 The existing designated collection weeks for the collection of the black bin and blue bin will continue in situations where single container trucks are used for waste collection, i.e. week beginning Monday 4th November 2013 will be blue bin week and Monday 11th November 2013 will be black bin week and so on alternately thereafter. The brown bin will be collected at least every fortnight and may be collected on the black or blue bin week as determined by the waste collector.

The black bin / blue bin / brown bin may, in the future, be collected in compartmentalized trucks on the same day. In such circumstances, householders shall be obliged to present their waste to accommodate the collection of a number of waste fractions at the same time.

7.2 Household waste shall not be presented for collection before 6pm on the evening before the designated day for the collection of household waste.

7.3 Approved waste bins shall be removed within 12 hours of the containers being emptied by the Waste Collector.

7.4 Any uncollected waste shall be removed from its point of presentation before 12 midnight on the day of the collection.

8. General

8.1 It shall be an offence for a person (other than an authorised person) to interfere with waste presented by another person, for collection by an authorised waste collector.

8.2 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 or refuse collection skip.

8.3 It shall be an offence for any person to obstruct, disturb, interrupt, or prevent the collection of household waste by an authorised waste collector.

9. Use of Waste Recovery or Disposal Activities other than those facilities provided by a service provider:

9.1 The network of bring bank receptacles and recycling centers to dispose of waste shall be restricted to householders and individual members of the public only and shall only be used for the storage/holding of designated materials, i.e. clear/brown/green glass, aluminum cans or other materials as may be prescribed from time to time by the Local Authority.

Part III

1. Offences:

- (1) A person who is convicted of an offence under the byelaw (pursuant to Section 205 of the Local Government Act, 2001) is liable on summary conviction to a fine not exceeding €1900.
- (2) If the contravention of a provision of this bye-law is continued after conviction, the person causing the contravention shall be guilty of an offence on each day on which that contravention continues and liable on summary conviction for each such offence to a fine not exceeding €125.

2. Enforcement:

- (1) In this section authorised person shall have the meaning as per Section 204 of the Local Government Act, 2001.
- (2) An authorised person may request any person who appears to be contravening or to have contravened a provision of the byelaw to refrain from that activity.
- (3) If any person contravenes any provision of these Byelaws, the Council may, pursuant to Section 206 (1) of the Local Government Act, 2001, serve on such person a Fixed Payment Notice (see First Schedule), specifying a fixed payment of €75, as an alternative to a prosecution being taken against the offender for such contravention. The amount of the fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice if an offender wishes to avoid a prosecution taken against them.

A fixed payment notice shall specify-

- (a) the name and address of the alleged offender,
 - (b) in general terms the nature of the contravention alleged to have been committed,
 - (c) the date and place of the alleged contravention,
 - (d) the amount of the payment,
 - (e) the period within which and the place where the fixed payment may be made, and
 - (f) that the alleged offender is entitled to disregard the notice and defend a prosecution of the alleged contravention in court.
- (4) Where a fixed payment has been duly paid in respect of an alleged contravention by a person, no proceedings shall be instituted against the person in respect of this alleged contravention.

Any person served with a Fixed Payment Notice is entitled to disregard such Notice and defend a prosecution of the alleged contravention in court.

- (5)
 - (a) 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 the Act is guilty of an offence.
 - (b) Where an authorised person is of the opinion that a person is committing or has committed an offence, 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 is guilty of an offence.
- (6) A person is not bound to comply with a request of an authorised person under this section unless the authorised person produces, if requested by the person, evidence of appointment as an authorised person.

Part IV

First Schedule

Leitrim County Council Household Waste Bye-Laws 2013

**Fixed payment notice for the purposes of Section 206 of the
Local Government Act 2001**

To:

Name:	
Address:	

It is alleged that you have contravened the provisions of a bye-law made under Part 19 of the Local Government Act 2001 entitled Leitrim County Council Household Waste Byelaws 2013.

The following is a general outline of the nature of the alleged contravention:

On _____ within the administrative area of
Leitrim County Council

During the period of 21 days beginning on the date of this notice, you may pay the sum of 75 Euro to Leitrim County Council. If you are making such a payment please ensure that your payment is accompanied by a copy of this notice.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of 75 euro is paid during that period, no prosecution will be instituted at any time.

Signed: _____ Date: _____
 Authorized Person

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

Second Schedule

Black Bin	Blue Bin	Brown Bin
<p>The following types of waste should not be placed in Residual Waste Bins</p> <p>Hazardous Waste including Batteries, oils, anti freeze, adhesives, medicines, aerosol cans, bleaches, paints, weedkiller, and fluorescent tubes</p> <p>Dry Recyclables (Blue Bin waste)</p> <p>Brown Bin Waste</p> <p>Waste Electrical & Electronic Equipment</p> <p>Bulky Waste</p> <p>Bulky Waste includes heavy waste materials such as timber, carpets, and rubble.</p> <p>Note: Individual authorised collectors may impose certain restrictions that may vary with regard to the operation of residual (black or grey) bin collection services.</p>	<p>The following materials are examples of Dry Recyclables which can be placed in the Dry Recyclable Bin</p> <p>Papers (newsprint, pamphlets, envelopes, books)</p> <p>Magazines</p> <p>Cardboard</p> <p>Food tins (steel)-clean and dry.</p> <p>Drink cans (aluminium) - rinsed and dry</p> <p>Milk and juice cartons (Tetrapaks) - rinse and dry</p> <p>Plastic bottles - rinse and dry</p> <p>The list of materials in this category may be expected to expand as new outlets develop and the public will be notified by their collector as this occurs.</p> <p>The following materials should not be placed in the Dry Recyclable Bin</p> <p>Glass</p> <p>Plastic wrapping</p> <p>Textiles</p> <p>Food Waste</p> <p>Gardening Waste</p> <p>Residual Waste</p> <p>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.</p>	<p>Waste not allowed in your Brown Bin Container</p> <p>Ashes, coal and cinders, Rocks, Plastic, Metal, Glass and crockery, Tin Foil, Sweet wrappers, Crisp wrappers, Light bulbs, Batteries, Electrical goods, Furniture, Clothes and shoes, Oils of any kind, Cooking oils, Milk and juice cartons, Rubber gloves, Toiletries, Nappies and Sanitary Items, Razors, Medicines</p> <p>Tooth paste tubes.</p>
	<p>The following are examples of Waste Allowed In Your Brown Bin</p> <p>Food Scraps</p> <p>Fruit and Vegetables</p> <p>Meat, fish, poultry and bones, cakes and Breads, and biscuits,</p> <p>Soups and sauces, Out of date foods, Soiled paper and cardboard,</p> <p>Tea bags, coffee grinds, Paper Filters,</p> <p>Paper Napkins, Paper Towels, Grass clippings, Leaves and plant trimmings, Cut Flowers, Old Plants and moss,</p> <p><i>Weeds – however weeds that have been treated with weed killer should not be placed in bio-waste bin.</i></p>	

Third Schedule

Application to Register Apartment Blocks/Complexes –

Name of apartment block/complex:	
Name of Management Company if applicable	
Name of Residents association if applicable	
Name of Majority Owner if applicable	
Secretary or name of designated person for correspondence plus phone number and email if available and address contact details:	
Number of bedrooms in the apartment block or complex	
Number of people occupying the apartment block or complex at time of application	
Number of bins required in the apartment block/complex and their capacity for Dry Recyclable waste -	
Number of bins required in the apartment block/complex and their capacity for Brown bin type waste –	
Number of bins required in the apartment block/complex and their capacity for Residual Waste –	

Signed by: _____

Block Capitals _____

Date of application: _____

Fourth Schedule

Form of Application for Householders on a refuse collection route for the purpose of Registration with Authorised Waste Collectors for the provision of a Waste Collection Service:

The following information shall be supplied as a minimum to the waste collection contractor for the purpose of registration:

Landlords Name and address details: _____

Phone number (Landline): _____ Mobile phone number: _____

Email details if applicable _____

Tenants Name and address details: _____

Phone number (Landline): _____ Mobile phone number: _____

Email details if applicable _____

Permanent or temporary residence: _____

Date of Registration Application: _____

National Grid Reference for house (10 digit 5E, 5N) (not mandatory)

Easting: _____ Northing: _____

Average no of persons in household: _____

Have you got a composter for green/uncooked waste?

Yes No

Have you a composting device that manages cooked wastes, green waste and uncooked waste?

Yes No

Fifth Schedule

Form of Application for Householders not on a refuse collection route for the purpose of Registration with Authorised Waste Collectors for the provision of a Waste Collection Service:

The following information shall be supplied as a minimum to the waste collection contractor for the purpose of registration:

Landlords Name and address details: _____

Phone number (Landline): _____ Mobile phone number: _____

Email details if applicable _____

Tenants Name and address details: _____

Phone number (Landline): _____ Mobile phone number: _____

Permanent or temporary residence: _____

Date of Registration Application: _____

National Grid Reference for house (10 digit 5E, 5N) (not mandatory)

Easting: _____ Northing: _____

Phone number (Landline): _____

Mobile phone number: _____

Email details if applicable _____

Average no of persons in household: _____

Have you got a composter for green/uncooked waste?

Yes No

Have you a composting device that manages cooked wastes, green waste and uncooked waste?

Yes No


Proposed Location for the locked wheelie refuse bins
(Provide 1:2500 scale map showing proposed location), Townland address and road number or details or road junction should be included.

Dated this 7th day of OCT 2013

Present when the Common Seal of Leitrim County Council was affixed hereto:



Cathaoirleach


Meeting Administrator
Senior Executive Officer
Housing & Corporate Services