



Comhairle Contae Mhaigh Eo

Environment Section, Aras an Chontae, The Mall, Castlebar, County Mayo

Mayo County Council (Presentation, Collection and Storage, of Household and Municipal Waste) Bye-laws 2007

Mayo County Council

Whereas Mayo County Council has by virtue of Section 35 (1)(a) of the Waste Management Act, 1996-2007 and by virtue of part 19 of the Local Government Act, 2001 and in exercise of every other power in that behalf enabling it to make bye-laws requiring a holder of household and municipal waste to present such waste for collection by a person collecting waste in accordance with Part IV of the Waste Management Act, 1996-2007 and further in particular by reference to Section 35(1)(b) of the Waste Management Act, 1996-2007 power to make by-laws requiring a holder of household or municipal waste who presents such waste for collection as aforesaid (whether pursuant to a requirement of bye-laws under Section 35(1)(a) of the Waste Management Act, 1996-2007 or not). Whereas Mayo County Council consider that for the purpose of the proper management of waste or the prevention or control of environmental pollution it is necessary to make these bye-laws.

NOW BE IT KNOWN THAT Mayo County Council hereby make the following bye-laws

PART I

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| Short Title | (1) | These Bye-laws may be cited as the Mayo County Council (Presentation, Collection and Storage of Household Waste and Municipal Waste), Bye-laws, 2007 |
| Commencement of Byelaws | (2) | The Bye-laws shall come into operation on the 10th October 2007. |
| Areas of Application | (3) | The Bye-Laws apply to the area comprising the functional area of Mayo County Council including Westport Town Council, Ballina Town Council and Castlebar Town Council. |
| Interpretation | (4) | The interpretation of the definitions as set out in the Waste Management Act, 1996-2007 is applied to these Bye-Laws, save where otherwise specified. |

“dry recyclable waste” means that part of household waste or municipal waste, as the case may be, comprising waste which can be recovered, recycled, or reprocessed such as aluminium and steel cans, papers, plastic bottles) or cardboard.

“household waste” means waste produced within the curtilage of a building or self-contained part of a building used for the purposes of living accommodation;

“organic waste” means that part of household waste or municipal waste, as the case may be, comprising green waste such as vegetable waste from gardens, grounds or parks, tree cuttings, branches, grass, leaves, sawdust, wood, wood chips and any other ‘natural materials which will break down over time (‘biodegrade’) by natural processes’)

“footpath,” “footway,” “public road,” and “roadway” have

the meaning assigned to them by Section 2(1) of the Roads Act, 1993.

“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 purpose of recording, storing, 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.

“premises” includes all premises situate in the county of Mayo including urban areas 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 time” means on such days and such hours of the day as may be fixed from time to time by a service provider for the collection of household waste, municipal waste, dry recyclable waste, or organic waste, as the case may be, from any premises by such service provider.

“prescribed place” means in relation to any premises –

- (a) a convenient place immediately outside the entrance to any premises or on the footpath or outer edge of the footpath or footway immediately in front of any premises, or
 - (b) in the absence of a footpath, on the roadway immediately in front of any premises but not in a position so as to cause an obstruction or safety risk to users of such footpath or roadway, or
 - (c) in relation to a particular premises outside or on such premises in such conveniently accessible position as the service provider shall from time to time agree with the occupier of any premises.
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“service provider” means, a person other than Mayo County Council, who, for the purposes of reward, with a view to profit or otherwise in the course of business, collects waste under a waste collection permit granted by Mayo County Council [being the local authority nominated by Mayo County Council under section 34(1)(a) of the Waste Management Act, 1996 -2007, as inserted by section 6 of the Waste Management (Amendment) Act, 2001, to perform the functions under the said section 34 of the Waste Management Act, 1996 -2007 in relation to waste collection permits with respect to the functional area of Mayo County Council, being the County of Mayo and which is for the time being in force.

“wheeled-bin” means a receptacle which complies with the standards for mobile waste containers specified in I.S.EN 840-1; 1997 (part 1 – 6 inclusive) and which is used for the purposes of presenting household waste or municipal waste for collection and disposal and shall be deemed to include a reference to any microchip provided therefore, if fitted or retrofitted at any time.

The expression “collection of waste” shall mean the collection of waste and the disposal or recovery of all or part of that waste including the transfer of the ownership of that waste to any other person to arrange for the disposal or recovery of that waste.

“Responsible persons” shall mean:

- (a) in the case of tenants, the responsible person is the landlord (s)/ Owner(s) of private rented dwellings.
- (b) In the case of accommodation used for residential (guesthouse, hospitals, hostels, hotels or office), retail, assembly & recreation, industrial or storage purposes, the responsible person is the occupier.
- (c) In the case of apartment blocks or complexes, the management company or the owner of the property.
- (d) In the case of all other private household dwellings, the responsible person is the owner/householder.
- (e) In the case of private housing estates run by management company the responsible persons shall mean the management company.

“Apartment” means a self contained dwelling unit in a building or campus that comprises a number of such units

“Apartment complex” means any building designed for use and used as two or more separate flats or apartments or any campus consisting of apartment dwelling units which share common services.

“Bulky waste” includes items such as fridges, furniture, carpets etc which will not fit in a wheeled bin.

“Bring Bank Receptacle” means any container approved by the Mayo County Council which is placed in a designated Bring Bank site by the council for the purpose of facilitating the recovery of specified household packaging waste and for which a Certificate of Registration has been issued by the EPA.

“Bring Bank Site” means a location where the Council have provided a number of bring bank receptacles for the purpose of facilitating the recovery of specified household waste packaging.

PRESENTATION

Obligation to present Household Waste for collection by a service provider.

(5)(a)(i)

PRESENTATION

A holder of household waste shall contract with a service provider and present such waste for collection by a Service Provider.

Or

(ii)

shall maintain records in relation to measures taken for the recovery or disposal of household waste (in accordance with section 18 of the Waste Management Act 1996-2007).

Obligation to present Household Waste or municipal Waste [other than dry recyclable waste and organic waste] in a wheeled-bin for collection by a service provider

(6)

The occupier of any premises shall, at the prescribed time and in the prescribed place present household and municipal waste [other than dry recyclable waste and organic waste] for collection [by the service provider] wholly contained within a wheeled-bin and such occupier shall comply with whatsoever directions are given to him or her or given generally by public notice or otherwise, by such service provider. Notwithstanding the foregoing, the occupier of any premises may at the prescribed time and in the prescribed place present household waste [other than dry recyclable or organic waste] for collection in prepaid refuse bags which must be wholly contained within a wheelie bin provided by the service provider from whom the prepaid bags have been purchased. The wheeled-bin shall have a label indicating that the bin is for prepaid bag use only. This label shall contain the name or unique serial number and address of the responsible person and such occupier shall comply with whatsoever directions are given to him or her or given generally by public notice or otherwise, by the service provider.

Obligation to present Dry Recyclable Waste or Organic Waste for collection by a service provider in accordance with directions in that regard given by the service provider

(7)

The occupier of any premises shall, at the prescribed time and in the prescribed place present dry recyclable waste or organic waste, for collection [by the service provider] in accordance with whatsoever directions in that regard are given to him or her or given generally by public notice or otherwise by such service provider as to the manner in which such dry recyclable waste or organic waste, as the case may be, requires to be presented for collection [be such waste required to be presented wholly contained within a wheeled-bin, or wholly contained in a container, bag or other type of receptacle for which such container, bag or other type of container the service provider has obtained the prior written approval of Mayo County Council], and such occupier shall comply with all and any of such directions provided where cardboard is being presented by a person for collection by a service provider such person shall bind the cardboard in a manner approved by Mayo County Council.

Obligation to dispose of glass in bring centres

(8)

Glass bottles or other wastes designated by the county Council from time to time shall be disposed of at the approved bring centres and not presented for collection unless specifically provided for in a recycling bin collection system.

Prohibition on

(9)

The occupier of any premises presenting household waste

placing dry recyclable waste or organic waste in a wheeled-bin where waste is presented for collection under Bye-Law 6

or municipal waste [other than dry recyclable waste or organic waste] in a wheeled-bin or prepaid bag for collection by a service provider pursuant to Bye-Law 6 of these Bye-Laws shall not place or cause to be placed or put in such wheeled-bin or prepaid bag waste comprising dry recyclable waste or organic waste. Nor shall the occupier place or cause to be placed any liquid matter or other matter likely to damage the wheeled-bin or cause injury to any person nor shall a person place hot ashes in a wheeled-bin.

Obligation to present waste in a manner which will not cause harm or contaminate the waste (10)

Waste shall not be presented in a manner that is likely to damage the wheeled-bin or cause injury to any person. Segregated Dry Recyclable and Organic waste presented for collection in the approved container or wheel bin shall not be contaminated with any material or liquid)

Regulations under section 29 of the Waste Management Act, 1996 -2005 (11)

Notwithstanding any thing contained in these Bye-Laws a person shall not present for disposal, waste comprising any product or substance or packaging in contravention of regulations under section 29 of the Waste Management Act, 1996 - 2007 nor shall a person place or cause to be placed or deposited or cause to be deposited in a wheeled-bin or other waste receptacle designated for disposal, waste comprising any product or substance or packaging in contravention of regulations under section 29 of the Waste Management Act, 1996 – 2007.

Obligation to present waste in a wheeled-bin having affixed thereto an identification mark, badge etc. in circumstances where the date displayed thereon has not expired (12)

The occupier of any premises shall not present a wheeled-bin or *prepaid bags in a wheeled bin* for the collection of the waste therein by a service provider, except in circumstances where an identification mark, badge, label, tag, disc or other thing provided by the service provider to such person is attached or affixed to or displayed upon such wheeled-bin indicating that such person has paid the service provider in advance for the service being provided by the service provider to such person and in circumstances where the date indicated on such identification mark, badge, label, tag, disc or other thing has not expired.

Obligation to allow access for fitting and maintenance of microchip and prohibition on interfering with microchip. (13)

(a) The occupier of a premises presenting household waste or municipal waste shall allow the service provider, by contractors, servants or agents, to fit, attach, retrofit or replace a microchip thereto.
 (b)The occupier of a premises presenting household waste or municipal waste for collection shall at all reasonable times, allow and permit the service provider to access any microchip implanted or in any way attached to a wheeled-bin for the purpose of examining any such microchip and for the purposes of reading or otherwise transferring any data or other information to or from the device.
 (c) A person may not remove, damage, destroy, tamper with, render inoperative or alter any data or programming it contains or otherwise interfere with a microchip implanted or in any way attached to a wheeled-bin nor shall a person remove, damage, destroy, tamper with, render inoperative

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- or otherwise interfere with an identification mark, badge, label, tag, disc or other thing attached to or affixed to or displayed upon a wheeled-bin containing waste for collection by a service provider in circumstances where the date on such identification mark, badge, label, tag, disc or other thing has not expired.
- Waste deemed to have been placed for the collection of waste (14) Where waste is or remains in the prescribed place during the prescribed time it shall be deemed to have been placed in the prescribed place by a person with the intention that it be presented for collection of the relevant waste and that the service provider, its servants or agents, has or have full and irrevocable authority to undertake the collection of such waste and where waste is presented for collection pursuant to Bye-Law 6 and 7 of these Bye-Laws that the service provider, its servants or agents, has or have full and irrevocable authority to take such readings, migrations or downloading of information or other data to and from any micro chip implanted on a wheeled-bin or in any way attached thereto.
- Prohibition on person presenting waste for collection by a person who is not a service provider (15) A person presenting waste for collection shall not present such waste for collection by any person other than a permitted service provider under the Waste Management Act (Collection permit regulations) 2001.
- Prohibition of the burning of waste (16) In accordance with 32(1) of the Waste Management Act 1996-2007 a person shall not dispose of waste in a manner that causes or is likely to cause environmental pollution. In accordance with section 24(2) of the Air pollution Act 1987 The occupier of any premises shall not cause or permit an emission from such a premises in such a quantity or in such a manner as to be a nuisance. Taking into account the above acts it is prohibited to dispose of waste by burning – (except in respect of an air pollution licence).
- Prohibition of the collection of bulky waste within the ordinary household collection service (17) Bulky waste will not be collected in the ordinary household waste collection. The producer of such wastes must ensure that they are collected by an appropriate service provider and/or brought to an approved waste disposal/recovery facility.
- Times for presentation of waste for collection and removal of wheeled-bin after collection. (18) A person presenting waste for collection in accordance with these Bye-Laws by a service provider shall not present the same for collection earlier than 7.00 pm on the day immediately preceding the prescribed time and such person shall not cause or permit any wheeled-bin or refuse sack to remain outside any premises after the end of the day in which the prescribed time occurs.
- Prohibition on depositing waste on any footway, pavement or roadway unless in accordance with Bye-Law 5 or Bye-Law 6 (19) The occupier of any premises who shall remove or cause to be removed, any waste produced upon his premises, shall not in the process of removal, deposit such waste upon any footway, footpath, pavement, road or roadway, nor shall he allow the same to be deposited upon any such footway, footpath, pavement, road or roadway, by any person acting directly for him provided that the foregoing requirements shall not be deemed to prohibit the deposit in
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the prescribed place at the prescribed time of any waste for collection in accordance with Bye-Law 6 or Bye-Law 7 of these Bye-Laws

Household waste to be collected from households and apartments complexes (20)

Only household waste will be collected from a household or apartment complex.

STORAGE

Ownership of Wheeled bin (21)

In a case where a service provider supplies a wheeled bin to any person whether by sale thereof or otherwise, the ownership of such wheeled bin shall vest in the person so supplied as from the time of delivery thereof.

Obligation to store waste on producers premises and prohibition of storing wheeled bin in certain areas. (22)

Wheeled-bins and waste receptacles shall be stored in a place within the curtilage of the premises at all times other than during the times of presentation as set out in bye-law 18. The storing of a wheeled-bin on a footpath, footway, public road or road way is prohibited.

APARTMENTS

- Obligation to provide and maintain segregated waste service (23) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate greater than ten dwelling units shall provide and arrange for the servicing and maintenance of three containers to facilitate the segregated collection for recycling and reuse of clear, brown and green domestic glass packaging waste arising from those dwellings. Such containers shall be of an adequate size to accommodate any such waste arising having regard to their collection frequency.
- Obligation to provide separate segregated receptacles for holding, storing and collection of dry recyclables. (24) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate shall:
If there is an available service, provide separate segregated receptacles, approved by Mayo County Council, for the holding, storing and collection of dry recyclables and ensure that a collector authorised under the Waste Management (Collection Permit) Regulations, 2001 is engaged to service these receptacles.
- Obligation to provide separate segregated receptacles for the holding storage and collection of organic waste. (25) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate shall
If there is an available service, provide separate segregated receptacles, approved by Mayo County Council, for the holding, storing and collection of organic waste and ensure that a waste collector authorised under the Waste Management (Collection Permit) Regulations, 2001 is engaged to service these receptacles.
- Provision of adequate waste receptacles. (26) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate shall
Provide waste receptacles of adequate size and number to cater for the number of units in the apartment complex.
- Access to waste receptacles. (27) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate shall Ensure that approved waste receptacles are accessible at all times by all tenants and occupiers but are not accessible by non-residents of the apartment complex.
- Registration with MCC for monitoring. (28) Any person, partnership, cooperative, management company or body corporate responsible for the management of a complex or estate shall
Register with Mayo County Council under this Bye-law on the form listed in Schedule 1 and pay an annual monitoring fee of €100 to Mayo County Council.
- Obligation not to obstruct service provider in the removal of waste. (29) A person shall not willfully obstruct, disturb, interrupt or annoy any employee of a service provider in the removal of household waste or municipal waste, as the case may be, or any person or servant of any person employed by a service provider in the removal of household waste or municipal waste, as the case maybe.

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| Use of Bring Bank Receptacles restricted to householders | (30) | The use of bring bank receptacles to dispose of waste packaging shall be restricted to householders and individual members of the public only. Disposal of such waste in these locations by holders of non household waste is prohibited. Bring Bank Receptacles shall only to be used for the disposal of designated materials i.e. clear/brown/green glass, aluminium cans and plastic bottles or other materials as may be prescribed from time to time by Mayo County Council. |
| Obligation to use permitted collectors and approved waste disposal facilities. | (31) | Any waste disposal measure undertaken by the holder of waste must provide for disposal of such waste to a permitted or licensed service provider or waste disposal or recovery facility. |
| Obligation to maintain receipts and records for the disposal/recovery of waste | (32) | A person presenting household/ municipal waste for disposal/recovery to a permitted service provider or permitted or licensed facility must retain receipts/records for disposal/recovery from the permitted service provider or the permitted facility from the beginning of the previous calendar year. |
| Offences and Penalty | (33) | A person who contravenes any provision of these bye-laws shall be guilty of an offence under and by virtue of Section 40 of the Local Government Act, 1994 and shall be liable on summary conviction to a fine not exceeding €1904.61 |
| Fixed Payment Notice | (34) (1) | <p>If an authorised person has reasonable grounds for believing that a person is committing a contravention or has committed a contravention of a provision of these Bye-Laws the authorised person may serve on the person a fixed payment notice as prescribed by the Local Government Act, 1994 (Bye-Laws) Regulations, 1995 [S.I. No. 360 of 1995] or any Regulation amending or extending the same stating-</p> <ul style="list-style-type: none"> (a) that the person is alleged to have committed the contravention, (b) that the person may during the period of 21 days beginning on the date of the notice, make to the Council a fixed payment in the sum of €126.97 accompanied by the Notice, and (c) that a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted. <p>(2) Where a notice is issued under subsection (1)-</p> |
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- (a) a person to whom the notice applies may, during the period specified in the notice, make to Mayo County Council or the respective urban authority the payment specified in the notice, accompanied by the notice,
 - (b) The local authority shall receive the payment and issue a receipt for it and may retain the money so paid and no payment so received shall in any circumstances be recoverable by the person who made it, and
 - (c) a prosecution in respect of the alleged contravention shall not be instituted in the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged contravention shall be instituted.
- (3) In a prosecution for a contravention referred to in subsection (1) of this Bye-Law, the onus of showing that a payment pursuant to a notice under this Bye-Law has been made shall lie with the person on whom the notice is served.
- (4) Any notice required to be served by or under this Bye-Law shall be served in one of the following ways-
- (a) By delivering it to the person by hand
 - (b) by leaving it at the address at which the person ordinarily resides,
 - (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides,
 - (d) If an address for service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to the person.
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Schedule 1

Application to register with Mayo County Council under Bye-law 28 of The Mayo County Council (Presentation, Collection and Storage, of Household and Municipal Waste) Bye-laws, 2007.

Name of Owner of Management Company
(Copy of Certificate of Incorporation to be attached, in case of company)

Name of Apartment Complex

Number of individual Dwelling Units

Dry Recyclables

Number of Dry Recyclable Collection Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Organic Waste

Number of Dry Organic Waste Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Residual Waste

Number of Residual Waste Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Glass

Number of Glass Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Fee Enclosed of 100 euro on behalf of:

Signed: _____
Company Secretary

Company Name: _____ Date: _____

MADE AND ADOPTED UNDER THE CORPORATE SEAL OF MAYO COUNTY COUNCIL

ON THIS DAY OF , 2007.

**PRESENT WHEN THE COPORATE SEAL OF MAYO COUNTY COUNCIL WAS
AFFIXED HERETO:-**

County Manager

Nominated Employee

Cathaoirleach/Nominated Member
