

COMHAIRLE CONTAE ROSCOMAIN

ROSCOMMON COUNTY COUNCIL

**ROSCOMMON COUNTY COUNCIL STORAGE,
PRESENTATION AND COLLECTION OF
HOUSEHOLD WASTE BYE-LAWS 2008**

These bye-laws were made by Roscommon County Council at the Council meeting on 28th January, 2008 and are set out hereunder. They shall come into force on 1st March, 2008.

BYE LAWS

MADE BY

Roscommon County Council pursuant to Section 35 of the Waste Management Acts 1996 to 2007, and in accordance with Part 19 of the Local Government Act, 2001.

PART I

1. TITLE

These Bye-Laws may be cited as the Roscommon County Council Storage, Presentation and Collection of Waste Bye-Laws 2008.

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:-

- ❖ 'Authorised person' means a person who is authorised in writing by Roscommon 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 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.
- ❖ 'Organic domestic waste' means source segregated (household) waste of an organic character such as kitchen waste (for example food, vegetable and fruit waste) and light garden waste (for example grass, leaves and hedge clippings).
- ❖ 'Bulky waste' includes heavy waste materials such as furniture, carpets and rubble.
- ❖ 'Council' means the County Council of the County of Roscommon.
- ❖ '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.
- ❖ '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

continue until notification is served on the holder/holders of household waste setting out 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 service to households where waste containers are provided on a communal or group basis.
- ❖ 'Dry recyclable waste' means non-organic domestic waste suitable for collection for recycling and recovery operations.
- ❖ '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.
- ❖ 'Green waste' includes such waste as grass clippings, dead flowers, leaves, twigs and other waste arising in a garden.
- ❖ Glass packaging refers to glass containers (bottles and jars) which are discarded after their contents have been used / consumed.
- ❖ '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
- ❖ '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
- ❖ "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, organic domestic waste and residual waste generated by a household but excludes hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.
- ❖ "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, 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.
- ❖ 'Organic waste' means any waste that is capable of undergoing anaerobic or aerobic decomposition through a biological treatment process.
- ❖ "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 such as to cause an obstruction to users of the roadway, footpath.

- A particular location, close to or on a particular premises, as agreed with or approved by an authorised waste collector.
- ❖ '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 organic domestic waste, that fraction of household waste after the dry recyclable waste fraction and the organic domestic waste fraction have been removed. 'Residual waste' does not include hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.
- ❖ '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 organic domestic waste, 'separation at source' means the sorting of waste into a dry recyclable fraction, an organic domestic waste fraction and a residual fraction and the expression "separate at source" shall be construed accordingly.
- ❖ Waste receptacles include wheeled bins and prepaid bags.

3. AREA OF APPLICATION AND DUTY OF HOUSEHOLDERS

- (a) These Bye-Laws apply to the functional area of The Council, i.e. County Roscommon.
- (b) The holder of household waste at dwellings on a refuse collection route serviced by a permitted collector or collectors shall contract with one of those collectors for the provision of two (or three where available) wheeled refuse bins
OR
- (c) Shall maintain records in relation to measures taken for the recovery or disposal of **all** household waste for inspection, if required, by an authorised officer, or for submission in writing to Roscommon County Council. Section 18 of the Waste Management Acts refers

PART II

4. STORAGE OF WASTE

- (a) Waste shall be separated at source. The holder of household waste at such dwellings shall place all dry recyclables household waste in a wheeled bin or pre-paid bags clearly marked for such purpose and mixed household waste in a separate wheeled bin or pre-paid bags clearly marked for such purpose. A third separate wheeled bin clearly marked shall be used for domestic organic waste, if and when such a service is

made available. A holder shall store waste receptacles in a place within the curtilage of the household.

- (b) A holder shall maintain all waste receptacles 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 wheeled bin is 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 receptacle 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 wheeled bin and shall arrange for the replacement of the 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 may be charged for replacing a microchip.

5. TYPES OF WASTE WHICH MAY BE COLLECTED

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

6. PRESENTATION OF WASTE FOR COLLECTION

- (a) A holder shall only present waste for collection by an authorised waste collector.
- (b) A holder shall present waste for collection in a wheeled bin and shall deposit no other waste for collection in a wheeled bin other than that fraction of waste applicable to that bin. If pre paid tags are provided by the waste contractor, pre-paid tags of the appropriate value for either dry recyclables, mixed household waste or domestic organics waste shall be purchased from the permitted waste collector and shall be affixed to the appropriate wheeled bin prior to collection. The number of the bin shall be written clearly on the tag. Alternatively should a “Pay by weight” billing system be introduced by the contractor, the householder shall pay on account the billed rates for the service.
If pre paid bags are provided by the waste contractor, pre-paid bags of the appropriate value for either dry recyclables or mixed household waste shall be purchased from the permitted waste collector
- (c) All waste receptacles presented for collection shall not be overloaded and shall be securely closed

- (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, organic domestic waste for collection in a prescribed place.
- (f) 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.

7. 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 by the approved collector.
- (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 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.

8. APARTMENT BLOCK OR COMPLEXES

- (a) The holder of household waste shall contract with a permitted collector, for the provision of a segregated waste collection service.
- (b) The Management Company or owner must:
 - a. Ensure that all 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 block or complex.
 - b. Ensure that the segregated waste receptacles are presented for collection on a regular basis.

9. GENERAL

- a) Garden waste must be composted within the curtilage of the household or taken to an approved recycling collection or treatment facility, where such a facility is available.
- 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 €75 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 €1,905.
- (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 €1905

11. COMMENCEMENT

These Bye-Laws shall come into operation on the 1st March, 2008.

Dated this day of 2008

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

CATHAOIRLEACH/NOMINATED MEMBER

COUNTY MANAGER/DIRECTOR OF SERVICES

ROSCOMMON COUNTY COUNCIL

STORAGE, PRESENTATION AND COLLECTION OF WASTE BYE-LAWS 2006

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

NAME OF LOCAL AUTHORITY: Roscommon County Council

To: Name: _____
Address: _____

It is alleged that you have contravened the provisions of bye-laws made under Part 19 of the
Local Government Act, 2001 entitled
.....

by
.....
.....

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

on During this period of 21 days beginning on the date
of this notice you may pay the sum of €75 accompanied by this notice, at the offices of the local
authority named in this notice located at

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

Signed Date
.....
(Authorised Person)

IMPORTANT: Payment will be accepted at the offices of the local authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to – Roscommon County Council.

A receipt will be given.

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