

# Sligo County Council

## Draft Waste Management Bye-Laws 2013

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Sligo County Council, the Waste Management Authority for the County of Sligo pursuant to its powers under Section 35(1) of the Waste Management Act 1996, as amended and Part 19 of the Local Government Act, 2001. hereby make the following Bye-Laws

### PART 1

#### 1. TITLE

These Bye-Laws may be cited as the “Sligo County Council, Waste Management Bye-Laws 2013” and shall have effect in the whole of the County of Sligo.

#### 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) **Apartment Blocks or Complexes** means buildings designed for use as two or more separate flats, apartments or separate dwelling units on a campus.
- b) **Approved Waste Receptacle** (or wheeled receptacle) means a waste container ('receptacle' is the term used in the WCP Regs SI 820 of 2007) provided by an Authorised Waste Collector for the collection of the appropriate fraction of waste i.e. either dry recyclable waste, bio-waste or residual waste.
- c) **Approved Facility** as authorised under Section 39 of the Act. This includes Bring Bank Facilities, Civic Amenity Sites, Transfer Stations and Composting Facilities.
- d) **Authorised Person** means a person who is authorised in writing by Sligo County Council for the purpose of Section 204 of the Local Government Act, 2001 and the Waste Management Act 1996 or a member of An Garda Síochána.
- e) **Authorised Waste Collector** means a holder of a waste collection permit in accordance with the Waste Management (Collection Permit) Regulations 2007 as amended and the Waste Management (Collection Permit) (Amendment) Regulations 2008 that is in force in County Sligo.
- f) **Biowaste** as defined in the Landfill Directive (1999/31/EEC)
- g) **Bulky Waste** means waste materials which will not fit in a wheeled receptacle. These include heavy items i.e. furniture, carpets and small quantities of rubble corresponding to the European Waste Catalogue code (EWC code) 20 03 07.

- h) **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 and commercial premises.
- i) **Commercial Premises** for the purposes of these Bye-Laws means a premises used wholly or mainly for the purposes of trade or business or for the purposes of sport, recreation, healthcare, education, community facilities or entertainment.
- j) **Council** means Sligo County Council
- k) **Dry Recyclable waste** includes clean dry paper, magazines, newspapers, plastic bottles, tetra packs, beverage cans, food tins, and other such recyclable materials which shall be determined by the Authorised Waste Collector of that waste from time to time.
- l) **Fixed Payment Notice/on-the-spot Fine** is a notice provided for in Part III of these Bye-Laws for the purposes of section 206 of the Local Government Act 2001.
- m) **Garden Waste (or Green Waste)** means such waste as grass, hedge clippings, flowers, leaves, twigs and other waste of an organic character, arising in a garden.
- n) **Glass Packaging** means empty glass containers (bottles & jars) which are discarded after their contents have been used/consumed.
- o) **Hazardous Waste** has the meaning given to that expression by Section 4 of the Act.
- p) **Holder** has the meaning given to that expression by Section 5 of the Act.
- q) **Household Waste** has the meaning given to that expression by Section 5 of the Act.
- r) **Microchip** includes any electronic device capable of being implanted in or attached in any way to a caddy or wheeled receptacle 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.
- s) **Municipal Waste** has the meaning given to that expression by Section 5 of the Act.
- t) **Occupier** has the meaning given to that expression by Section 5 of the Act.
- u) **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.
- v) **Public Place** has the meaning as set out in Section 2 of the Litter Pollution Act, 1997.

- w) **Residual Waste** means that fraction of waste other than the dry recyclables and the biowaste fraction. "Residual waste" does not include hazardous waste, bulky waste, fats, oils, grease, electrical waste, electronic waste and glass.
- x) **Roadway** means that portion of any road which is provided primarily for the use of vehicles.
- y) **The Act** means the Waste Management Act 1996, as amended and includes any Regulations made there-under.
- z) **Waste** has the meaning given to that expression by Section 4 of the Act
- aa) **Waste Food** means biodegradable waste such as food scraps (including cooked or uncooked meats, fish & poultry), shellfish & bones, eggs, egg shells & egg boxes, dairy products (cheese, yoghurt, etc), soups & sauces, table & plate scrapings, fruit, vegetables, breads, cereals, pasta, dough & rice, teabags/coffee grinds, paper filters, cakes, biscuits, food soiled napkins/paper towels, food soiled paper, wet cardboard & paper (No Plastic).

### 3. AREA OF APPLICATION

These Bye-Laws apply to the functional area of Sligo County Council.

## **PART II**

### **OBLIGATIONS ON HOLDERS AND COLLECTORS OF HOUSEHOLD & COMMERCIAL WASTE**

#### **4. STORAGE OF WASTE**

- a) A holder of waste shall only store the waste in an approved waste receptacle in a manner not to cause litter or likely to damage the receptacle or cause injury to any person.
- b) All householders will be obliged to demonstrate that they are registered with and are availing of an authorised waste collection service where available or are otherwise managing their waste in an environmentally acceptable manner, in accordance with legislation and the provision of waste management plans. It will be a requirement to provide the necessary documentary evidence of same i.e. maintenance of receipts for a minimum of three years.
- c) A holder of waste shall maintain all waste receptacles in such condition and repair so as to ensure that waste placed therein shall not be a source of nuisance or litter and so that the waste may be conveniently collected. Receptacles shall be kept in a clean state and washed on a regular basis where necessary.
- d) A holder of waste shall not place or put in an approved waste receptacle any liquid matter, hot ashes, glass or other matter that might be likely to damage the receptacle or cause injury to any person or that might cause harm to the environment.
- e) A holder of waste shall not use an under sink macerator or similar equipment for the disposal of food waste to the sewer, drain or waste water treatment system.
- f) A holder of municipal waste presenting it for collection is obliged to allow an authorised waste collector to fit or replace a microchip or other means of identification on an approved waste receptacle.
- g) Waste receptacles shall be stored within the curtilage of a building.
- h) Waste containers must not be stored on a public footpath or in any other public place unless otherwise authorised by the appointed person in the Council.

## **5. SEPARATION OF WASTE AT SOURCE**

- a)** Waste produced shall be segregated at source. Authorised waste collectors reserve the right not to collect any waste stream presented for collection that appears to be contaminated with other waste types.
- b)** A holder shall separate at source such general waste, dry recyclable waste and bio-waste and present them for collection in the specified receptacle for each waste type.
- c)** The collection of bio-waste is designated to specific areas in the County. Maps specifying these areas are outlined in the Fifth Schedule of these Bye-Laws.
- d)** When an approved waste receptacle is presented for collection, the authorised waste collector has the authority to download, write or read information and programme from any microchip implanted or barcode or similar device in or attached to the approved waste receptacle, which will enable the keeping of records relating to the use of it.
- e)** Glass or other types/categories of waste as designated in First Schedule hereto must be disposed of at an approved facility and shall not be presented for collection in a manner specified in this section unless specifically provided for in a waste collection system, or other receptacles, provided by or approved by the appointed person in the Council for use in a separate door to door collection system.

The network of Bring Bank receptacles for the disposal/recycling of glass and cans are solely for use by householders for the collection of glass packaging waste and waste cans arising in their dwellings. Commercial premises shall make their own arrangements with an Authorised Waste Collector / Approved Facility only. The use of the network of Bring Bank receptacles for the disposal/recycling of glass and cans arising from commercial or business activity constitutes an offence under these byelaws.

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

- a)** Waste shall not be presented for collection in a public place at a time which is neither a collection day or before 18:00 hours on the evening before collection day. Designated collection days are those which have been outlined to customers by Authorised Waste Collectors from time to time.
- b)** A waste receptacle presented for collection shall not be overloaded. The lid of a wheeled receptacle should be securely closed. Waste presented at the side or on top of the waste receptacle and the presentation of such waste in this manner shall be deemed to be a breach of these Bye-Laws.
- c)** Waste presented for collection at a Public Place shall be so located as to:
  - 1. Be as close as practicable to its source and
  - 2. Avoid the creation of hazards to traffic (whether vehicular, cyclist or pedestrian).
  - 3. Not cause harm to the environment or create a nuisance, odour or litter.
- d)** A holder shall present all residual waste, dry recyclable waste and bio-waste for collection in a prescribed place in approved waste receptacles. The use of pre-paid bags for any waste stream will be prohibited within three months of the making of these Bye-Laws.
- e)** Where the holder of the waste is not within a reasonable distance of a service collection route, alternative methods of presentation may be acceptable following agreement with the Local Authority.
- f)** A holder shall be responsible for the security of a waste container at all times including any authorization label bin tag or microchip affixed thereto.
- g)** No person, other than an authorised person or an authorised waste collector, may interfere with waste presented for collection by another person. No person, other than an employee of an authorised waste collector, may dispose of waste in the vehicles of that collector. No person may obstruct or prevent the collection of waste by an authorised waste collector.

## **7. GENERAL / MISCELLANEOUS**

- a)** The owners of holiday houses, apartment blocks / complexes and management companies on a refuse collection route serviced by an authorised waste collector(s) shall register free of charge with the Council on an annual basis (See Fourth Schedule for registration form).
- b)** Landlords renting properties shall ensure tenants are made aware of and manage their waste in accordance with the requirements of these Bye-Laws.
- c)** No holder of waste shall burn household waste in any form (whether backyard burning, stoves or open fires). Exemptions are granted by the Council for the burning of agricultural land clearance waste.
- d)** Authorised waste collectors, when requested, shall provide details to an authorised person of the dates and collection times and any ancillary information for waste collections from premises within the Council's functional area.
- e)** A management company, letting agent or an authorised waste collector shall, when requested to do so, provide information in writing to the authorised person in a specified format regarding measures taken to collect/dispose of waste
- f)** It shall be an offence for a person, other than an authorised person, to interfere with a waste receptacle presented by another person, for collection by the authorised waste collector.
- g)** These Bye-Laws repeal the Sligo County Council Waste Presentation Bye-Laws 2005.

### **Part III**

#### **8. ENFORCEMENT**

- a) 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 €1,904.60.
- b) 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 €126.97 per day under section 205(2) of the Local Government Act 2001.
- c) 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 Second Schedule), specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment shall be €75 and the said fixed payment must be paid within 21 days of the date of service of such Fixed Payment Notice for such person to avoid a prosecution.
- d) Notice of the Fixed Payment shall be in the general form of the notice set out in the Second Schedule of these Bye-Laws.
- e) Any person served with a Fixed Payment Notice is entitled to defend a prosecution of the alleged contravention in court.
- f) 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.
- g) 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.
- h) Householders and commercial premises shall retain all receipts in relation to the collection, disposal, recycling and recovery of waste and/or use of Civic Amenity Sites (as a means of disposing of recyclable material as an alternative to kerbside waste collection) for a period of three years. Such receipts shall be submitted to the Council if requested by an authorised person.



\_\_\_\_\_  
Tom Kilfeather  
**Director of Services**

\_\_\_\_\_  
Hubert Kearns  
**County Manager**

Dated this          day of                      2013

Tom Kilfeather  
**Director of Services**

Hubert Kearns  
**County Manager**

## **Part IV**

### **First Schedule**

#### **Waste excluded from Collection for the purposes of Section 5**

- a)** Glass – Holders shall dispose of this waste type at any bottle bank facility within the County.
- b)** 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. Holders shall dispose of this hazardous waste items at a Civic Amenity Site accepting this waste type.
- c)** Waste Electrical and Electronic Equipment (WEEE) – 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. Holders shall dispose of WEEE at any Civic Amenity Site free or charge.
- d)** Bulky Waste includes, but is not limited to, heavy waste materials such as furniture, carpets and rubble. Holders shall dispose of this waste type at any Civic Amenity Site or arrange for a skip collection with an authorised waste collector.

## Second Schedule

### SLIGO COUNTY COUNCIL 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 Sligo County Council Waste Bye-Laws 2013.

Details of alleged contravention:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_ within the administrative area of Sligo County Council.

During the period of 21 days beginning on the date of this notice, you must pay the sum of €75, accompanied by this notice, to Sligo County Council. If you are making such a payment you must 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 is paid during that period, no prosecution will be initiated at any time.

Signed: \_\_\_\_\_

**Authorised Person**

Date: \_\_\_\_\_

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

### Third Schedule

Landfill/Residual Waste Receptacle	Recyclable Waste Receptacle	Organic/Biodegradable Waste Receptacle
<p>This receptacle should only contain:</p> <ul style="list-style-type: none"> <li>➤ Non-Recyclable Waste</li> <li>➤ Non-Compostable Waste</li> <li>➤ Non-Hazardous Waste</li> </ul> <p>Examples: Ashes, nappies, dirty plastic, dirty tin foil, sanitary items, blades, toothpaste tubes, non-CFL light bulbs, crisp packets, biscuit wrappers, was-paper wrappings.</p> <p>The only waste to be placed in this segregation stream is what <u>cannot</u> be placed in the other two streams.</p> <p>Items which should <u>not</u> be placed in this waste stream include:</p> <ul style="list-style-type: none"> <li>➤ Hazardous Waste (batteries, oils, anti-freeze, adhesives, medicines, aerosol cans, bleaches, paints, weed-killer &amp; fluorescent tubes)</li> <li>➤ Dry Recyclables Biodegradable/Organic waste</li> <li>➤ WEEE</li> <li>➤ Bulky Waste (heavy waste materials i.e. timber, carpets, C&amp;D Waste)</li> <li>➤ Clean Dry Recyclable</li> <li>➤ Uncontaminated Bio and Green Waste</li> </ul>	<p>This receptacle should only contain clean, dry recyclable waste. This includes the following:</p> <ul style="list-style-type: none"> <li>➤ Alluminium (food tins, drink cans, lids from glass jars, biscuit tins, clean tin foil and takeaway food trays)</li> <li>➤ Tetra Pak (milk cartons, juice cartons, soup cartons)</li> <li>➤ Paper &amp; Cardboard (phone books, catalogues, tissue boxes, labels &amp; tags from clothes, envelopes, printing paper)</li> <li>➤ Plastic (shampoo &amp; shower gel bottles, window cleaner bottles, washing up liquid bottles, detergent &amp; fabric softener bottles, yogurt drink bottles, clean plastic wrap from toilet paper/kitchen towels, lids removed from plastic &amp; glass bottles, plastic bags, clean plastic food containers)</li> </ul> <p>Items which should <u>not</u> be placed in this waste stream include:</p> <ul style="list-style-type: none"> <li>➤ Glass</li> <li>➤ Textiles</li> <li>➤ Food/Garden Waste</li> <li>➤ Residual waste</li> <li>➤ Hazardous waste</li> <li>➤ WEEE</li> <li>➤ Bulky waste (heavy waste materials i.e. timber, carpets, C&amp;D Waste)</li> </ul>	<p>This receptacle should only contain food and garden waste. This includes the following:</p> <ul style="list-style-type: none"> <li>➤ Garden waste i.e. grass cuttings, hedge clippings etc (note: weeds treated by weed-killer should not be placed in this waste stream).</li> <li>➤ Food scraps (cooked/uncooked meats, fish &amp; poultry)</li> <li>➤ Shellfish &amp; bones</li> <li>➤ Eggs, egg shells &amp; egg boxes</li> <li>➤ Dairy products (cheese, yogurts, etc)</li> <li>➤ Soups &amp; sauces</li> <li>➤ Table &amp; plate scrapings</li> <li>➤ Fruit, vegetables, breads, cereals, pasta, dough &amp; rice</li> <li>➤ Teabags, coffee grinds &amp; paper filters</li> <li>➤ Cakes, biscuits, food soiled napkins &amp; paper towels</li> <li>➤ Wet cardboard &amp; paper</li> </ul> <p>Items which should <u>not</u> be placed in this waste stream include:</p> <ul style="list-style-type: none"> <li>➤ Residual waste</li> <li>➤ Recyclable waste</li> <li>➤ WEEE</li> <li>➤ Hazardous waste</li> <li>➤ Bulky waste (heavy waste materials i.e. timber, carpets, C&amp;D Waste)</li> <li>➤ Glass, ceramics, stones and metals</li> <li>➤ Textiles</li> <li>➤ Animal faeces or disposable nappies</li> </ul>

**Authorised Waste Collectors reserve the right to refuse the collection of any waste stream which contains un-segregated / incorrect waste types for that particular waste stream.**

**Sligo County Council reserve the right to impose penalties for incorrect presentation of waste for collection.**

## Fourth Schedule

### ANNUAL REGISTRATION FORM OWNERS OF HOLIDAY HOUSES, APARTMENT BLOCKS/COMPLEXES & MANAGEMENT COMPANIES

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact No: \_\_\_\_\_

Email: \_\_\_\_\_

Have you got a composter for green/uncooked waste? Yes: \_\_\_\_\_  
No: \_\_\_\_\_

Name of Management Company (if applicable): \_\_\_\_\_

Name of Residents Association (if applicable): \_\_\_\_\_

Number of bedrooms in the apartment block/complex: \_\_\_\_\_

Number of occupants in the apartment block/complex: \_\_\_\_\_

Number of landfill/general waste receptacles required: \_\_\_\_\_

Number of recyclable receptacles required: \_\_\_\_\_

Number of organic waste collection receptacles required: \_\_\_\_\_

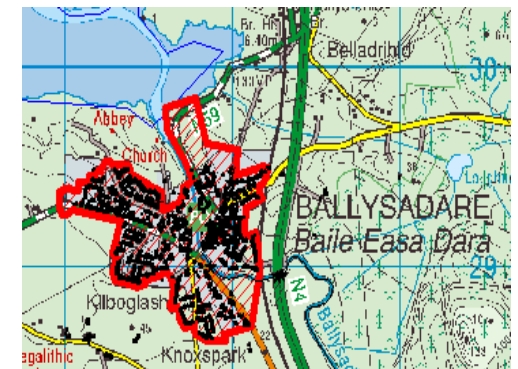
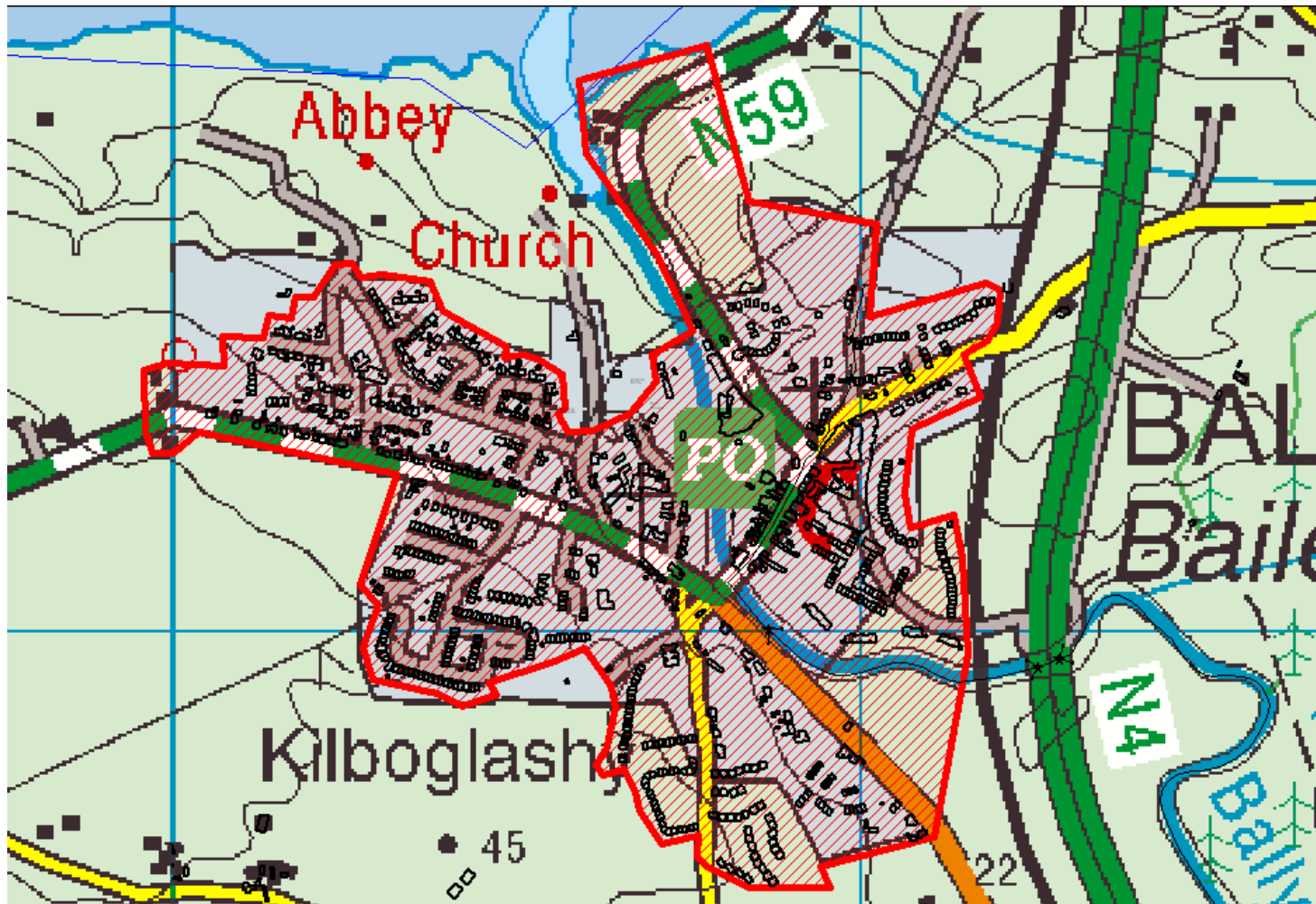
## **Fifth Schedule**

Householders within the highlighted areas of these maps  
are obligated to present a third bin for Food Waste / Bio-waste collection

Specified Areas for third bin collection are as follows:

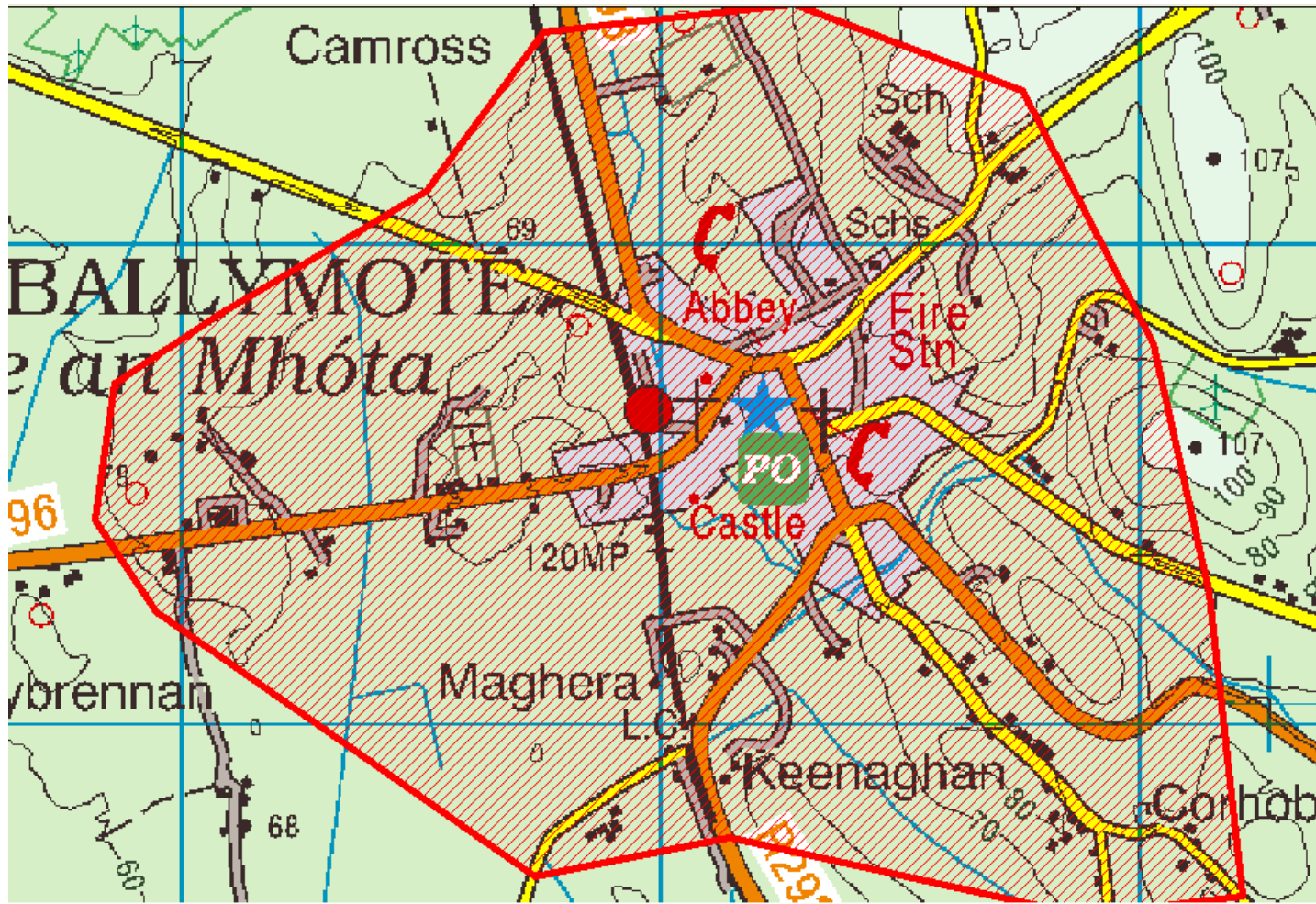
- Ballisodare	- Coolaney	- Strandhill
- Ballymote	- Dromore West	- Mullaghmore
- Borough Area	- Drumcliff	- Rathcormac
- Carney	- Easkey	- Rossespoint
- Cliffoney	- Enniscrone	- Riverstown
- Collooney	- Grange	- Tubbercurry

Ballisodare Area for 3<sup>rd</sup> Bin Collection



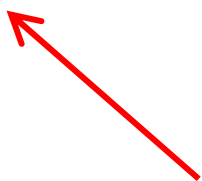
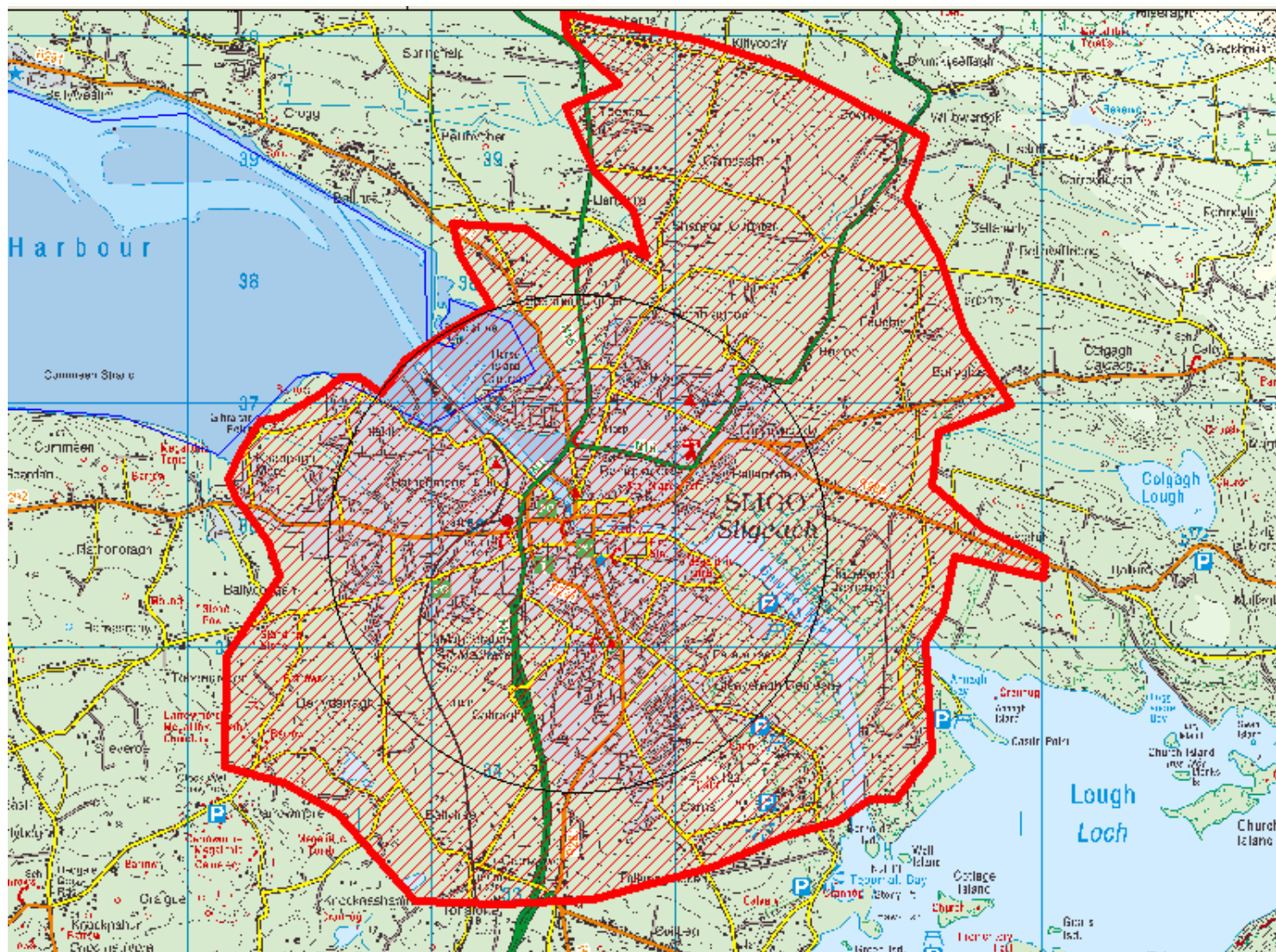


Ballymote Area for 3<sup>rd</sup> Bin Collection

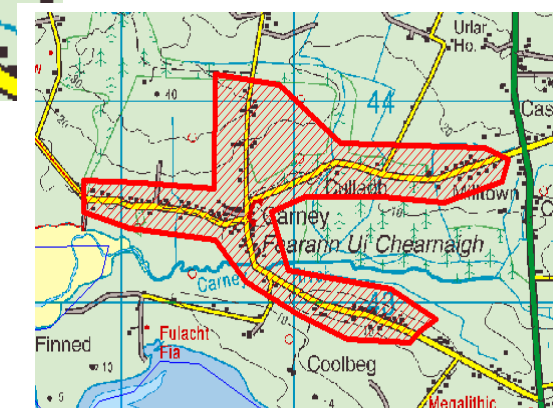
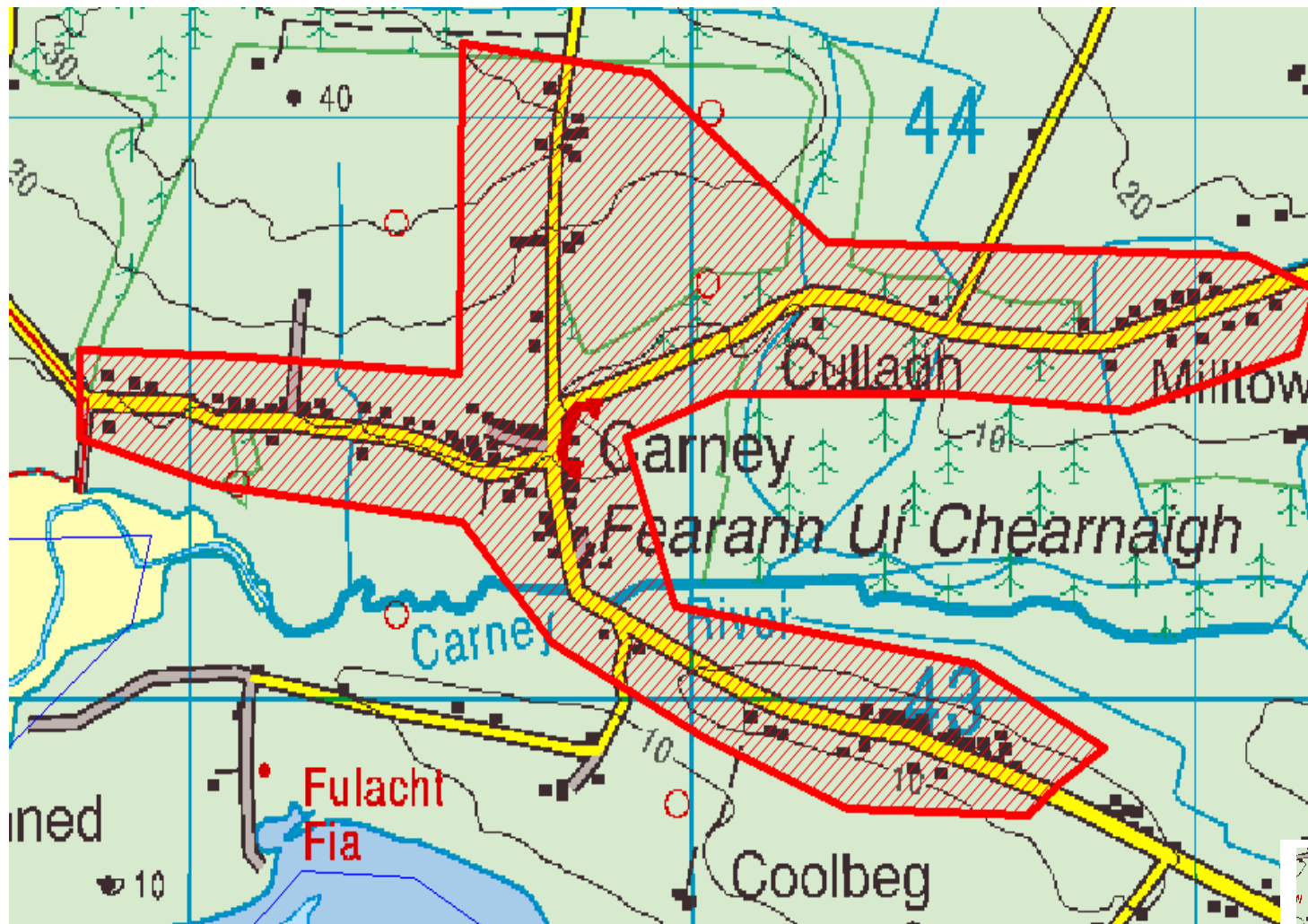




## Borough Area for 3<sup>rd</sup> Bin Collection

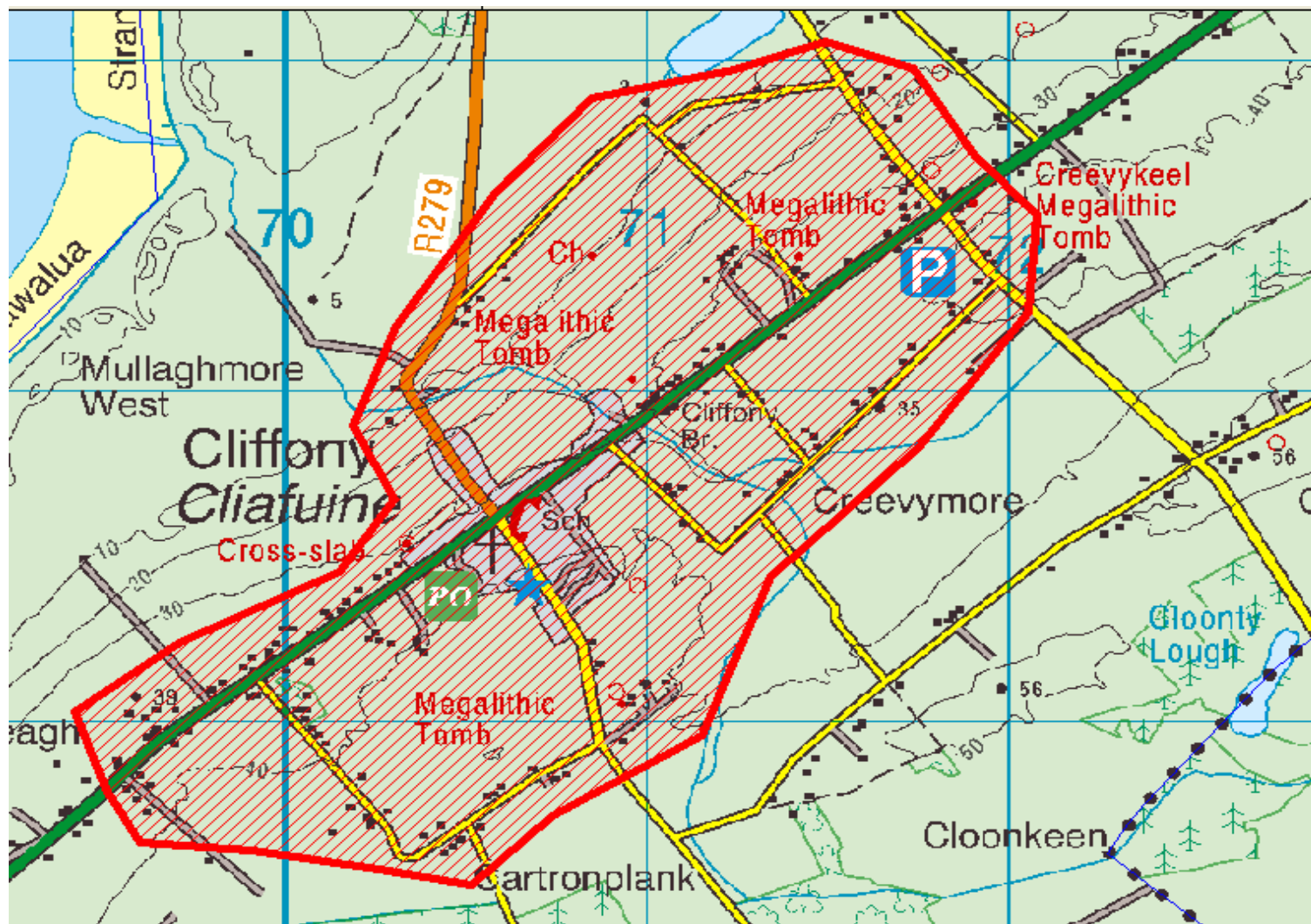


Carney Area for 3<sup>rd</sup> Bin Collection

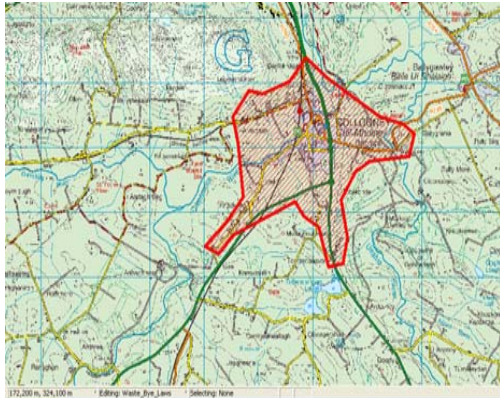
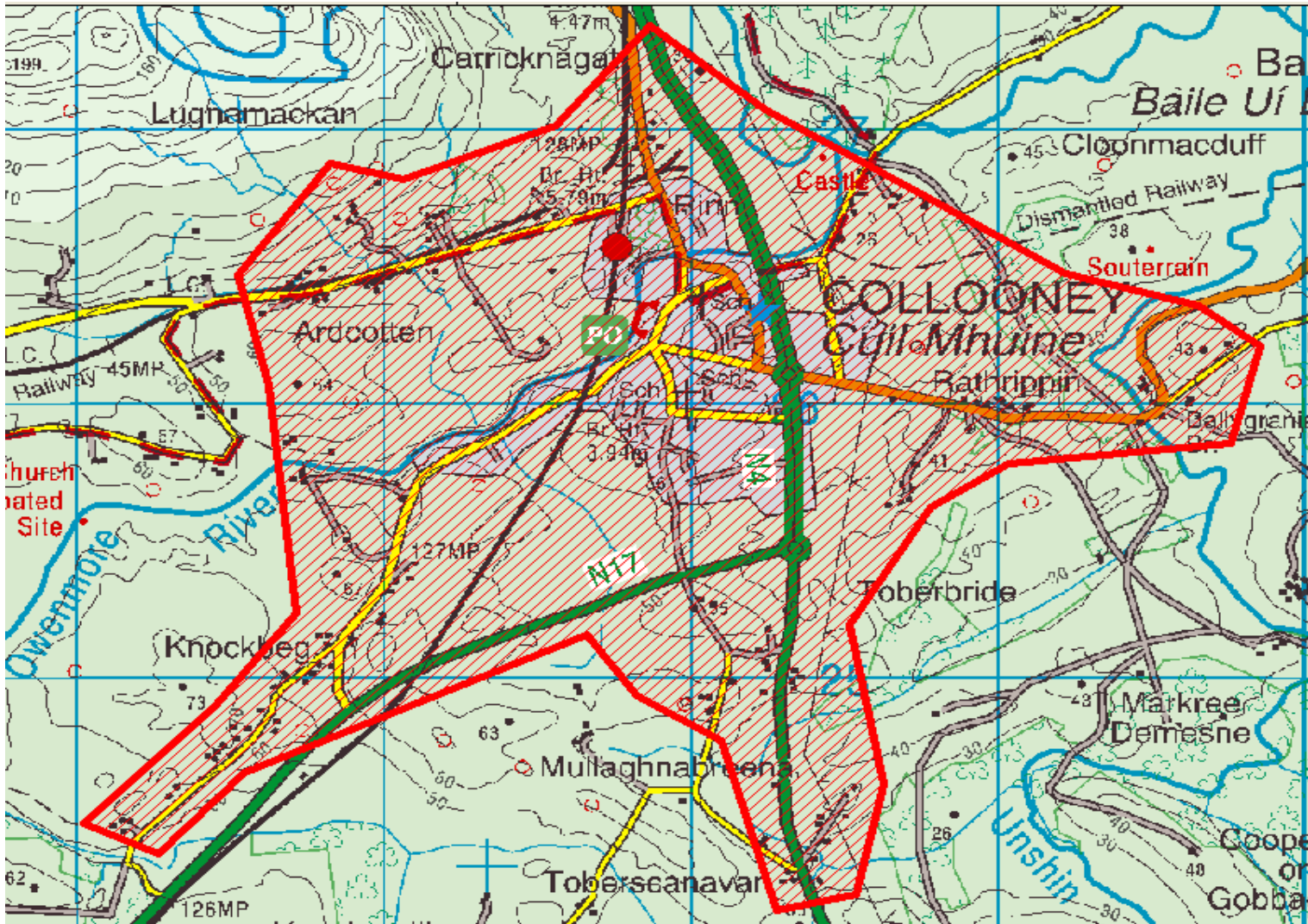




Cliffoney Area for 3<sup>rd</sup> Bin Collection

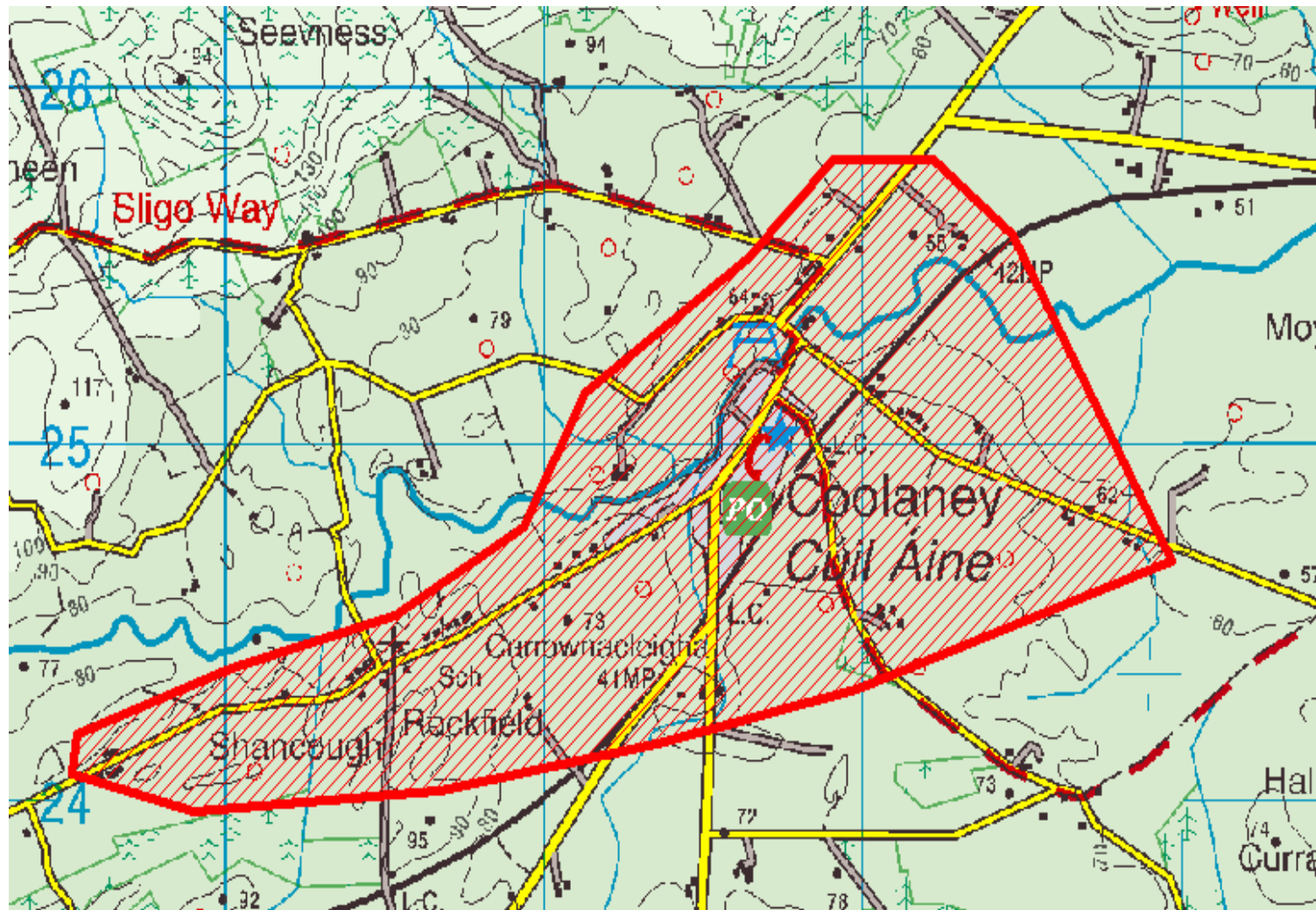


## Collooney Area for 3<sup>rd</sup> Bin Collection

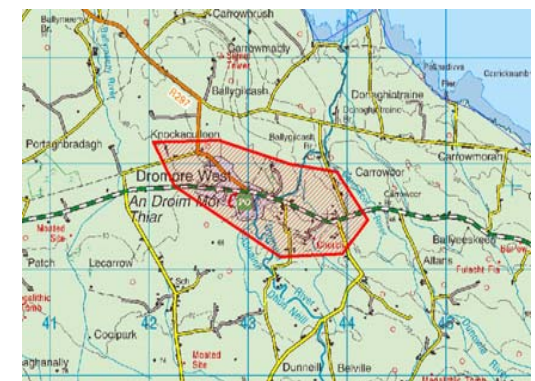
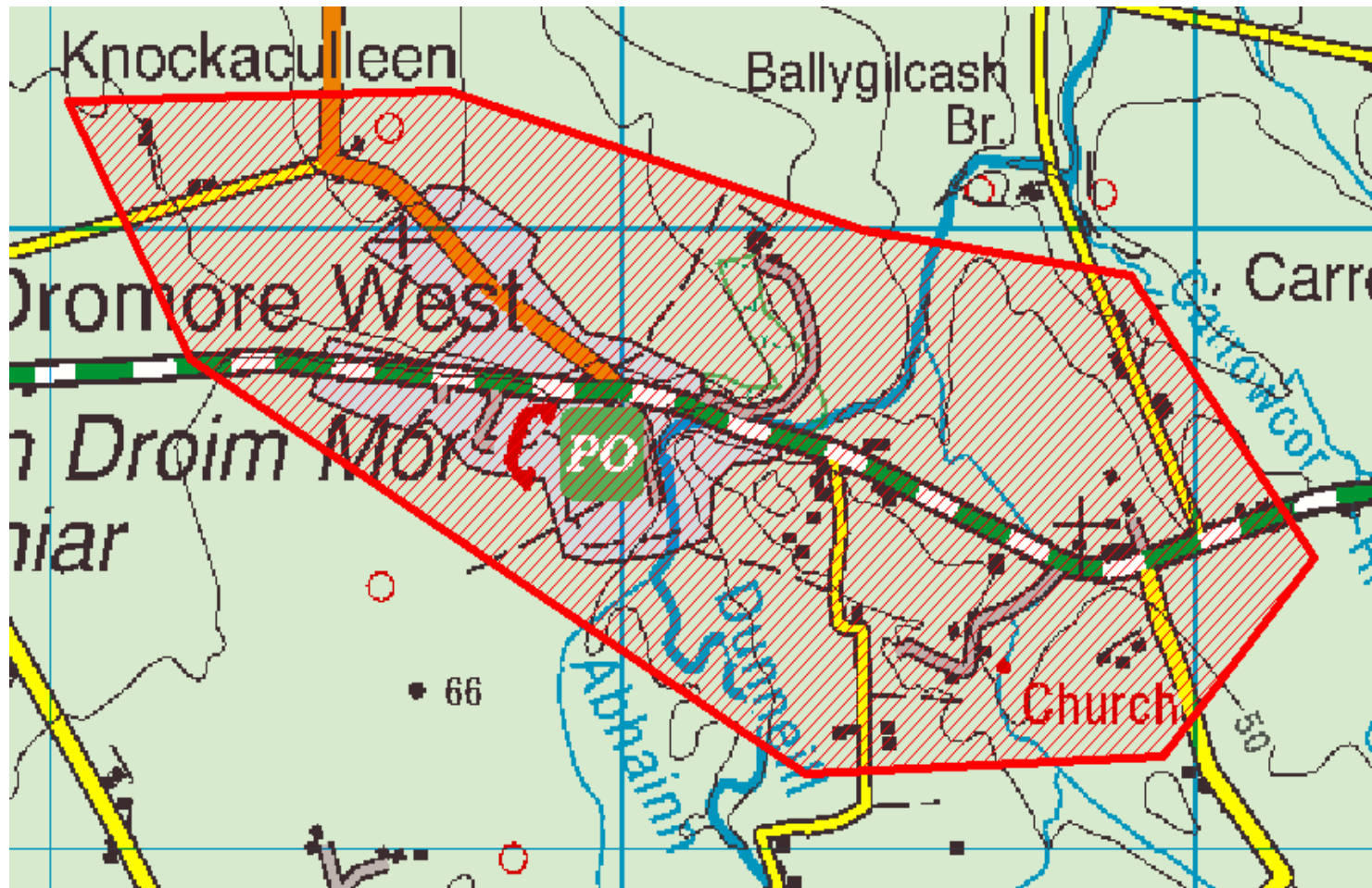




### Coolaney Area for 3<sup>rd</sup> Bin Collection

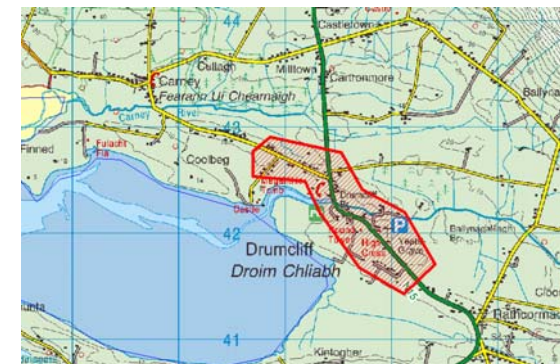
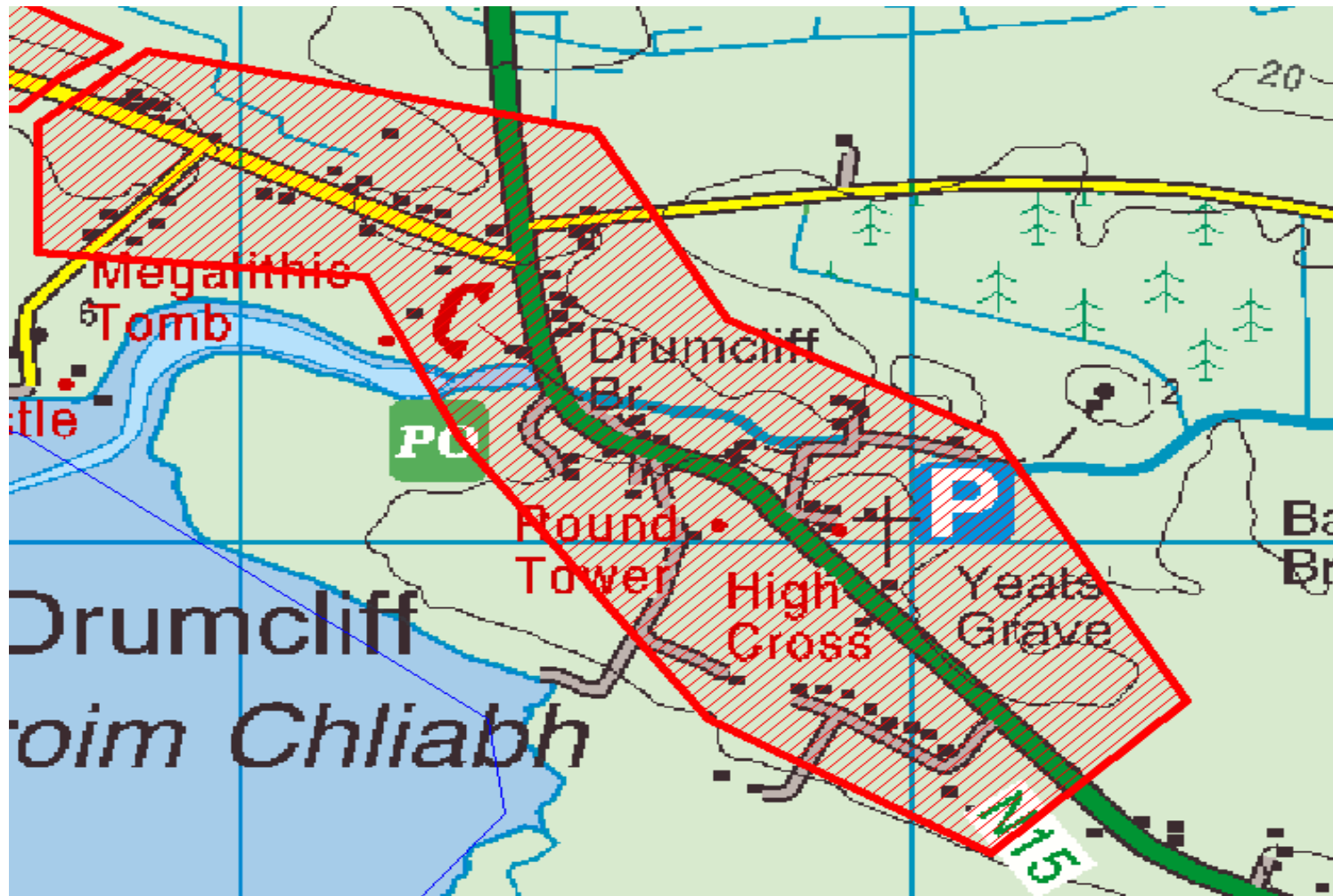


Dromore West Area for 3<sup>rd</sup> Bin Collection





Drumcliff Area for 3<sup>rd</sup> Bin Collection

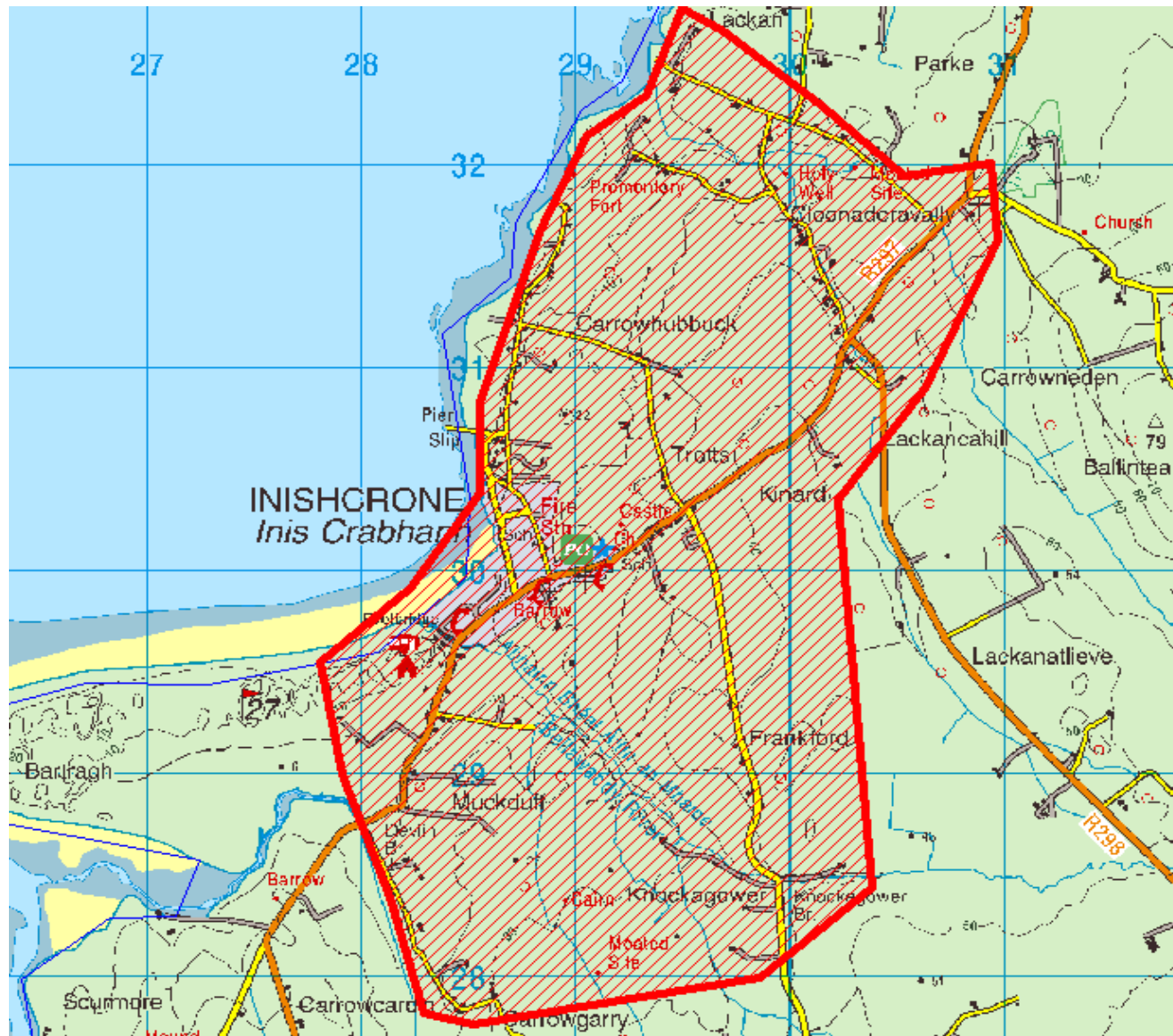


Easkey Area for 3<sup>rd</sup> Bin Collection

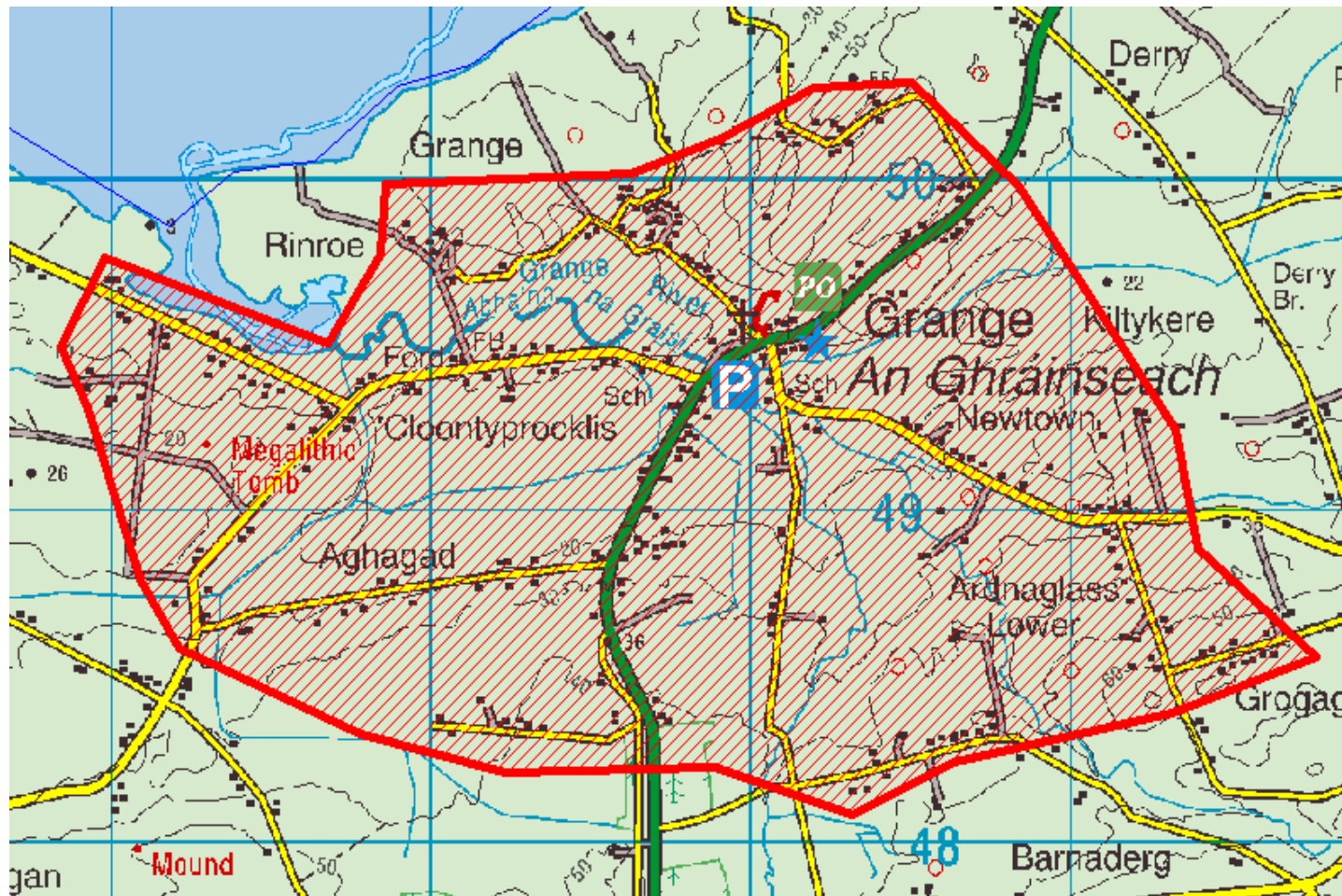




### Enniscrone Area for 3<sup>rd</sup> Bin Collection

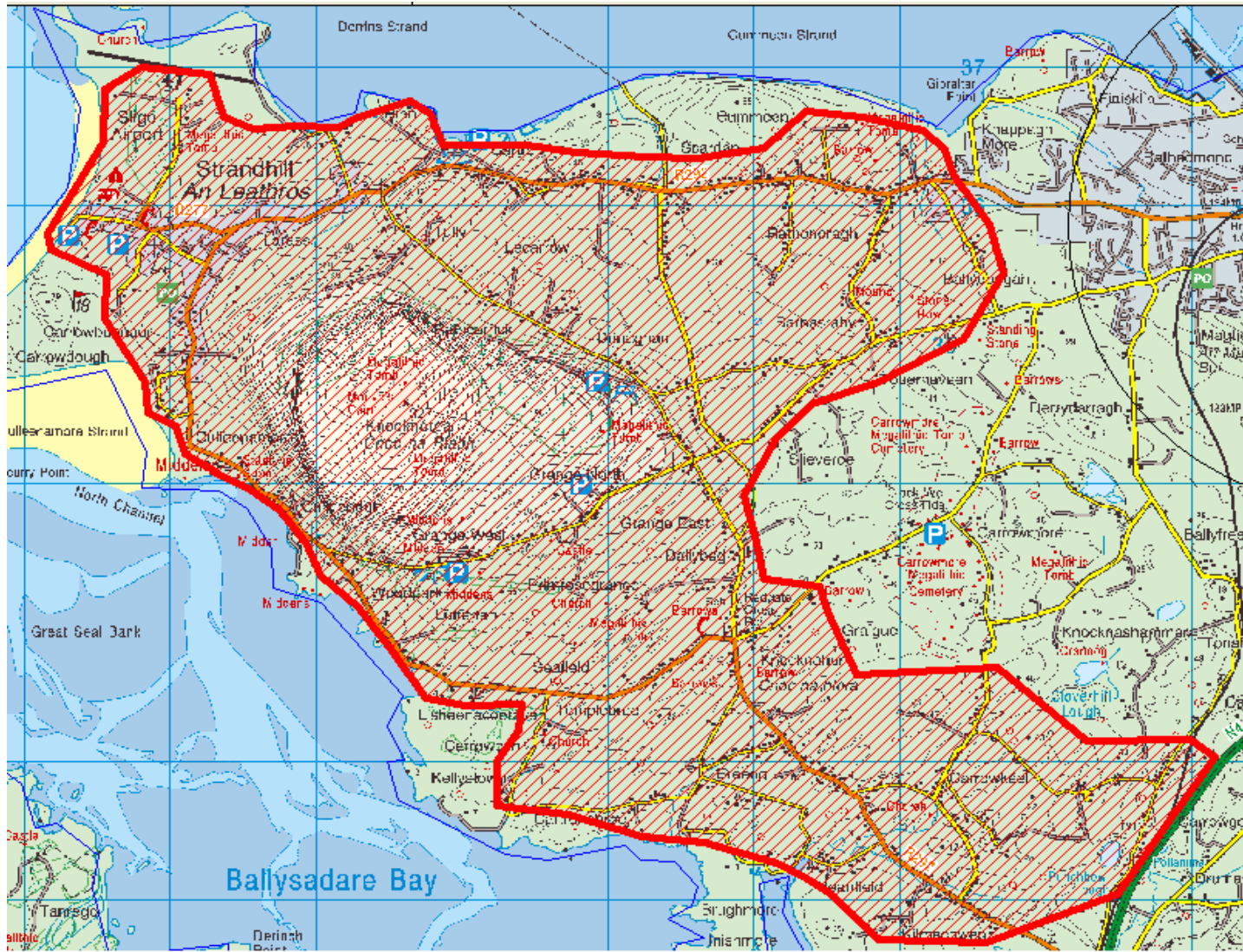


Grange Area for 3<sup>rd</sup> Bin Collection





## Strandhill Area for 3<sup>rd</sup> Bin Collection

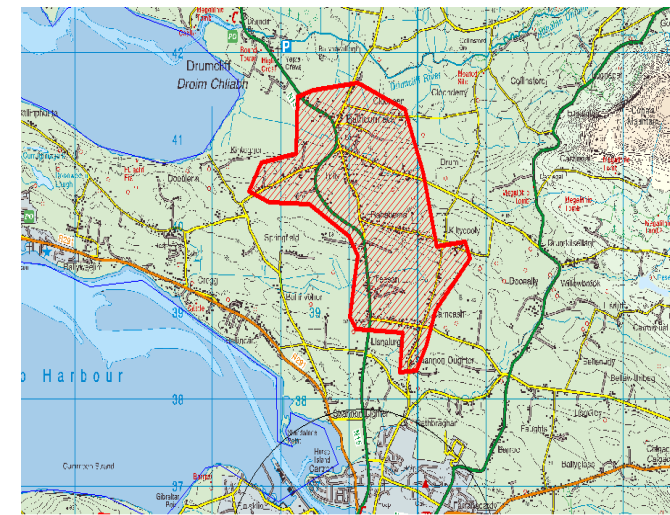
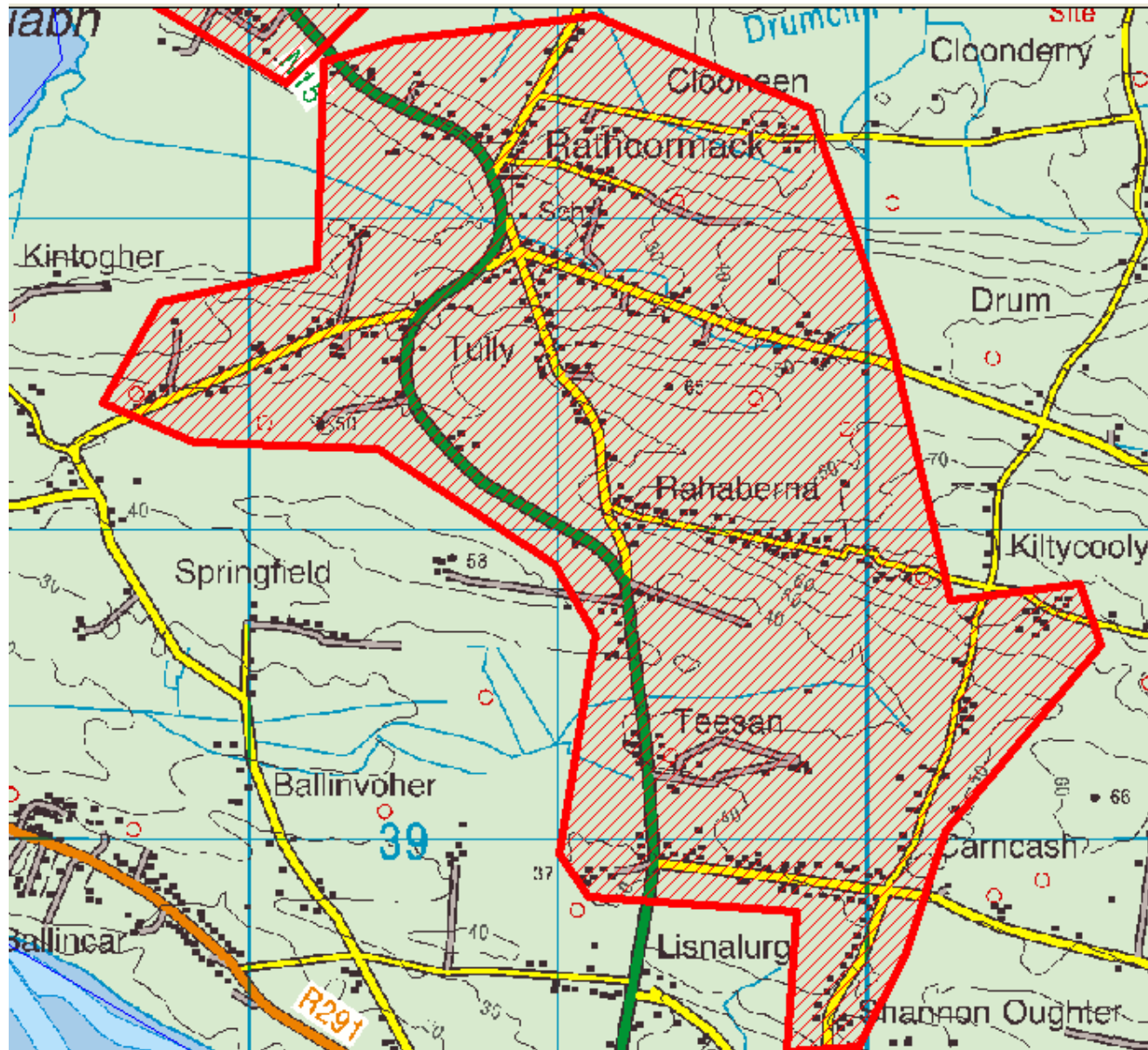


Mullaghmore Area for 3<sup>rd</sup> Bin Collection





### Rathcormack Area for 3<sup>rd</sup> Bin Collection

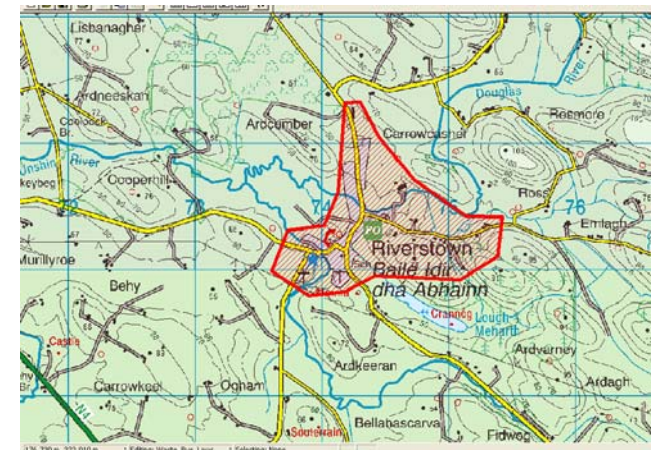
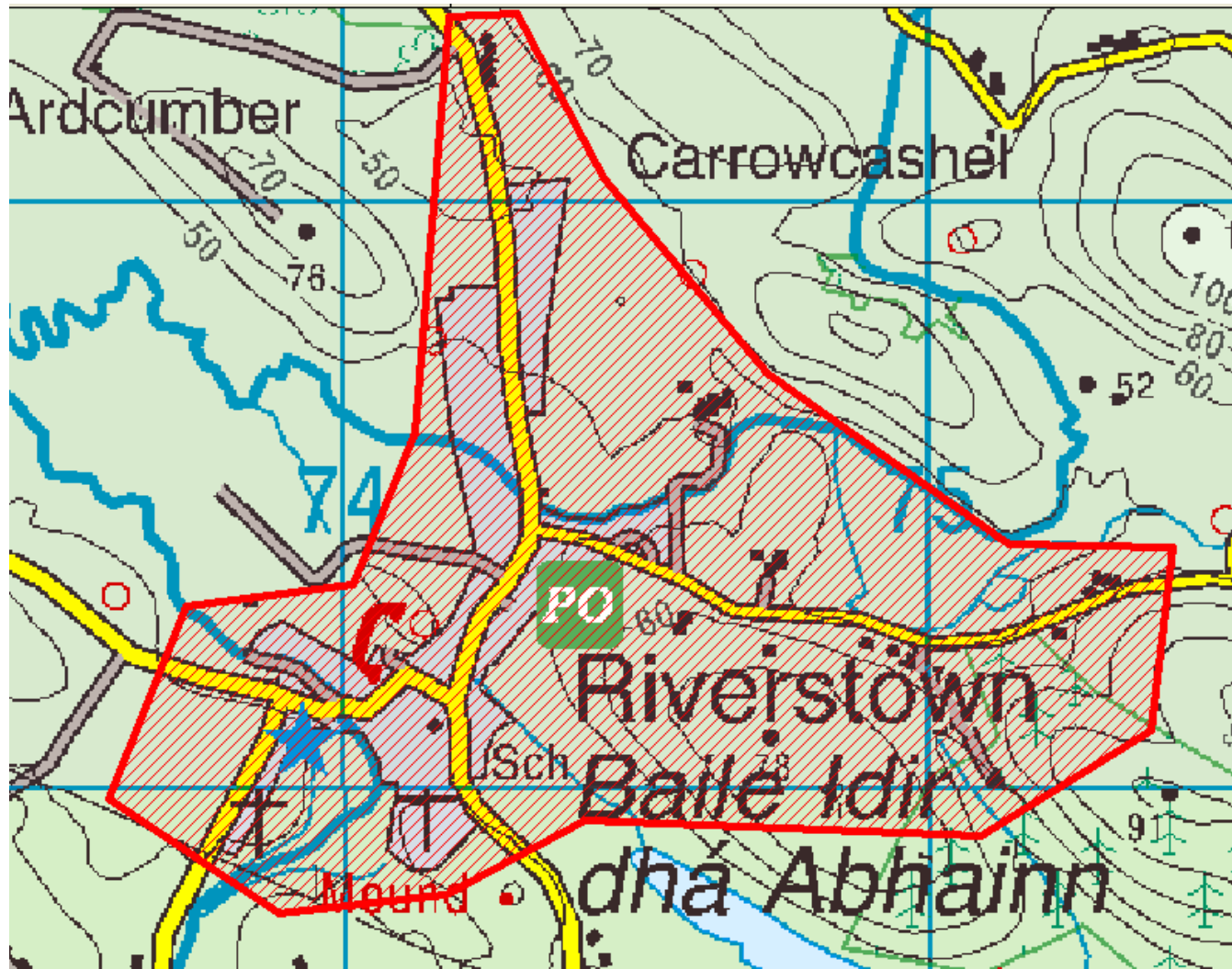


## Rosses Point Area for 3<sup>rd</sup> Bin Collection





Riverstown Area for 3<sup>rd</sup> Bin Collection



### Tubbercurry Area for 3<sup>rd</sup> Bin Collection

